Council Meeting of
January 8, 2013

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

Members of the Council:

SUBJECT: **Community Development – Consider appeal of Planning Commission denial of a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.**

MIS12-00085 (Revised): Jim Delurgio

Expenditure: None

RECOMMENDATION:
Recommendation of the Planning Commission that City Council deny the appeal and adopt **RESOLUTION** denying a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence. Recommendation of the Community Development Director that the City Council approve the appeal and adopt **RESOLUTION** approving a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.

Funding: Not applicable.

BACKGROUND:
On July 20, 2010, the City Council approved a Precise Plan of Development (PRE09-00007) to allow first and second story additions to the existing single story residence in conjunction with a detached accessory building in the rear. On July 26, 2011, the City Council denied a Modification (MOD11-00006) to eliminate two conditions of approval relating to structures and vegetation in the rear yard area. The approved entitlement, PRE09-00007, was valid for a period of one year. As the applicant did not submit building plans or request a time extension within the allotted time, PRE09-00007 is now expired. Staff has included a copy of the previous City Council items for PRE09-00007 and MOD11-00006 for reference (Attachment E).

On November 7, 2012, the Planning Commission heard the matter and denied the project 5-0, absent two Commissioners. On November 8, 2012, Jim Delurgio appealed the decision for reasons listed on the appeal form (Attachment C).

Prior Hearings and Publications:
A Planning Commission hearing was scheduled for October 3, 2012. On September 20, 2012, 44 notices were mailed to adjacent property owners, homeowner associations and the site was posted. The matter was continued to November 7, 2012. A City Council hearing was scheduled for January 8, 2013. On December 27, 2012, 13 notices were mailed to adjacent property owners and homeowners associations in the City and the site was posted. On December 28, 2012, a legal advertisement was published in the newspaper.

Environmental Findings:
Additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e).

Analysis:
The subject lot is 13,185 square feet in size and is located at the end of the cul-de-sac on Via el Toro. Properties to the rear along Camino de Encanto are at a higher elevation than the lots to the north on Calle de Sirenas.

The applicant has filed an application/plan to allow additions to front, south side, and rear of the residence which also includes a new front porch. The additions total 1,468 square feet and the residence will maintain the existing maximum ridge height of 14-feet 11-inches. The maximum height of the additions are 13-feet 10½-inches. The maximum height of the addition to the rear is 11-feet 5-inches when measured from the lowest adjacent grade in the front. When measured from the lowest adjacent grade in the rear, the height is 9.2-feet from the finished floor. The purpose of the additions is to add a master suite, office, and studio in the rear, enlarge the garage and create a new family room and entrance. A project summary follows:

Statistical Information

♦ Lot Area	13,185	square feet	
♦ Existing Residence	1,597	square feet	
♦ Existing Garage	426	square feet	
♦ Living Additions	1,393	square feet	
♦ Total Living Area	2,990	square feet	
♦ Garage Additions	75	square feet	
♦ Remodeled Garage	501	square feet	
♦ Total Floor Area (Inc. Garage)	3,491	square feet	
♦ Floor Area Ratio	0.27		
♦ Maximum Floor Area Allowed	7,911	square feet	@ 0.6
♦ Lot Coverage	27%		
♦ Maximum Lot Coverage	50%		

The new addition along the south side property line will have a 5-foot 9-inch setback from the south side property line (abutting residence on Via el Toro) and approximately 9-feet 6-inches from the west side property line (abutting residences along Camino de Encanto). The addition to the garage will provide an approximate front setback of 16-

feet 6-inches which is within code for a swing-in garage. The addition to the north side of the house will provide a setback of 12-feet 9-inches to the side property line.

Plans for this project were shown to 10 neighboring property owners to determine if they had Hillside Overlay objections to the project. Plans were initially submitted on March 22, 2012 that requested similar additions. At that time the applicant obtained five signatures and correspondence was submitted by 505, 513, 515 and 523 Camino de Encanto (Attachment #4). Staff also received correspondence from 516 and 531 Camino de Encanto but were not part of the 10 neighboring properties for which staff required signatures (Attachment #4). Staff assessed potential impacts at 505, 513, 515 and 523 Camino de Encanto and informed the applicant that without a silhouette, a full assessment could not be completed. However, based on the plans the proposal appeared to cause adverse view impacts to 513, 515 and 523 Camino de Encanto. Staff informed the applicant of these potential impacts who subsequently modified the plans to reduce the height and design of the roof.

The revised plans were submitted on July 2, 2012. The Hillside Sign-Off process was redone and the applicant was unable to obtain five of the requested 10 signatures. Staff mailed letters to the owners of 505, 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas to notify them of the proposed work and to see if they had any concerns related to the Hillside Overlay Ordinance. The property owners at 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas submitted correspondence to the Community Development Department.

After various field observations of the property and without the construction and certification of a silhouette, staff determined that a full assessment of impacts could not be completed. At 513 Camino de Encanto staff observed blue water ocean views from the living room, dining room, bedroom and rear patio area which may be adversely impacted. At 515 Camino de Encanto staff also observed blue water ocean views that may be adversely impacted from the living room, office and rear patio area. At 523 Camino de Encanto staff observed blue and white water ocean views that may be adversely impacted from a living room area.

At the October 3, 2012 Planning Commission hearing, the project was continued to the November 7, 2012 hearing after the applicant agreed to construct a silhouette. On October 25, 2012 staff viewed the silhouette from the properties located at 513, 515 and 523 Camino de Encanto based on their correspondence objecting to the project.

At 513 Camino de Encanto, staff viewed the silhouette from a living room and rear yard area. Staff determined that the proposal does not have adverse impact to view, light, air or privacy. Staff notes that the silhouette has been constructed with the covered porch encroaching into the setback area. The project is conditioned to reduce the patio cover to comply with the setback.

At 515 Camino de Encanto, staff viewed the silhouette from the living room, office, bedroom and rear yard. Staff observed impacts to ocean views from the living room and impacts to whitewater and ocean views from the bedroom.

At 523 Camino de Encanto, staff viewed the silhouette from the living room/nook area and rear yard. Staff observed impacts to whitewater views from the living room/nook area.

Staff informed the architect of these impacts, who subsequently, On October 30th, reduced the height of the rear addition by 9-inches to 11-feet 5-inches when measured from the lowest adjacent grade.

On October 31, staff viewed the revised silhouette at 515 Camino de Encanto from the living room, office, bedroom and rear yard. Staff observed minimal impacts to ocean views from the reduced height of the silhouette. Staff observed a loss of blue water views to the west at some severe angles between neighboring structures and to some areas due to the proposed family room. The owner of 515 Camino de Encanto has still expressed concerns regarding the height of the southeast addition and concerns with the design of the proposed roof not being a flat roof. Staff notes that a new chimney is proposed along the rear of the remodeled residence. Staff recommends a condition that the applicant reduces the size of the chimney extending above the roof eave be the minimum size allowed per code to further reduce potential view impacts. As conditioned, in the judgment of staff, the proposed addition does not represent an adverse impact as the reduced ridge height of the southeast addition preserves the sweeping coastal and ocean views to the north and west.

On November 1, staff observed the revised silhouette at 523 Camino de Encanto. Staff viewed the silhouette from the living room/nook area and observed a small portion of ocean/whitewater view will be lost between existing rooftops. The owner of the property has also expressed concerns with the height of the addition and about the design of the roof. Although a small portion of ocean view is lost, in the judgment of staff, the proposed addition does not represent an adverse impact.

The silhouette was recertified on November 2.

The applicant has submitted revised plans for a project that complies with R-1 standards, as conditioned. The reduced height of the revised silhouette represents a significant improvement for the protection of neighboring views and view corridors. Staff notes that the revised plans show the patio cover with increased setbacks which comply with the R-1 standards while the silhouette represents the previous design with reduced setbacks. In the judgment of staff, this one story proposal represents the least impactful development for the property as 209 Via El Toro. The addition is modest in square footage, lot coverage and FAR. The main view corridors are protected by utilizing a virtually flat roof design (0.5:12 pitch). The rooms in this area are proposed on a slab foundation, with the finished floor stepping down to a lower elevation than that of the existing house. The addition in this area features 8 foot 2.5 inch plate heights. The project has been shifted as far south and been kept as low as possible to avoid construction within the view corridors of 513, 515 and 523 Camino de Encanto. While this plan does impact some blue water view from two properties at very low angles between structures, in the judgment of staff the impacts are not adverse or significant. The proposed plan eliminates the prior widespread objection to a second story home, the concerns of bulk and massing, as well as potential impacts to privacy. This plan as

proposed and conditioned overall is less impactful to the neighborhood than the 2-story project previously approved under PRE09-00007. Staff determines that the subject request will not have a harmful effect on surrounding properties and does not appear to result in adverse impacts on view, light, air or privacy. Therefore, staff recommends approval of this request as conditioned.

Planning Commission Recommendation:

The Planning Commission first reviewed the project on October 3, 2012 on appeal of a Community Development Director denial of a Minor Hillside Exemption. At the October 3, 2012 hearing, the applicant agreed to construct a silhouette and the matter was continued to November 7, 2012. At the November 7, 2012 hearing the applicant stated that the silhouette was constructed and subsequently revised to lower the addition in the rear by 9-inches. The project architect discussed the various changes to the project to address impacts to view corridors. Various neighbors spoke in opposition of the project noting that the revised project still impacted their views. The public hearing was closed and discussion followed. Commissioners discussed their observations from 515 and 523 Camino de Encanto and stated their concerns regarding impacts to view corridors from the rear yard of 523 Camino de Encanto. A motion to deny the project passed 5-0 with two Commissioners absent.

Respectfully submitted,

PLANNING COMMISSION

Ray Uchima, Chair

CONCUR:

Jeffery W. Gibson
Community Development Director

Jeffery W. Gibson
Community Development Director

By _____
Gregg D. Lodan, AICP
Planning Manager

NOTED:

LeRoy J. Jackson
City Manager

Attachments:

A. Resolution
B. Location and Zoning Map
C. Letter of Appeal
D. Correspondence
E. Planning Commission hearing Minute Excerpts from 10/3/12 & 11/7/12
F. Previous Planning Commission Staff Reports and Supplemental
G. Previous City Council Items and minutes for MOD11-00006 & PRE09-00007(Limited Distribution)
H. Proofs of Publication and Notification
I. Site Plan, Floor Plan and Elevations (Limited Distribution)
J. Mayor's Script (Limited Distribution)

RESOLUTION NO. 2013-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW ONE-STORY ADDITIONS TO THE EXISTING ONE-STORY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO.

MIS12-00085 (REVISED): JIM DELURGIO

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 3rd, 2012, to consider an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within 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 to November 7th, 2012; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on November 7th, 2012, to consider an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro; and

WHEREAS, on November 7th, 2012 the Planning Commission of the City of Torrance Denied without Prejudice an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on January 8th, 2013, to consider an appeal of the Planning Commission denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e); and

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

a) That the property address is 209 Via el Toro;

b) 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

c) That the proposed residence may have an adverse impact upon the view, light, air and privacy of other properties in the vicinity; and

d) That the proposed residence may have not 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 of impacts to views at 523 Camino de Encanto; and

NOW, THEREFORE, BE IT RESOLVED that MIS12-00085 (Revised), filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro, is hereby DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 8th day of January, 2013.

_____
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

LOCATION AND ZONING MAP

209 Via el Toro
MIS12-00085 (Revised)

TORRANCE COMMUNITY DEVELOPMENT GIS

LEGEND

209 Via el Toro

Notification Area

0 60 120 240 Feet

N W E S

Prepared using City of Torrance Community Development Geographic Information System
Jeffery W. Gibson, Community Development Director

CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: November 9, 2012

TO: **Jeffrey Gibson, Community Development**

FROM: City Clerk's Office

SUBJECT: **Appeal 2012-13**

Attached is Appeal 2012-13 received in this office on November 8, 2012 from Jim Delurgio, 209 Via El Toro, Torrance, CA 90501. This appeal is of the Planning Commission's denial on November 7, 2012 regarding MIS12-00085: JIM DELURGIO located at 209 Via El Toro, Torrance, CA 90501. The proposed conforming addition was denied.

The appeal fee of $268.00, paid by credit card, was accepted by the City Clerk.

SECTION 11.5.3. PROCEDURE AFTER FILING.

a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.

b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

Sue Herbers
City Clerk

Building & Safety
City Council

CITY OF TORRANCE

RECEIVED

APPEAL FORM

2012 NOV -8 PM 2:53

AN APPEAL TO:
- ☒ City Council
- ☐ Planning Commission
- ☐ _____

RETURN TO:
Office of the City Clerk
3031 Torrance Boulevard
Torrance CA 90509-2970
310/618-2870

RE: MISC12-00085
(Case Number and Name)

Address/Location of Subject Property 209 Via el Toro
(If applicable)

Decision of:
- ☐ Administrative Hearing Board
- ☐ Airport Commission
- ☐ Civil Service Commission
- ☐ Environmental Quality & Energy Conservation Commission
- ☐ License Review Board
- ☒ Planning Commission
- ☐ Community Development Director
- ☐ Special Development Permit
- ☐ Other_____

Date of decision: 11/7/2012 **Appealing:** ☐ APPROVAL ☒ DENIAL
☐ OTHER_____

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.)*

The proposed conforming addition was denied.

Name of Appellant Jim Delurgio

Address of Appellant 209 Via el Toro

Telephone Number (310) 378-0001

Signature _____

For office use only:
Appeal Fee paid $268.00 Date 11/8/12 Received by RP

Notice to: Community Development Department: ☒ Planning ☐ Building & Safety
☒ City Council ☐ City Manager ☐ City Attorney ☐ Other Department(s)_____

ATTACHMENT D

Martinez, Oscar

From: Lodan, Gregg
Sent: Thursday, January 03, 2013 10:36 AM
To: Martinez, Oscar
Subject: FW: Torrance Council Hearing January 8 - 209 Via del Toro application
Attachments: Delurgio application letter 1-1-13.docx

FYI

From: Peter Lattey [mailto:lattey@sbcglobal.net]
Sent: Tuesday, January 01, 2013 9:17 AM
To: Lodan, Gregg; Scotto, Frank
Cc: David; Cindy Constantino; Gene Kusion; Vicki Radel
Subject: Torrance Council Hearing January 8 - 209 Via del Toro application

Please see attached letter regarding this application.

Peter Lattey

PETER LATTEY ARCHITECT
515 Camino de Encanto, Redondo Beach CA 90277 Phone 310-968-3252 email: peter@peterlattey.com

January 1, 2013

City of Torrance
Community Development Department
3031 Torrance Blvd.,
Torrance, CA90503

RE: 209 VIA EL TORO APPLICATION – PUBLIC HEARING JANUARY 8, 2013

Dear Sir or Madam:

I am a resident of 515 Camino de Encanto and wish to register my comments on the proposed development by Mr. & Mrs. Delurgio at 209 Via el Toro.

I am an architect licensed in California and have been practicing architecture for over 30 years. I have extensive experience in residential architecture.

I have reviewed the plans submitted by Mr. Delurgio for the addition to his residence at 209 Via El Toro. I have also reviewed the flagging that has been installed, both the original and with the revised ridge line. The revised ridge line is lowered from the original by approximately one foot. No revisions were made to the eave heights.

I am pleased to observe that the current plans are similar to what I suggested to Mr. Delurgio and his architect when we were first approached by them in 2010. The latest revisions go a long way to minimize the view impacts from his neighbors. The current proposal has no impact on the light and air of the neighbors.

I support the approval of the current proposal with the following conditions;

1. The floor slab and structure of the addition in the SE corner of the property be placed low enough so that the eave / fascia height of this addition be the same as the existing house eave / fascia. This is very feasible as the lawn can be graded to allow at grade entry into this addition.
2. The roof of the addition in the SE corner of the property have the same slopes and configuration as currently flagged.
3. The addition to the NW end of the house to have a flat roof.
4. The chimney structure be reduced in size to the minimum possible so as to minimize the view obstruction of this.
5. Any solar hot water installation placed on the roofs be installed flat to the roof surface, with a minimum thickness and not be on a separate structure that could obstruct the view from the adjacent properties

6. Any trees or foliage planted be limited in height and maintained to the height of the adjacent property walls.
7. No additional structures such as gazebos or play structures may be erected that would obstruct the ocean views from the adjacent properties. There are several locations where these can be erected that will have no impact on neighbor's views. I refer to the view corridor analysis done by the architect for the previous application.

These slight modifications will enable Mr. Delurgio to build the space that he needs while having the minimum negative impact on the views, light and air of his neighbors.

Please ensure that this letter is distributed to the Mayor and Council prior to the Council meeting on January 8, 2013.

Thank you for your consideration of my views and comments.

Yours truly,

Peter Lattey, RA, LEED AP, Architect AIBC

Martinez, Oscar

From: Jim Delurgio [jdelurgio@socal.rr.com]
Sent: Thursday, January 03, 2013 12:14 PM
To: Martinez, Oscar
Cc: Betsy Delurgio; Nagy Bakhoum
Subject: Letter to City Council
Attachments: Letter to City Council 20130103.pdf

Here is our letter for our appeal.

Jim Delurgio
Supply Chain Technology Consultant
209 Via el Toro, Redondo Beach, CA 90277
310.378.0001 office | jim@delurgio.com

Jim Delurgio
209 Via el Toro
Redondo Beach, CA 90277

Mayor Scotto & Torrance City Council
3031 Torrance Blvd.
Torrance, CA 90503

RE: MIS12-00085 for 209 Via el Toro

January 2, 2012

Dear Mayor Scotto and City Council,

We were very surprised by the denial of our conforming development application by the Planning Commission. Most shocking to us was the fact that the staff photos of our proposed development had not been provided for review and consideration by the Planning Commission. The commission had specifically required that we construct a silhouette in order to be fair in their consideration of our Minor Hillside Exemption application.

We have clearly reduced our home well below building standards in order to have the least impact to surrounding neighbors. It is very frustrating that the Planning Commission did not suitably review the evidence associated with our proposed development that they required, or properly consider the staff recommendation to approve our conforming development application.

When we purchased 209 Via el Toro we were assured by the City of Torrance that this largely undeveloped parcel came with the same property development rights as all other properties in our community. We expected that our investment in this property would allow the opportunity to build a conforming home and provide a suitable environment in which to raise our children in the same manner as every other home in the area.

We agree with the staff recommendation for approval of our proposed addition. Our design has a floor area ratio of only .265, and has been located in the area of least impact. In order to overcome the denial of our application by the Community Development Director, we have twice modified and reduced our plans to have a ridge height two feet below the standard for permitted development, which has damaged the form and function of our design.

When you review the photos and silhouette, please note that the heavily reduced ridge height has been silhouetted with green and white flags. Staff requested that we leave the orange flags along the ridge and perimeter of the project to illustrate the height of the prior design, which we would really serve our needs much better.

We hired Nagy to provide a design that would be reviewed and approved in accordance with the development application requirements defined for our community. It seems to us that these standards have been applied differently toward other projects, including additions to the property of neighbors who are opposed to our project.

It seems that several neighbors and people from our community have organized to increase political pressure as they seek denial of any development of our property. Throughout the process these neighbors have harassed and intimidated our family, made defamatory claims about us and our conforming designs, have made reckless speculation as to our intentions, and have maliciously interfered with the orderly design review process.

Our objective throughout this process has always been to improve our property and our home to provide our family with the same quality of life that all other property owners in our community enjoy.

Please review and consider the merit of our proposed plans and the staff recommendation for approval carefully. The proposed addition falls far below the established standards for permitted development in our community.

We invite each of you to come to our home in order to further understand the merit of our proposed project. Thank you for your time and consideration of this matter which is very important to our family.

Sincerely,

[Jim Delurgio]

SWCG
SPIERER | WOODWARD | CORBALIS | GOLDBERG
ATTORNEYS AT LAW
A PROFESSIONAL CORPORATION
www.practicallawyer.com

☐ PLEASE RESPOND TO:
707 TORRANCE BOULEVARD
SUITE 200
REDONDO BEACH, CALIFORNIA 90277-3400
TELEPHONE (310) 540-3199
TELECOPIER (310) 316-1823

☐ PLEASE RESPOND TO:
2 INVERNESS DRIVE EAST
SUITE 200
ENGLEWOOD, COLORADO 80112
TELEPHONE (303) 792-3456
TELECOPIER (303) 792-9092

RECEIVED
JAN 03 2013
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Delurgio/209 Via El Toro

January 3, 2013

Mr. Pat Sullivan

Re: MIS 12-00085 (Delurgio/209 Via El Toro)

Dear Mr. Sullivan:

The purpose of this letter is to respond to several letters submitted to the City by Eugene Kusion regarding the above-referenced permit application.

I know you are aware of much of the history between the neighbors regarding this proposed remodel, so I will not attempt to recount it in this letter. What I would like to address, however, is the references in Mr. Kusion's letter to the litigation which was settled in February 2010.

I was the attorney representing the Delurgios in that litigation, and participated in not only the settlement itself, but in subsequent hearings regarding the terms of the settlement. I will not respond to Mr. Kusion's comments regarding the substance of the litigation, as those matters are not germane to the current discussion. Suffice it to say that I disagree completely with Mr. Kusion's characterizations regarding the facts of the case.

Most disturbing, and an issue that I do wish to address, is Mr. Kusion's references to, and interpretation of, the settlement agreement entered into by the parties. Contrary to Mr. Kusion's contentions, not only are the Delurgios not "estopped" from proceeding with the proposed additions, but their intent to pursue a permit to remodel their home was at the very heart of the settlement.

As you can see from the transcript of the settlement (attached hereto as Exhibit "A"), the settlement specifically contemplated that the Delurgios would be pursuing approval of a major renovation of their home. The settlement anticipated that the Delurgios would remove or reducthe height of a number of trees on their property. Their obligation to do so, however, was *stayed* to allow them time to pursue a permit, *without* the trees removed. The purpose of this restriction was expressly to make sure that any view corridors created or enhanced by the removal or reduction of the height of the trees would *not* impact the City's decision regarding the Delurgios' application. As you can also see, the specific trees at issue differed depending upon whether the Delurgios pursued a two-story or one-story addition.

On April 23, 2010, the parties returned to Court to discuss whether or not the stay of the Delurgios' obligation to trim/remove the trees should be extended. The transcript from that hearing is attached hereto as Exhibit "B". During that hearing, Mr. Kusion's attorney argued that the stay should be lifted in its entirety, while I argued that it should remain in place. Ultimately, the Court decided to lift the stay with respect to the oak tree and the bird of paradise, as those two trees only came into play if the Delurgios pursued a one-story, rather than a two-story, addition. Since, at the time, the Delurgios were pursuing the two-story addition, with the one-story only as a fall back, the Court lifted that portion of the stay.

To maintain the integrity of the spirit of the settlement (i.e., that the views created or restored by the removal of the trees not be considered by the City in considering the application), I requested (at Page 16, Lines 1-6 of the transcript) that the Court prohibit anyone from using these "new" views as a basis for contesting the Delurgios' project. Although he did not feel that he had the authority to make orders that applied to non-parties, the Court did have the authority to, and did in fact, make an order precluding Mr. Kusion from making any objections to the Delurgios' project based on the view that is created by the reduction in the height of the bird of paradise and the oak tree (Exhibit "B", Page 18-Page 20, Line 10).

At page two of his April 2, 2012 letter, Mr. Kusion does exactly what he was ordered by the Court not to do. He argues:

> To this day, my Encanto view corridor restoration only exists because the Delurgios were forced to remove the blocking trees and foliage. Absent such suit, my views would to this day still be blocked by out-of-control spite vegetation, as is currently the case with the Delurgios' vegetation spitefully blocking air/light/sky of the Ghaby backyard at 509 Camino De Encanto.

> The Delurgios' current addition application is yet another scheme to substitute the trees/foliage that were removed and/or cut down, with the permanent structures of the additions being proposed...

In a July 9, 2012 letter and also in comments that I understand he made to the Planning Commission during a public hearing on November 7, 2012, Mr. Kusion continued to misrepresent the terms of the settlement, the Hillside Ordinance, and the intent and motivation of the Delurgios in applying for conforming development of their property.

Mr. Kusion's argument is that the Delurgios' application should be denied because the proposed structure will block the views that were created by the removal/reduction of the trees that were removed pursuant to the settlement agreement. This argument violates the spirit of the settlement agreement and the express terms of the Court's order. The Delurgios therefore respectfully request that any objections based upon the possible loss or reduction of the view which was "created" by the removal of the Delurgios' trees be disregarded in considering their application.

Sincerely,

SPIERER, WOODWARD, CORBALIS & GOLDBERG
Attorneys at Law
A Professional Corporation

Stephen B. Goldberg

SBG:tlk

Enclosures

EXHIBIT A

Exhibit A

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SOUTHWEST B HON. ANDREW C. KAUFFMAN, JUDGE

EUGENE KUSION,

PLAINTIFF,

VS.

JIM DELURGIO, ET AL.,

DEFENDANTS.

NO. YC 059065

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

THURSDAY, FEBRUARY 11, 2010

APPEARANCES:

FOR THE PLAINTIFF: KUSION & CAMPANA
BY: DAVID E. CAMPANA, ESQ.
4541 ARTESIA BOULEVARD
LAWNDALE, CA 90260
(310) 370-6164

FOR THE DEFENDANT: SPIERER, WOODWARD, CORBALIS & GOLDBERG
BY: STEPHEN B. GOLDBERG, ESQ.
707 TORRANCE BOULEVARD
SUITE 200
REDONDO BEACH, CA 90277
(310) 540-3199

PAGES 1 THROUGH 9, INCL.

COPY

DENISE K. NAGAO, CSR NO. 7722
OFFICIAL REPORTER

CASE NUMBER: YC 059065
CASE NAME: EUGENE KUSION VERSUS JIM DELURGIO, ET AL.
TORRANCE, CA THURSDAY, FEBRUARY 11, 2010
DEPARTMENT SW B HON. ANDREW C. KAUFFMAN, JUDGE
REPORTER: DENISE K. NAGAO, CSR NO. 7722
TIME: 4:24 P.M.
APPEARANCES: (AS SET FORTH ON TITLE PAGE.)

(OTHER TRIAL MATTERS
WERE REPORTED BUT NOT
TRANSCRIBED HEREIN.)

THE COURT: RESUMING THE TRIAL.
THE PARTIES ARE PRESENT
AS I UNDERSTAND IT, COUNSEL, THE PARTIES HAVE ARRIVED AT A SETTLEMENT.

MR. CAMPANA: THAT'S CORRECT, YOUR HONOR.

THE COURT: WHO IS IT THAT WANTS TO PLACE IT ON THE RECORD, TERMS OF THE SETTLEMENT?

MR. CAMPANA: I WOULD LIKE TO DO THAT AND, OF COURSE, IF MR. GOLDBERG HAS ANYTHING TO ADD, HE CAN CERTAINLY DO THAT.

THE COURT: ALL RIGHT.

MR. CAMPANA: THE PARTIES HAVE AGREED -- THE DEFENDANT HAS AGREED, IN EXCHANGE FOR MR. KUSION DISMISSING THIS LAWSUIT, TO TRIM AND MAINTAIN THE POPLAR

TREES AT 14 FEET.

THE COURT: TO THE MAXIMUM HEIGHT OF 14 FEET.

MR. CAMPANA: MAXIMUM HEIGHT OF 14 FEET.

THERE WOULD BE NO POPLAR TREES GROWN OR PLANTED.

THAT HE WILL TRIM AND MAINTAIN THE OAK TREE, MAXIMUM OF 10 FEET, BARRING AN OPINION FROM AN ARBORIST THAT SAID THAT IT WILL KILL THE OAK TREE.

THE COURT: THAT WILL BE SUBJECT TO AN EVALUATION BY A CERTIFIED ARBORIST.

MR. CAMPANA: RIGHT.

AND THAT THE BIRD OF PARADISE WOULD BE TRIMMED -- TRIMMED AND MAINTAINED AT SIX FEET. AND THAT THIS MATTER -- AND THAT THE ENFORCEMENT OF THE SETTLEMENT WOULD BE STAYED 60 DAYS PENDING HIS SEEKING AN APPLICATION FOR FURTHER ADDITIONS TO HIS HOME.

THE COURT: AND THAT THE PARTIES ARE TO BEAR -- EACH BEAR THEIR OWN COSTS AND FEES.

MR. CAMPANA: THAT'S CORRECT.

AND THIS AGREEMENT APPLIES TO BOTH MR. AND MRS. DELURGIO AS TO THE CO-DEFENDANTS.

THE COURT: MR. GOLDBERG, HAS MR. CAMPANA ACCURATELY STATED THE TERMS OF THE SETTLEMENT?

MR. GOLDBERG: MOST OF THEM, YOUR HONOR.

JUST WANTED TO CLARIFY THAT IT IS MY UNDERSTANDING THAT THE INTENT OF THE STAY IS TO DELAY ANY CHANGES TO THE STATUS QUO UNTIL SUCH TIME AS THE CITY OF TORRANCE IS ABLE TO MAKE A DECISION RESPECTING

THE DELURGIOS'S REQUEST FOR PERMIT TO DO SOME SORT OF A REMODEL THAT THE COURT HAS INDICATED, THAT -- PROVIDED THAT THE DELURGIOS ARE DILIGENTLY PURSUING THE APPROVAL OF THEIR PLANS, THAT THE STAY WILL BECOME EXTENDED BECAUSE IT IS CLEARLY UNDERSTOOD THAT THE CITY OF TORRANCE IS -- IS NOT GOING TO COMPLETE ITS PROCESS WITHIN 60 DAYS.

AND IT IS MY UNDERSTANDING THAT THE 60-DAY PERIOD, AT THAT TIME, EITHER COUNSEL WILL VOLUNTARILY REQUEST AN EXTENSION OF THE STAY AND SUBMIT IT TO THE COURT, OR THERE WILL BE SOME SORT OF STATUS CONFERENCE WHERE THE COURT WILL REVIEW WHERE WE ARE AND DISCUSS WHETHER OR NOT THE STAY WILL BE EXTENDED.

THE COURT: YES, THAT'S CORRECT.

MR. GOLDBERG: THE OTHER ISSUE, I BELIEVE, IS WITH RESPECT TO THE POPLARS. IT'S UNDERSTOOD THAT THERE MAY BE CIRCUMSTANCES UNDER WHICH THE DELURGIOS' APPROVED REMODEL WILL BE A ONE-STORY RATHER THAN THE TWO-STORY, WHICH COULD RESULT IN INCREASING THE HEIGHT OF THE ONE-STORY HOUSE FROM THE EXISTING, APPROXIMATELY, 14 FEET 11 INCHES, TO APPROXIMATELY 18 FEET.

AND THAT, IF SUCH A CONDITION OCCURS, THAT THE COURT WILL ENTERTAIN A MODIFICATION TO THE HEIGHT OF THE POPLARS PURSUANT TO THE SETTLEMENT AGREEMENT.

THE COURT: I THINK WE DID DISCUSS THAT IN CHAMBERS, DID WE NOT, MR. CAMPANA?

MR. CAMPANA: WE DID, YOUR HONOR.

THE COURT: THIS AGREEMENT WILL BE SUBJECT TO

MODIFICATION.

MR. CAMPANA: SHOULD SOMETHING LIKE THAT OCCUR.

THE COURT: IN THE EVENT THAT THE CITY OF TORRANCE APPROVES CERTAIN MODIFICATIONS TO THE DELURGIOS' --

MR. CAMPANA: TO THE PROPERTY LINE.

THE COURT: ALL RIGHT.

LET ME MAKE INQUIRY, THEN, OF THE --

MR. GOLDBERG: AND, YOUR HONOR, JUST TO BE CLEAR SO THAT, WHEN WE SAY THE ENFORCEMENT IS STAYED, IT IS ANTICIPATED THAT THERE BE NO CHANGES MADE TO ANY OF THE TREES UNTIL THE STAY IS LIFTED.

MR. CAMPANA: I'M SORRY. I MISSED THAT, YOUR HONOR.

MR. GOLDBERG: JUST THAT THERE WILL BE --

(MR. GOLDBERG AND MR. CAMPANA CONFER SOTTO VOCE.)

MR. CAMPANA: CORRECT, YEAH. OKAY.

THE COURT: WELL, IS THERE SOME REASON WHY THE BIRD OF PARADISE COULDN'T BE MODIFIED?

MR. CAMPANA: THAT'S TRUE.

MR. GOLDBERG: ONLY BECAUSE OF THE POTENTIAL CREATION OF THE VIEW CORRIDOR THAT WOULD IMPACT IF IT HAS TO BE A ONE-STORY ADDITION. THAT WOULD BE THE ONLY REASON.

MR. CAMPANA: EXCEPT THEY HAD THAT VIEW CORNERED BEFORE HE LET THE BIRD OR PARADISE GROW.

MR. GOLDBERG: WE DIDN'T PUT -- PLANT THAT TREE, YOUR HONOR. IT'S BEEN THERE ALL ALONG. THE STAY IS A STAY. LET'S LEAVE IT ALONE.

THE COURT: ALL RIGHT.

AND I'M NOT RECALLING IF THIS WAS STATED, BUT THE COURT DOES EXPECT THAT DURING THE 60-DAY PERIOD THAT THE CERTIFIED ARBORIST WOULD EXAMINE THE OAK TREE AND MAKE RECOMMENDATIONS AS TO THE APPROPRIATE MANNER FOR IT TO BE PRUNED AND/OR TRIMMED.

MR. GOLDBERG: THAT IS CORRECT, YOUR HONOR.

THE COURT: ALL RIGHT.

LET ME MAKE INQUIRY.

MR. GOLDBERG: YOUR HONOR --

THE COURT: YES.

MR. GOLDBERG: -- I DON'T BELIEVE IT HAS ANY IMPACT ON THE SETTLEMENT, BUT JUST TO MAKE SURE THAT NOBODY HAS ANY CONCERNS LATER.

IT IS MY UNDERSTANDING THAT THE DELURGIOS ARE MOVING FORWARD WITH THE APPLICATION AND COMMENCING WORK ON A SEPARATE PERMIT FOR A SWIMMING POOL AND A POOL HOUSE-TYPE STRUCTURE. THOSE MATTERS WILL BE DEALT WITH THROUGH THE CITY OF TORRANCE HOWEVER THEY WILL.

I JUST DIDN'T WANT ANYBODY TO THINK THAT WE DIDN'T TELL EVERYBODY WHAT WAS GOING ON.

MR. KUSION: IT WILL BE AN ADDITIONAL APPLICATION.

MR. GOLDBERG: SEPARATE PERMIT APPLICATION. AND I'M SURE --

MR. CAMPANA: IT HAS NOTHING TO DO WITH THE

SETTLEMENT.

THE COURT: AND IT'S TO BE PROCESSED BY THE CITY IN THE ORDINARY COURSE.

MR. GOLDBERG: ONE WOULD EXPECT.

THE COURT: ALL RIGHT.

LET ME MAKE INQUIRY OF THE PARTIES.

I'LL START WITH YOU, MR. KUSION. YOU ARE THE PLAINTIFF. YOU OBVIOUSLY HAVE BEEN PRESENT THROUGHOUT THESE PROCEEDINGS.

YOU ARE AWARE, THEN, OF THE TERMS OF THE PROPOSED SETTLEMENT.

MR. KUSION: I AM.

THE COURT: YOU HAD ENOUGH TIME TO CONSIDER THESE TERMS?

MR. KUSION: I HAVE.

THE COURT: TO DISCUSS THEM WITH YOUR ATTORNEY?

MR. KUSION: I HAVE.

THE COURT: DO YOU UNDERSTAND FULLY THE TERMS OF THE SETTLEMENT?

MR. KUSION: I DO.

THE COURT: DO YOU AGREE TO THOSE TERMS?

MR. KUSION: I DO.

THE COURT: ALL RIGHT.

MR. AND MRS. DELURGIO, SINCE YOU ARE BOTH PRESENT, I'LL ASK YOU THE SAME QUESTIONS.

BEGINNING FIRST WITH YOU, MR. DELURGIO. YOU'VE BEEN PRESENT FOR THE PROCEEDINGS?

MR. DELURGIO: YES.

THE COURT: YOU HAD AN OPPORTUNITY TO FULLY DISCUSS WITH MR. GOLDBERG THE TERMS OF THIS PROPOSED SETTLEMENT?

MR. DELURGIO: YES.

THE COURT: AND YOU, MRS. DELURGIO?

MRS. DELURGIO: YES.

THE COURT: AND YOU ALSO HAD EQUAL OPPORTUNITY TO DISCUSS THE TERMS OF THE SETTLEMENT WITH MR. GOLDBERG?

MRS. DELURGIO: YES.

THE COURT: MR. DELURGIO, DO YOU UNDERSTAND TERMS OF THE SETTLEMENT?

MR. DELURGIO: YES.

THE COURT: DO YOU, MRS. DELURGIO?

MRS. DELURGIO: YES.

THE COURT: AND, MR. DELURGIO, DO YOU ACCEPT THE TERMS OF THE SETTLEMENT?

MR. DELURGIO: YES.

THE COURT: AND DO YOU, MRS. DELURGIO?

MRS. DELURGIO: YES.

THE COURT: ALL RIGHT.

THEN WE WILL CONTINUE THIS MATTER FOR STATUS CONFERENCE AND STAY FURTHER PROCEEDINGS 60 DAYS FROM TODAY.

IT WOULD APPEAR TO ME, COUNSEL, TO BE THE 12TH OF APRIL.

MR. GOLDBERG: ONE OF MY FAVORITE DAYS.

8:30, THIS DEPARTMENT?

THE COURT: YES.

MR. CAMPANA, ARE YOU AVAILABLE THAT DAY?

MR. CAMPANA: I DON'T HAVE MY CALENDAR. I'LL MAKE SURE THAT I WILL BE, YOUR HONOR.

THE COURT: ALL RIGHT.

SO WHAT THE COURT IS STAYING IS THE ENFORCEMENT OF THE TERMS OF THE SETTLEMENT.

MR. GOLDBERG: THANK YOU, YOUR HONOR.

APPRECIATE YOUR HELP.

MR. CAMPANA: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

THE COURT ALSO ISSUES AN ORDER TO SHOW CAUSE WHY THE MATTER SHOULD NOT BE DISMISSED FOLLOWING SETTLEMENT.

IT IS THE DESIRE OF THE PARTIES THAT THE COURT RETAIN JURISDICTION TO ENFORCE THE SETTLEMENT PURSUANT TO SECTION 664.6, CODE OF CIVIL PROCEDURE; RIGHT, MR. CAMPANA?

MR. CAMPANA: YES, YOUR HONOR.

THE COURT: AND, MR. GOLDBERG?

MR. GOLDBERG: YES, YOUR HONOR.

THE COURT: ALL RIGHT.

SO LET'S SET HEARING ON THE ORDER TO SHOW CAUSE ON THE SAME DATE, AND THAT WOULD BE APRIL THE 12TH.

MAY IT BE STIPULATED THAT THE EXHIBITS MAY BE RETURNED TO THE PARTY THAT OFFERED THEM?

MR. GOLDBERG: YES, YOUR HONOR.

MR. CAMPANA: YES.

THE COURT: THANK YOU.

MR. CAMPANA: THANK YOU, YOUR HONOR.

MR. GOLDBERG: THANK YOU.

THE COURT: IS NOTICE WAIVED?

MR. GOLDBERG: NOTICE WAIVED.

MR. CAMPANA: NOTICE WAIVED.

(AT 4:28 P.M., THE PROCEEDINGS WERE CONCLUDED.)

--000--

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SOUTHWEST B HON. ANDREW C. KAUFFMAN, JUDGE

EUGENE KUSION, PLAINTIFF, VS. JIM DELURGIO, ET AL., DEFENDANTS.	NO. YC 059065 REPORTER'S CERTIFICATE

I, DENISE K. NAGAO, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING PAGES 1 THROUGH 9, INCLUSIVE, COMPRISE A TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON FEBRUARY 11, 2010.

DATED THIS 9TH DAY OF MARCH, 2010.

Denise K. Nagao

DENISE K. NAGAO, CSR NO. 7722
OFFICIAL REPORTER

3.14.2010

EXHIBIT B

Exhibit B

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT B HON. ANDREW C. KAUFFMAN, JUDGE

EUGENE KUSION,

PLAINTIFF,

VS.

JIM DELURGIO, ET AL.,

DEFENDANTS.

NO. YC059065

DAILY TRANSCRIPT OF PROCEEDINGS

APRIL 23RD, 2010

APPEARANCES:

FOR THE PLAINTIFF: LAW OFFICES OF KUSION & CAMPANA
BY: MR. DAVID E. CAMPANA, ESQ.
4541 ARTESIA BOULEVARD
LAWNDALE, CA 90260
310.370.6164

FOR THE DEFENDANT: SPIERER, WOODWARD, CORBALIS & GOLDBERG
BY: STEPHEN B. GOLDBERG, ESQ.
707 TORRANCE BOULEVARD, SUITE 200
REDONDO BEACH, CA 90277-2300
310.540.3199

ORIGINAL

PAMELA GOEPPNER, CSR NO. 10578
OFFICIAL COURT REPORTER

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

CASE NUMBER: YC059065

CASE NAME: KUSION VS. DELURGIO

LOS ANGELES, CALIFORNIA, FRIDAY, APRIL 23, 2010

DEPARTMENT B HON. ANDREW C. KAUFFMAN, JUDGE

REPORTER: PAMELA GOEPPNER

TIME: A.M.

APPEARANCES: (AS HERETOFORE NOTED.)

THE COURT: NO. 12, KUSION VS. DELURGIO.

MR. CAMPANA: GOOD MORNING, YOUR HONOR, DAVID CAMPANA FOR THE PLAINTIFF.

MR. GOLDBERG: GOOD MORNING, YOUR HONOR. STEVE GOLDBERG FOR DEFENDANTS, JIM AND BETH DELURGIO WHO ARE ALSO PRESENT, AND I APOLOGIZE FOR THE CONFUSION ON THE 12TH; THAT WAS ABSOLUTELY MY ERROR, NOT AN OFFICE MEMBER, NOT AN ASSISTANT. I JUST SOMEHOW SCREWED UP CALENDARING SO I APOLOGIZE TO THE COURT AND COUNSEL.

THE COURT: ALL RIGHT. WHAT DO YOU HAVE TO TELL ME?

MR. GOLDBERG: WELL, WHAT I HAVE TO TELL YOU, YOUR HONOR, IS THAT THE DELURGIOS HAVE BEEN WORKING DILIGENTLY TO ATTEMPT TO GET THEIR PLANS APPROVED AND MOVING FORWARD, AND WHAT HAS OCCURRED IS THAT THEY HAVE ESSENTIALLY RUN INTO SOME OBSTACLES THAT WERE NOT PARTICULARLY ANTICIPATED. I'M GOING TO GIVE TO COUNSEL, AND I'LL GIVE TO THE CLERK FOR THE COURT, A BASIC CHRONOLOGY OF WHAT'S GONE ON SINCE WE WERE HERE

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

FOR TRIAL ON FEBRUARY 11TH. AND THE OBSTACLE WHICH WE DID NOT ANTICIPATE AT THE TIME WAS THE FACT THAT MR. KUSION WAS GOING TO LEAD A CHARGE OF THE ENTIRE NEIGHBORHOOD TO GO TO THE CITY, AND TELL THEM THAT THE PLANS SHOULD NOT BE REVIEWED UNTIL ALL THE TREES GET CUT.

AND WHAT YOUR HONOR WILL FIND ENCLOSED WITH THE PACKET I JUST GAVE YOU ARE A NUMBER OF LETTERS. THE FIRST ONE A LETTER FROM MR. KUSION HIMSELF, DATED MARCH 4TH, AND AS THE COURT WILL SEE DURING THE MONTH OF FEBRUARY, BEGINNING THE DAY AFTER THE HEARING, THE DELURGIOS MET WITH THE CITY TO FIND OUT EXACTLY WHAT THEY NEEDED TO DO TO GET THE REVISION. THEY WERE TOLD TO MEET WITH THE NEIGHBORS. AS THE COURT MAY RECALL, WE WERE IN THE PROCESS AT THE TIME OF ATTEMPTING TO APPLY SEPARATELY FOR THE SWIMMING POOL, AND POOL HOUSE PERMITS BECAUSE THOSE WERE NOT AFFECTED, WE BELIEVED, BY THESE ISSUES. AND AS THE COURT WILL SEE, AS THE DELURGIOS ATTEMPTED TO MEET WITH THE NEIGHBORS, THE RESISTANCE WITH WHICH THEY WERE FACED WERE OBJECTIONS TO THE FACT THAT THE DELURGIOS HAD NOT YET COMPLIED WITH THE ASPECTS OF THE SETTLEMENT WHICH THE COURT HAD STAYED.

THE COURT MAY RECALL THAT THE PURPOSE OF THE STAY WAS TO ENSURE THAT NOTHING IN THE SETTLEMENT WOULD IMPACT THE ORDINARY COURSE OF APPROVAL OR DISAPPROVAL OF THE DELURGIO'S APPLICATIONS. ON MARCH 4TH MR. KUSION INDICATED THAT HE WOULD NOT MEET

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

WITH THE DELURGIOS UNTIL THEY, AMONG OTHER THINGS:

"TRIMMED THE TREES AND FOLIAGE PER THE COURT'S SETTLEMENT AGREEMENT THAT YOU ENTERED SO AS TO AVOID A COURT JUDGMENT AGAINST YOU, AND THE ASSOCIATED COSTS AND DAMAGES."

THE NEIGHBOR, CINDY CONSTANTINO, ALSO INDICATED THAT BEFORE SHE'D MEET:

QUOTE, IT WOULD BE NEIGHBORLY OF YOU TO TRIM YOUR TREES AS COURT ORDERED.

ANOTHER NEIGHBOR TOLD BOTH THE DELURGIOS, AND THEN MOST OF THESE PEOPLE HAD SIMILARLY COMMUNICATED TO THE CITY OF TORRANCE, BUT THIS IS A LETTER FROM A NEIGHBOR:

"IN YOUR RECENT COURT ACTION WITH JEAN KUSION, OUR UNDERSTANDING IS THAT YOU AGREED TO SIGNIFICANTLY TRIM THE TREES ON YOUR PROPERTY TO RESTORE HIS VIEW. WE ARE SURPRISED THAT YOU WOULD PROCEED WITH THIS APPLICATION PRIOR TO IMPLICATING YOUR AGREEMENT AS THE ACTUAL WORK REQUIRED DOES NOT APPEAR TO BE GREAT, AND COULD BE DONE IN A DAY OR TWO."

THE CITY IN THE MEANTIME GETTING E-MAILS, AND LETTERS OF THE TYPE THAT I'M JUST DESCRIBING HAVE DELAYED US. WE HAVE NOT BEEN ABLE TO GET THE POOL HOUSE, AND POOL SIGNED OFF IN THE ORDINARY COURSE BECAUSE THE NEIGHBORS ARE REQUESTING A HEARING. THE

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

LETTERS -- AND IT'S IN THE PACKET, YOUR HONOR -- THERE'S AN APRIL 12TH LETTER THAT THE CITY RECEIVED FROM A WOMAN, ROBERTA BLOWERS, WHO IS NOT EVEN AFFECTED BY THIS PROPERTY, BUT SHE TELLS THE PLANNING COMMISSION:

> "PLEASE CONSIDER THAT ANY PLANTS OR BUILDING ON THIS PROPERTY TAKE INTO ACCOUNT THAT IN 2010 A TORRANCE JUDGE HAS APPROVED THE SETTLEMENT AGREEMENT BETWEEN THE APPLICANT, AND ONE OF THE NEIGHBORS TO TRIM, AND MAINTAIN THE FOLIAGE AT 209 VIA EL TORO AND POINSETTIA (PHONETIC) HEIGHTS."

SO THE BOTTOM LINE IS THAT THE DELURGIOS ARE TRYING TO GET THIS THING MOVING FORWARD, BUT THEY ARE RUNNING INTO OBJECTIONS BECAUSE THEY HAVEN'T TRIMMED THE TREES WHICH WAS STAYED BY THIS COURT. WE WOULD LIKE TO EXTEND THE STAY SO THAT WE CAN MOVE FORWARD, AND TO THE EXTENT THAT THERE'S ANY KIND OF A MESSAGE THAT WE COULD WALK OUT WITH, THAT MIGHT TELL EVERYBODY, HEY, THE COURT KNOWS WHAT IT'S DOING. IT DID THIS ON PURPOSE, BUTT OUT, AND LET THE CITY DO ITS THING; THAT WOULD BE MUCH APPRECIATED BECAUSE WE ARE HAVING -- THERE'S ANOTHER OPEN HOUSE BY THE WAY SCHEDULED FOR THIS EVENING. THERE WAS AN OPEN HOUSE IN MARCH.

THE DELURGIO'S ARE DOING EVERYTHING AND ANYTHING THEY CAN TO SHOW THE NEIGHBORS WHAT'S GOING

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

ON, TO GET THE INPUT THE CITY REQUIRES THEM TO GET BEFORE RESUBMITTING THEIR PLANS, AND THAT'S WHERE WE ARE, YOUR HONOR.

THE COURT: WHERE IS THE REPORT FROM THE CERTIFIED ARBORIST?

MR. GOLDBERG: IT'S IN YOUR PACKET, YOUR HONOR. IT IS PROBABLY ABOUT HALFWAY THROUGH -- IT'S MAYBE THE FOURTH TO LAST DOCUMENT IN THE PACKET. IT'S PACIFIC LANDSCAPE CONSULTING. AND ESSENTIALLY IT CONCLUDES THAT THE BIRD OF PARADISE PROBABLY WOULD NOT SURVIVE THE TRIMMING OR RELOCATION. THE OAK PROBABLY WOULD SURVIVE, BUT IT WOULD BE CONTRARY TO SOME, I DON'T KNOW, SOME PROTOCOLS OR SOMETHING THAT PROFESSIONALLY RECOGNIZED PRUNING STANDARDS, AND IT'S CITED ON PAGE 2 OF THE REPORT.

THE COURT: AS I RECALL THE DELURGIOS HAD NO PARTICULAR ATTACHMENT TO THE BIRD OF PARADISE.

MR. GOLDBERG: NO. I THINK THAT'S CORRECT, YOUR HONOR. I THINK THAT EXCEPT TO THE EXTENT THAT THE BIRD OF PARADISE IMPACTS VIEWS THAT MIGHT BE AFFECTED BY A ONE-STORY ADDITION, IF THEY DON'T GET A TWO-STORY ADDITION; THAT WAS THE REASON THAT WE HELD OFF ON ANYTHING WITH THE BIRD OF PARADISE. AND FOR WHAT IT'S WORTH, YOUR HONOR, I ACTUALLY WENT OVER TO THE PROPERTY YESTERDAY TO TRY TO UNDERSTAND THINGS BETTER, TOOK SOME PHOTOGRAPHS, AND I CAN TELL YOU THAT THE -- THIS WHOLE CASE WAS ABOUT POPLAR TREES THAT WERE ALLEGEDLY PLANTED AS A SPIKE FENCE.

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

AND, IRONICALLY, THE POPLAR TREES HAVE VIRTUALLY NO IMPACT ON THE PRIMARY VIEW THAT MIGHT BE ENJOYED BY THE KUSION PROPERTY. I'VE ALSO SEEN PHOTOGRAPHS TAKEN BY THE PLANNING COMMISSION THAT I THINK SHOW A VERY DIFFERENT STORY THAN WE'VE HEARD IN COURT. NONE OF THAT I THINK IS GOING TO PARTICULARLY MATTER HERE. IT WILL MATTER I BELIEVE IN THE PLANNING COMMISSION, BUT WHAT WE WOULD LIKE TO DO IS WHAT WE AGREED TO DO IS HAVE A FAIR SHOT AT THE PLANNING COMMISSION BEFORE ALL THESE TREES GET CUT, AND DIFFERENT ARGUMENTS CAN BE MADE.

MR. CAMPANA: YOUR HONOR, I THINK THIS IS AN ART OF OBFUSCATION -- CONFUSION -- YOU KNOW, DOCUMENTS AT WHAT HE'S DONE -- HE'S DONE ABSOLUTELY NOTHING. THE COURT SAID EITHER CUT THE OAK TREE, OR HAVE AN ARBORIST STATE THAT IT'S GOING TO KILL IT. IF YOU DO THAT -- WHICH IS REALLY, YOU KNOW, RIDICULOUS -- I MEAN ANY TREE CAN BE TRIMMED.

SECONDLY, AND MORE IMPORTANTLY, MR. DELURGIO'S ATTORNEY IN THE LAST APPEARANCE SAID HE DOESN'T WANT TO TRIM THE TREE BECAUSE IT'S GOING TO BE A WASTE OF MONEY BECAUSE HE PLANS ON CUTTING IT DOWN, AND COMPLYING WITH THE ORDER, COMPLY WITH THE SETTLEMENT. WE SETTLED THIS CASE AFTER THE COURT HAD US IN CHAMBERS, AND INDICATED TO MR. DELURGIO'S ATTORNEY THE TREES WERE GOING TO BE CUT. WE ENTERED INTO A SETTLEMENT TO AVOID TIME, AND MONEY AND HAVE THE THING DONE. WE AGREED TO A TWO-MONTH STAY. WE FIGURED

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

TWO MONTHS IS NOT THAT MUCH TIME. HE SUBMITTED NO PLANS -- THE PLANS HE SUBMITTED SO FAR ARE THE SAME PLANS HE SUBMITTED -- INITIALLY -- EXCUSE ME -- SUBMITTED INITIALLY ABSENT THE SECOND STORY.

HE ALREADY SUBMITTED THESE PLANS. SO HE'S DONE NOTHING NEW. ARGUMENT ABOUT WHAT MR. KUSION'S NEIGHBORS ARE DOING OR NOT DOING, MR. KUSION HAS NO CONTROL OVER ANY OF HIS NEIGHBORS, AND ADDS NO RELEVANCE TO THIS SETTLEMENT, BUT THE FACT THAT MR. DELURGIO INDICATES THAT HE WANTS TO CUT HIS TREE DOWN, JUST DOESN'T WANT TO DO IT YET, IS A CLEAR INDICATION HE HAS ONE GOAL, TO SPITE MR. KUSION.

HE'S DOING THAT SO FAR. HE HASN'T CUT THE OAK TREE. HE DOESN'T HAVE AN OPINION SAYING THAT HE CAN'T CUT IT. SO HE'S FLOWN IN THE FACE OF THE COURT'S ORDER SAYING DO ONE OR THE OTHER.

THE OTHER THING IS HE CAN DRAG THESE PLANS OUT, AND PUT NEW PLANS IN, AND GO BACK HOME AND GET A CONTINUE -- HE CAN DO THIS FOR YEARS, BUT I THINK IF YOU JUST LOOK AT WHAT HE SAID TO THE COURT THAT HE PLANS ON CUTTING THE OAK TREE DOWN, WHY HASN'T HE DONE IT? THE ONLY REASON HE HASN'T DONE IT IS BECAUSE THAT WOULD MAKE MR. KUSION HAPPY, AND THAT'S THE LAST THING IN THE WORLD HE WANTS TO DO, BUT THE REAL CRUX OF THIS MATTER WAS, YOUR HONOR, WE SETTLED THIS CASE, SHORT OF A TRIAL WHERE THE COURT INDICATED HE WAS GOING TO BE CUTTING THESE TREES.

YOU KNOW, CUTTING AN OAK TREE TO 10 FEET,

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

IT'S JUST A SIMPLE PROCESS, AND IF HE WANTS TO CUT IT DOWN THEN CUT IT DOWN. BIRD OF PARADISE I'VE GOT 'EM IN MY YARD. I TRIM 'EM EVERY OTHER MONTH BECAUSE THEY GROW -- THE WIDTH GROWS ON THEM, AND I CAN'T GET A LAWN MOWER TO CLEAN IT. SO IT'S JUST A MATTER OF HE'S NOT GOING TO DO IT UNLESS THE COURT ORDERS HIM TO DO IT, AND TO COME IN HERE WITH THESE DOCUMENTS, AND TO MAKE UP STORIES ABOUT WHAT MR. KUSION IS DOING TO HIS NEIGHBORS -- HE HASN'T GONE TO ONE MEETING IN THIS MAN'S PLANS, BUT WHAT ELSE THE COURT TOLD MR. DELURGIO TO DO WAS TO ACT DILIGENTLY AND DO SOMETHING. HE'S DONE NOTHING. AND I DON'T THINK HE PLANS ON DOING ANYTHING EXCEPT TO DRAG THAT OUT AS FAR AS HE CAN, AND NOT CUT ANYTHING DOWN.

AND THAT'S WHY WE HAVE AN ORDER THAT WE WOULD PROPOSE THE COURT SIGN THAT WOULD ORDER MR. DELURGIO TO COMPLY WITH THE SETTLEMENT AGREEMENT IN TRIMMING TREES TO THE HEIGHTS THAT WERE AGREED TO, AND IF HE DOESN'T DO THAT TO PAY A HUNDRED-DOLLARS-A-DAY FINE. HE'S DONE NOTHING SUBSTANTIVE TO PUSH THIS SUPPOSED PROJECT FORWARD.

AND THEN, LASTLY, YOUR HONOR, CUTTING THESE TREES OR NOT CUTTING THESE TREES HAS NOTHING TO DO WITH HIM SUBMITTING PLANS, AND GETTING APPROVAL OR BEING DENIED FOR A PROJECT. ON OCTOBER 27TH OF '09 THE PLANNING COMMISSIONER WENT OUT TO LOOK AT THE PROPERTY, AND VIEW THE IMPACT, AND DECIDED THAT HIS SECOND STORY WAS GOING TO IMPACT ON MR. KUSION'S VIEWS. ALL THOSE

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

TREES WERE IN PLACE AT THAT TIME. THERE'S NO MENTION OF ANY TREES BY THE PLANNING COMMISSION.

THEY JUST SIMPLY SAID YOUR PROJECT IS GOING TO IMPACT HIS VIEWS, AND IT WAS DENIED. SO IT'S A RED HERRING TO SAY THAT SOMEHOW IF WE DON'T CUT THESE TREES WE'RE GOING TO HAVE A BETTER SHOT AT THE PLANNING COMMISSION. THEY'VE ALREADY DENIED HIS PROJECTS WITH THE TREES IN PLACE.

THE COURT: WASN'T THERE DISCUSSION ABOUT A ONE-STORY ADDITION?

MR. CAMPANA: THERE WAS AND THERE'S BEEN NO PLANS SUBMITTED ON THAT WHATSOEVER --

THE COURT: WHAT IS NO OTHER --

MR. CAMPANA: -- THE ONLY PLANS SUBMITTED ARE ABOUT A POOL, A CABANA, AND I THINK SOME SOLAR PANELS. NO FIRST STORY, NO SECOND STORY HEIGHT INCREASE.

MR. GOLDBERG: YOUR HONOR, IF I MIGHT, I HAVE A COUPLE OF COMMENTS. FIRST OF ALL, THE IDEA THAT THESE NEIGHBORS SOMEHOW SPONTANEOUSLY LEARNED THE DETAILS OF THE SETTLEMENT, WHICH WERE NOT REDUCED TO A WRITING, WHICH WERE STATED IN OPEN COURT AND WOULD THEORETICALLY ONLY HAVE BECOME AVAILABLE WHEN THE TRANSCRIPT WAS PREPARED. AND THEN AGAIN PRESUMABLY -- UNLESS THE COURT REPORTER SOLD COPIES OF THE TRANSCRIPT TO OTHER PEOPLE -- THE ONLY WAY FOR THESE PLAYERS TO HAVE KNOWN THE TERMS OF THE SETTLEMENT WAS FROM ONE OF THE PARTIES, AND WE KNOW THE DELURGIOS DIDN'T RUN

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

AROUND TELLING EVERYBODY.

SO THAT LEAVES ONE PERSON TO HAVE DONE IT, AND OBVIOUSLY FROM HIS LETTER YOU CAN SEE HE BELIEVES IT, BUT HERE'S THE REAL PROBLEM THAT I HAVE WITH EVERYTHING THAT MR. CAMPANA IS SAYING. AT THIS TIME HE IS IGNORING THE FACT THAT ONE OF THE PRIMARY ISSUES THAT THE DELURGIOS INSISTED UPON IN ORDER TO GIVE UP THEIR RIGHT TO PRESENT THEIR EVIDENCE AT THAT TRIAL AFTER MR. KUSION GOT TO INTRODUCE HIS EVIDENCE WAS BECAUSE THEY BELIEVED THAT BY TRIMMING THE HEIGHT OF THE TREES IT WOULD ALLOW MR. KUSION TO RUN INTO COURT, AND SAY, LOOK AT THE VIEW THAT I HAVE. DON'T LET HIM DO THIS.

AND THAT WAS THEIR CONCERN, AND THAT IS WHY THE STAY WAS DONE IN THE FIRST PLACE, AND THE COURT OBVIOUSLY HAS THE TRANSCRIPT. AND I WANT TO -- JUST LOOKING AT THE BOTTOM OF PAGE 2, THE FIRST WORDS OUT OF MY MOUTH:

> "JUST WANTED TO CLARIFY THAT IT'S MY UNDERSTANDING THAT THE INTENT OF THE STAY -- INTENT OF THE STAY IS TO DELAY ANY CHANGES TO THE STATUS QUO UNTIL SUCH TIME,"

AND THEN IT GOES ON, AND THEN CLARIFIED ON PAGE 4, STARTING AT LINE 8:

> "AND YOUR HONOR, JUST TO BE CLEAR, SO THAT WHEN WE SAY THE ENFORCEMENT IS STAYED, IT IS ANTICIPATED THAT THERE BE NO

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

CHANGES MADE TO ANY OF THE TREES UNTIL THE STAY IS LIFTED."

AND MR. CAMPANA WENT BACK AND FORTH. WE DISCUSSED IT:

"OH, YEAH THAT'S RIGHT."

THEN WE TALKED ABOUT THE BIRD OF PARADISE. I EXPLAINED WHAT THE ISSUE WAS, AND THE COURT SAID:

"OKAY, LET'S LEAVE IT ALONE."

THE FIRST FLOOR ADDITION -- IF THE COURT WANTS TO GET INTO IT AT THIS LEVEL, I HAVE PLANS HERE THAT WILL SHOW THE VIEW CORRIDOR IMPACTS OF THE SECOND STORY ADDITION VERSUS THE FIRST STORY ADDITION. AND WHAT HAPPENS IS THE CITY OF TORRANCE HAS TO DO A BALANCING ACT UNDER THIS HILLSIDE OVERLAY ORDINANCE, AND I CAN SHOW THE COURT AND COUNSEL THAT IF WE DO IT AS A SECOND STORY ADDITION IT IS BELIEVED TO HAVE THE MINIMAL AMOUNT OF IMPACT ON ALL OF THE NEIGHBORS, BY THE WAY, INCLUDING MR. KUSION.

SO IT IS PROBABLY -- HOWEVER, IF FOR EXAMPLE MR. KUSION'S EMPHATIC OBJECTIONS SWAY THE PLANNING COMMISSION TO DISAPPROVE THE TWO-STORY ADDITION BECAUSE THE ONE-STORY ADDITION DOESN'T BOTHER HIS VIEW AS MUCH, THEN WE MAY BE FORCED TO GO TO A FIRST FLOOR.

IN TERMS OF WHERE WE ARE, AND YOU CAN SEE FROM THE CHRONOLOGY, THE COURT TOLD US GO MEET WITH THE NEIGHBORS, TALK TO THEM. WE HAD THE ARCHITECT AVAILABLE. OUR ARCHITECT HAS MET WITH NEIGHBORS. WE

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

HAD A FIRST OPEN HOUSE TO DISCUSS THIS. WE ARE HAVING A SECOND OPEN HOUSE. THE PROBLEM IS THAT EVERY TIME WE TRY TO MAKE ANY KIND OF A STEP IN ANY DIRECTION WE GET BLOCKED BY NEIGHBORS SAYING "WE DON'T HAVE TO TALK TO YOU BECAUSE YOU HAVEN'T TRIMMED YOUR TREES," AND THE PLANNING COMMISSION IS SAYING "YOU HAVE TO MEET WITH THE NEIGHBORS BEFORE WE WILL CONSIDER YOUR PLANS."

SO NOW WHAT MR. KUSION WANTS TO SAY IS YOU HAVEN'T GOTTEN IT TO THE PLANNING COMMISSION YET. SO TRIM THE TREES. WHEN ONE OF THE REASONS THAT WE HAVEN'T BEEN ABLE TO DO IT IS BECAUSE THE NEIGHBORS ARE RESISTING MEETING WITH US BECAUSE WE HAVEN'T CUT THE TREES THAT WE WERE TOLD WE DIDN'T HAVE TO CUT UNTIL WE GOT THROUGH THE PROCESS. THAT WAS A MATERIAL PART OF WHAT THE DELURGIOS'S GOT OUT OF THE SETTLEMENT WAS THE STAY BECAUSE AT THE END OF THE DAY THEY DIDN'T CARE ABOUT THE TREES ONCE THEY HAD THEIR ADDITION BECAUSE FOR THE PURPOSES THAT THOSE TREES EXISTED, THE ADDITION WOULD HANDLE IT, AND THAT WAS THE WHOLE PICTURE, AND I THINK WE'RE LOSING SIGHT OF IT HERE, BUT I'M SORRY, YOUR HONOR. THANK YOU. THAT'S ALL.

MR. CAMPANA: THE SETTLEMENT IS ILLUSORY, AND A JOKE IF THE COURT DOESN'T ENFORCE IT. THE INTENT OF THE SETTLEMENT WAS TO GET THE TREES CUT. THAT'S WHY THE PLAINTIFF STOPPED THEIR CASE. THEY WOULD HAVE BEEN DONE IN TEN MINUTES AND RESTED. THE COURT INDICATED THE TREES WERE GOING TO BE CUT. WE FIGURED WITH THE SETTLEMENT AGREEMENT THAT WAS GOING TO HAPPEN,

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

TWO-MONTH STAY WOULDN'T MATTER. HE'S DONE NOTHING WITH THE OAK TREE. THE ARBORIST SAID IT'S NOT GOING TO BE KILLED. COURT TOLD HIM CUT IT OR GET SOMEBODY HERE TO TELL ME IT CAN'T BE CUT. SO HE HASN'T DONE ANYTHING. IT'S STILL THERE.

AND, SECONDLY, HE SUBMITTED NO PLANS FOR ANY FIRST STORY OR SECOND STORY. HE'S TALKING ABOUT ARGUING ABOUT IT. SO WHAT? THEY ARE NOT SUBMITTED YET. MR. KUSION CAN'T STOP HIM FROM SUBMITTING PLANS --

THE COURT: STOP. STOP. MR. GOLDBERG, IS IT TRUE THAT THE PLANS FOR THE ONE-STORY ADDITION HAVE NOT BEEN SUBMITTED TO THE CITY?

MR. GOLDBERG: THAT'S CORRECT. THE CITY WILL NOT ALLOW US TO SUBMIT THE PLANS FOR ANYTHING UNTIL WE COMPLETE OUR PROCESS WITH THE NEIGHBORS. WE HAD AN INITIAL SUBMISSION. WE HAVE BEEN GOING BACK AND REVISING THEM. WE HAVE SUBMITTED SOME PLANS ON FEBRUARY 25TH. WE SUBMITTED THE PLANS FOR THE POOL HOUSE AND POOL. WE WERE REQUIRED TO GET SIGN-OFFS ON THEM. HALF THE NEIGHBORS, APPROXIMATELY, THAT WERE SUPPOSED TO SIGN, DID. THE OTHER HALF SAID I WON'T TALK TO YOU UNTIL YOU TRIM THE TREES. THE MAJOR -- THE OTHER PLANS CANNOT BE SUBMITTED WITHOUT THE NEIGHBOR INPUT. IF WE GO TO THE PLANNING COMMISSION AND SAY, "HERE ARE OUR PLANS," THEY WON'T LOOK AT THEM BECAUSE THE NEIGHBORS HAVEN'T BEEN CONSULTED.

THAT'S OUR PROBLEM AND IN TERMS OF

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

SUBMITTING THE FIRST STORY PLANS, THE FIRST STORY PLANS ARE A FALL BACK. THE FIRST CHOICE IS THE SECOND STORY. WE HAVE GONE THROUGH IT. THEY'VE BEEN MEETING WITH PLANNING COMMISSION, AND I WANT TO REMIND THE COURT OF TWO THINGS, NO. 1, WE STATED VERY CLEARLY THAT THERE WAS NO WAY THIS PROCESS COULD BE DONE IN 60 DAYS. OKAY. THE ISSUE IS WHETHER OR NOT THERE'S BEEN DILIGENCE, AND THE IDEA THAT MR. --

THE COURT: STOP. STOP. YOU'VE MADE YOUR POINT.

MR. GOLDBERG: THERE'S ONE OTHER THING.

THE COURT: NO. NO. NO. I DON'T NEED TO HEAR ANYTHING ELSE.

MR. CAMPANA, THE INTENT OF THE SETTLEMENT AS I RECALL WAS, AMONG OTHER THINGS, TO NOT INTERFERE WITH THE CITY'S PROCESS OF REVIEWING THE PLANS.

MR. CAMPANA: MAY I RESPOND TO THAT, YOUR HONOR? MR. KUSION HAS DONE NOTHING. HE'S HERE TODAY, AND HE'LL TELL YOU HE'S DONE NOTHING TO INTERFERE WITH ANYTHING. THE PRES FOR THE HOMEOWNER'S ASSOCIATION WAS HERE DURING THE TRIAL, ONE OF THE WITNESSES IS A HOMEOWNER. THE HOMEOWNERS IN THIS NEIGHBORHOOD BY AND LARGE TO A "T," SOME-OVER-30, HAVE OPPOSED EVERY PLAN SUBMITTED BY MR. DELURGIO. THAT'S NOT MR. KUSION'S DOING. HE CAN'T BE RESPONSIBLE. THEY ARE GOING TO OPPOSE THIS PROJECT TO THE END. WHETHER MR. KUSION WOULD HAVE DROPPED DEAD TODAY, THEY ARE GOING TO OPPOSE THIS PROJECT FOREVER. SO THAT'S A RED HERRING.

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

SECONDLY, THE HOMEOWNER'S PRESIDENT WAS HERE AT THE LAST SETTLEMENT, OR THE LAST HEARING WE HAD. SHE WAS HERE DURING THE TRIAL. SHE'S TALKED TO NEIGHBORHOODS. MR. KUSION HASN'T. IT'S NOT A CONFIDENTIAL SETTLEMENT. AND, SECONDLY, THERE'S JUST BEEN NO PLANS SUBMITTED. THESE PLANS THAT HE SAID WERE SUBMITTED, THEY WERE PREVIOUSLY SUBMITTED. SO TALK ABOUT DILIGENCE. IT'S A FARCE, AND THEN BACK TO THE OAK TREE, WHY HASN'T IT BEEN TRIMMED OR CUT --

THE COURT: STOP. STOP. MR. GOLDBERG, AT A MINIMUM THE COURT IS GOING TO LIFT THE STAY WITH RESPECT TO THE OAK TREE, AND THE BIRD OF PARADISE.

MR. GOLDBERG: YOUR HONOR, I HEAR WHAT THE COURT IS SAYING, AND THAT I THINK IT COMES TO ONE OF THE ISSUES THAT I REALLY THINK IS CRITICAL THAT THIS CASE ESSENTIALLY BEGAN ABOUT THE POPLARS, THAT WAS THE ALLEGED SPIKE FENCE. OKAY. NOW, I HAVE PHOTOGRAPHS SHOWING THE VIEW THAT HAS -- THAT IS NO IMPACT -- IS NOT IMPACTED IN ANY WAY BY THE --

THE COURT: MR. GOLDBERG, YOU WANT ME TO LIFT THE STAY IN ITS ENTIRETY?

MR. GOLDBERG: NO, YOUR HONOR.

THE COURT: THAT IS WHAT THE COURT IS GOING TO DO UNLESS THERE'S AN AGREEMENT FOR A MODIFIED LIFTING OF THE STAY.

MR. GOLDBERG: WELL, MAY I SAY ONE THING, YOUR HONOR?

THE COURT: BE CAREFUL, YEAH.

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

MR. GOLDBERG: OKAY. IF THE COURT IS GOING TO DO THAT, I WOULD LIKE IT TO BE CLEAR IN THE COURT'S ORDER THAT NO PARTY IS PERMITTED TO GO TO THE CITY, AND INDICATE THAT THE REDUCTION IN THE HEIGHT OF THOSE TREES CAN BE CONSIDERED BY THE CITY IN ANY PERMIT APPLICATION BECAUSE THAT WAS THE INTENT OF THE STAY.

THE COURT: WELL, NOW, I DON'T KNOW HOW I CAN ISSUE THAT KIND OF AN ORDER, MR. GOLDBERG, DIRECTED AGAINST PERSONS WHO WERE NOT PARTIES TO THIS CASE.

MR. GOLDBERG: WHY DON'T WE MAKE THAT AGAINST THE PARTY WHO IS HERE, MR. KUSION, THAT HE CANNOT MAKE THAT ARGUMENT BECAUSE THAT WAS THE INTENT OF THE STAY.

MR. CAMPANA: THEY'VE ALREADY BEEN OUT TO THE PROJECT WHEN IT INITIALLY PROPOSED -- WHEN IT STOOD IN HIS YARD, MADE THEIR DECISION, AND IT DIDN'T EVEN MENTION TREES. SO AND THE TREES WERE ALL PLANTED WITHIN TWO YEARS, TWO-AND-A-HALF YEARS. SO FACTS ARE FACTS.

THE COURT: SO THIS IS THE COURT'S ORDER. THE STAY IS MODIFIED AS FOLLOWS:

THE BIRD OF PARADISE IS TO BE REMOVED, OR TRIMMED TO THE HEIGHT SPECIFIED IN THE SETTLEMENT AGREEMENT AS IS THE OAK TREE. IN ALL OTHER RESPECTS THE STAY IS EXTENDED. GENTLEMEN, I'M LEAVING ON VACATION ON MAY THE 26TH. I'D LIKE TO HAVE YOU RETURN BEFORE THEN TO GIVE ME A FURTHER UPDATE. 25TH?

MR. GOLDBERG: OF WHICH MONTH?

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

THE COURT: MAY.

MR. CAMPANA: 25TH WOULD BE FINE, YOUR HONOR.

MR. GOLDBERG: THAT'S FINE, YOUR HONOR.

THE COURT: AND IF THE MODIFICATIONS CONTEMPLATED TO THOSE TWO, THOSE TWO TREES, THE OAK TREE AND THE BIRD OF PARADISE ARE NOT COMPLETED BY THE 25TH, WITHOUT GOOD CAUSE BEING SHOWN, THE COURT IS GOING TO LIFT THE STAY IN ITS ENTIRETY.

MR. GOLDBERG: ALL RIGHT. AND, YOUR HONOR, WILL THE COURT ENTER THE ORDER AGAINST MR. KUSION FROM ARGUING THE VIEW THAT IS CREATED BY THE REDUCTION IN THE HEIGHT OF THESE TWO TREES?

THE COURT: ARGUING TO WHOM?

MR. GOLDBERG: TO THE PLANNING COMMISSION OR TO THE CITY OF TORRANCE.

THE COURT: NO. I YOU DON'T THINK I CAN RESTRAIN HIM FROM EXERCISING HIS FIRST AMENDMENT RIGHT.

MR. GOLDBERG: WELL, WAIT A MINUTE, YOUR HONOR. IF I MAY BE HEARD ON THIS BECAUSE THIS IS CRITICAL. I BELIEVE THAT I CAN DEMONSTRATE TO THIS COURT THAT THE PRIMARY VIEW THAT IS THEORETICALLY POSSIBLE FOR MR. KUSION'S PROPERTY IS NOT THE POPLARS THAT HE BROUGHT THIS CASE ABOUT, BUT THE OAK TREE AND THE BIRD OF PARADISE WHICH WERE NOT ANY PART OF ANYTHING OTHER THAN THE SETTLEMENT AS AN ACCOMMODATION. AND THEY WERE PUT IN WITH THE EXPLICIT UNDERSTANDING THAT THE REDUCTION IN HEIGHT OF THOSE TREES WOULD NOT

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

AFFECT THE DELURGIOS PERMITTING PROCESS.

THEREFORE, IT WOULD BE INCONSISTENT WITH THE SPIRIT OF THE SETTLEMENT TO ALLOW HIM TO GO TO THE CITY OF TORRANCE, AND ARGUE ONCE THESE THINGS -- AND I CAN SHOW THE COURT THE EXTENT OF IMPROVEMENT IN THE VIEW THAT WILL OCCUR WHEN THOSE TREES -- I HAVE PHOTOGRAPHS THAT WILL SHOW YOU THAT THERE COULD BE A SUBSTANTIAL INCREASE IN THE VIEW, AND IF HE CAN STAND THERE, TAKE NEW PHOTOGRAPHS AFTER THE TREES ARE CUT, AND SAY, LOOK AT THE VIEW I'M LOSING, THEN THE DELURGIOS HAVE LOST ONE OF THE MAIN THINGS THAT THEY AGREED TO THE SETTLEMENT FOR WHICH ESSENTIALLY RENDERS THE SETTLEMENT ALMOST VALUELESS TO THEM; THAT WOULD BE UNFAIR AND INCONSISTENT WITH THE SPIRIT OF THE SETTLEMENT.

THE COURT: SO TELL ME SPECIFICALLY WHAT YOU WANT ME TO ORDER MR. KUSION NOT TO DO.

MR. GOLDBERG: I WOULD LIKE HIM TO BE ORDERED NOT TO MAKE ANY OBJECTION, OR ARGUMENTS TO THE CITY OF TORRANCE.

THE COURT: BASED ON?

MR. GOLDBERG: BASED ON THE VIEW THAT IS CREATED BY THE REDUCTION IN THE HEIGHT OF THE BIRD OF PARADISE AND THE OAK TREE.

MR. CAMPANA: AS I ARGUED WHEN WE SETTLED THE CASE, AND IT'S ON THE RECORD IN THE AGREEMENT, THAT VIEW CORRIDOR WASN'T THERE BEFORE MR. DELURGIO PLANTED HIS SPIKE FENCE. SO FACTS ARE FACTS. YOU KNOW YOU

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

CAN'T ASK MR. KUSION TO NOT INDICATE WHAT THE FACTS WERE TO THE PLANNING COMMISSION WHEN THE TIME COMES, IF IT COMES.

MR. GOLDBERG: THE BIRD OF PARADISE AND OAK TREE WERE NOT THE ALLEGED SPIKE FENCE. IT WAS THE POPLARS.

THE COURT: THAT'S MY RECOLLECTION, MR. CAMPANA.

MR. CAMPANA: WELL, THERE WERE ALL THREE AS THE CASE THAT WE PUT BEFORE THE COURT WAS TO RESTORE THE VIEWS. THE POPLARS, THE OAK TREE, AND THE BIRD OF PARADISE DIED.

THE COURT: WELL, AS I RECALL THE OAK TREE AND THE BIRD OF PARADISE WERE THERE PRIOR TO THE DELURGIOS PURCHASING THE PROPERTY.

MR. CAMPANA: THEY WERE THERE BUT THEY WERE NOT BLOCKING THE VIEW UNTIL MR. DELURGIO ALLOWED THEM TO GROW UNABATED. HE'S NOT ARGUING THEY WEREN'T THERE.

MR. GOLDBERG: THERE'S NO REQUIREMENT ON TRIMMING TREES IN THE CITY OF TORRANCE. THE TREES WERE THERE. THEY CAN GROW.

MR. CAMPANA: THEY CAN MAKE THAT ARGUMENT TO THE PLANNING COMMISSION.

MR. GOLDBERG: THAT'S WHY WE NEED THIS ORDER BECAUSE THE AGREEMENT TO CUT THEM, WHICH IS SOMETHING THE CITY COULD NOT ORDER, WAS BASED ON THE FACT THAT IT WOULD NOT IMPACT THE PERMITTING PROCESS. THAT WAS THE WHOLE BASIS OF THE SETTLEMENT FROM OUR

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

PERSPECTIVE, AND IT'S ON THE RECORD TO BE CLEAR.

THE COURT: STOP. STOP. IF YOU WANT ME TO ORDER MR. KUSION NOT TO INTERFERE WITH THE PERMITTING PROCESS, I WILL DO THAT.

MR. CAMPANA: BUT HE CAN OBJECT TO LOSING HIS VIEW.

THE COURT: HE HAS THAT RIGHT.

MR. GOLDBERG: BUT NOT BY USING THIS PARTICULAR ARGUMENT; CORRECT?

THE COURT: YES.

MR. GOLDBERG: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT, GENTLEMEN. IS NOTICE WAIVED?

MR. CAMPANA: NOTICE WAIVED.

MR. GOLDBERG: NOTICE IS WAIVED.

////

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT B HON. ANDREW C. KAUFFMAN, JUDGE

EUGENE KUSION, PLAINTIFF, VS. JIM DELURGIO, ET AL., DEFENDANTS.	NO. YC059065 REPORTER'S CERTIFICATE

I, PAMELA GOEPPNER, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 20, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE ENTITLED CAUSE ON APRIL 23RD, 2010.

DATED THIS 23RD OF APRIL, 2010.

_____, CSR NO. 10578.
OFFICIAL REPORTER

NOT FOR REPRODUCTION PER GOVERNMENT CODE 69954(D)

EXCERPT OF MINUTES √ Minutes Approved ☐ ~~Minutes Subject to Approval~~

October 3, 2012

MINUTES OF A REGULAR MEETING OF THE TORRANCE PLANNING COMMISSION

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, October 3, 2012 in City Council Chambers at Torrance City Hall.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Polcari, Rizzo, Skoll and Vice Chair Weideman.

Absent: Chairperson Uchima (excused).

Also Present: Planning Manager Lodan, Planning Assistant Yumul Plans Examiner Noh, Sr. Fire Prevention Officer Kazandjian Associate Civil Engineer Symons, Plans Examiner Gorbin, and Assistant City Attorney Sullivan.

15. MISCELLANEOUS ITEMS

15A. MIS12-00085 (REVISED): JIM DELURGIO

Planning Commission consideration of an appeal of a previously denied Minor Hillside Exemption to allow one-story additions under 14 feet in height at the front, sides and rear of the residence on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation: Denial without prejudice.

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Rizzo disclosed that he walked the neighborhood around 209 Via El Toro but did not speak with anyone.

Commissioner Weideman disclosed that he drove by the property because he wanted to refresh his memory about the issues involved.

Commissioner D'anjou disclosed that she walked the neighborhood and viewed the site from the backyards of 513 and 509 Camino de Encanto and spoke briefly with both residents, but did not discuss the project.

Planning Manager Lodan provided background information about the project. He reported that a two-story addition was approved for this property, but the property owner elected to bring forward the proposed one-story addition, which was being considered this evening on appeal of the Community Development Director's denial of

the project. He advised that staff was unable to fully assess the view impact without a certified silhouette and therefore recommended that the project be denied without prejudice.

Vice Chair Weideman asked about the status of the two-story project approved by the City Council and Planning Manager Lodan related his understanding that the entitlement for the two-story project has expired.

At the Commission's request, Assistant City Attorney Sullivan briefly summarized the Minor Hillside Exemption process.

Commissioner Skoll stated that he could not make a decision on this project without a silhouette and if the hearing goes forward he would likely vote to deny it.

Assistant City Attorney Sullivan advised that it was within the purview of the Planning Commission to request that a silhouette be erected per TMC Section 92.21.11.

Jim Delurgio, 209 Via El Toro, applicant, stated that when the City Council approved the two-story project, conditions were imposed that were highly restrictive and actually violate the Hillside Ordinance and these conditions would have made it impossible for him to enjoy his property in the same manner as other property owners if he had gone forward with the project. He asserted that the conditions were defined by neighbors who vandalized his property to create views and then insisted that these views be protected. He reported that during the City Council hearing on the previous project, the Minor Hillside Exemption process was described and erecting a silhouette was not part of the process. He expressed concerns that erecting a silhouette could work against him, recalling a recent case where the issue at hand was the shape of the driveway and after the applicant voluntarily erected a silhouette the project was denied due to view impacts.

Mr. Delurgio reported that he met with 5 of the 10 neighbors whose signatures were required for the sign-off process and was 100% successful in obtaining them and he had scheduled meetings with 3 other neighbors, but the whole process was undermined by the unethical behavior of a neighbor who illegally duplicated the plans when left unsupervised at the counter in the Community Development Department and then organized a group to oppose the project. He explained that after the plans were taken, the other meetings were cancelled and the City began receiving letters from neighbors demanding that a silhouette be erected. He contended that the same neighbors who were allowed to create the conditions of approval for the last project were now trying to dictate the terms of the application process based on the theft of copyrighted material under the custody and control of the City.

In response to Vice Chair Weideman's inquiry, Planning Manager Lodan advised that silhouettes are not normally required as part of the Minor Hillside Exemption process, however staff requested on numerous occasions that a silhouette be constructed for this project.

Mr. Delurgio explained that he asked staff to require the silhouette and put the basis for the requirement in writing, but staff refused to do this. He recalled that in a conference call with Planning staff, the Community Development Director specifically stated that he would never require a silhouette for this project and it was his impression that this was due to his frustration with the lack of integrity of the opposition. He expressed the hope that the Commission could adjudicate this case without a silhouette.

He noted that all the neighbors who oppose the project advocated for a one-story project when the two-story addition was proposed and this project is significantly smaller than the one previously approved.

In response to Commissioner Rizzo's inquiry, Assistant City Attorney Sullivan confirmed that although TMC Section 92.21.11 references the Community Development Director, the Planning Commission by extension has the authority to require a silhouette for a Minor Hillside Exemption application.

Commissioner Rizzo asked about Mr. Delurgio's rationale for not erecting a silhouette.

Mr. Delurgio stated that he did not believe his house could sustain another silhouette because they are immensely damaging and the house already has four major leaks and a mold problem. He noted that silhouettes are expensive to construct, maintain and demolish and reported that the damage caused by the previous silhouette amounted to over $50,000 including equipment damaged by leaks. He related his experience that silhouettes have been used to create misrepresentative photos and attached to petitions to obtain signatures. He noted that the supplemental material contains a letter from Jon Spallino who signed a petition against the previous project based on misleading photos and now regrets it. He asserted that a silhouette would also interfere with the use of his property, since his family would no longer be able to enjoy the patio; that it's disruptive to sleep because the whole house shakes when there are Santa Ana winds; and that it would be a safety hazard for his children and their friends when playing in the backyard. He questioned whether his insurance policy would cover damages that result from a silhouette which was not required by law. He indicated that his main reason for not erecting a silhouette was because it only became an issue after the theft of his plans when organized opposition insisted that the project be silhouetted. He expressed concerns that he will be subjected to the same kind of discretionary abuse that occurred with the previous project as a result of his voluntarily providing a silhouette.

Mr. Delurgio asked to be allowed to show a two-minute clip from the City Council hearing on the previous project during which Mayor Scotto and Planning Manager Lodan discussed the Minor Hillside Exemption process, including the fact that a silhouette was not required.

Vice Chair Weideman polled the Commission, and Commissioners indicated that they did not wish to watch the clip.

Vice Chair Weideman noted that Commissioners were provided with a thick packet of information regarding the previous case, including minutes from meetings, and he had also watched the City Council hearing on cable at the time it took place.

Mr. Delurgio reported that the minutes from the Council meeting do not include the dialogue in the video clip and contended that minutes are often "scrubbed" of anything favorable to his case.

Vice Chair Weideman advised that minutes are not verbatim transcripts.

Mr. Delurgio reiterated his position that the video clip was germane to this application.

Vice Chair Weideman requested input from Commissioners regarding whether they wished to go forward with the hearing on the project or limit discussion to the issue of the silhouette.

Commissioner Rizzo indicated that he favored requiring a silhouette to be constructed before going forward with the hearing because he observed view corridors that could be impacted by the project during his walk around the neighborhood.

Commissioner D'anjou stated that she thought it was unfortunate that Mr. Delurgio has taken this position because she has found that a silhouette can be helpful to an applicant's case. She reported that on more than one occasion, a silhouette has proved to her that what was represented as a substantial view impact was actually more like a sliver. She expressed her willingness to make a decision based solely on her presumption of where the addition will be, however, based on that presumption she believed there would be a substantial view impairment from the neighbor's backyard.

Commissioner Polcari indicated that he would like to see a silhouette of the project before making a decision.

Commissioner Gibson stated that she would also like to see a silhouette and thought it was fair for everyone, including Mr. Delurgio.

Commissioner Skoll stated that the only way he can be fair to both sides is to see a silhouette.

Mr. Delurgio explained that he had considered voluntarily constructing a silhouette, however he looked into what had occurred when neighbors had gone through the Minor Hillside Exemption process and learned that none of the three neighbors who have been granted Minor Hillside Exemptions were required to construct a silhouette and they were not even required to obtain neighbors' signatures in all but one of the cases. He stated that he also learned that the addition at 515 Camino de Encanto, from which all the impacted views originate, is not permitted. He related his belief that his application was being treated differently based on the political clout of the opposition.

Commissioner Rizzo asked Mr. Delurgio to signify whether he was willing to construct a silhouette voluntarily with a "yes" or "no" response, and Mr. Delurgio said "yes."

Mr. Delurgio stated that he understood that the Planning Commission was assuming the authority of the Planning Director who has chosen repeatedly not to require a silhouette during the six months this plan has been under review.

Vice Chair Weideman advised that the Commission was not taking over the responsibility of the department head, but was simply adjudicating this case.

Mr. Delurgio asked who would pay for the silhouette, and Assistant City Attorney Sullivan advised that the applicant is responsible for paying for the silhouette.

The Commission briefly discussed the scheduling of the hearing.

Nagy Bakhoum, project architect, questioned whether staff's recommendation would change, if after viewing the silhouette, they determine it would not have a significant impact.

Assistant City Attorney Sullivan advised that the Community Development Director's decision will stand because this proceeding is an appeal of that decision, however, staff can provide a supplemental recommendation if they determine that the project would not have a significant impact.

Mr. Delurgio requested that he be allowed to erect a partial silhouette because the roof has sustained leaks due to the previous silhouette.

Planning Manager Lodan wanted to make clear that staff would like a complete, certified silhouette.

MOTION: Commissioner Polcari moved to continue to the hearing to November 7, 2012, with the applicant to construct a complete, certified silhouette. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Chairperson Uchima).

Vice Chair Weideman announced that there will be no further notification of the hearing because it was continued to a date certain.

###

EXCERPT OF MINUTES √ Minutes Approved ☐ ~~Minutes Subject to Approval~~

November 7, 2012

MINUTES OF A REGULAR MEETING OF THE TORRANCE PLANNING COMMISSION

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, November 7, 2012 in City Council Chambers at Torrance City Hall.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners Gibson, Polcari, Rizzo, Skoll, and Vice Chair Weideman.

Absent: Commissioner D'anjou and Chairperson Uchima.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Plans Examiner Gorbin, and Assistant City Attorney Sullivan.

MOTION: Commissioner Polcari moved to grant Commissioner D'anjou an excused absence from this meeting. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Rizzo moved to grant Chairperson Uchima an excused absence from this meeting. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

10. CONTINUED HEARINGS

10B. MIS12-00085 (REVISED): JIM DELURGIO

Planning Commission consideration of an appeal of a previously denied Minor Hillside Exemption to allow one-story additions under 14 feet in height at the front, sides and rear of the residence on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request.

Commissioner Rizzo disclosed that he viewed the silhouette from 515 and 523 Camino de Encanto.

Commissioner Polcari disclosed that he visited 515 Camino de Encanto.

Commissioner Skoll disclosed that he visited 515 Camino de Encanto and spoke with Peter Lattey and Vicki Radel, who also took him next door to view the impact from

513 Camino de Encanto. He noted that he attempted to visit 523 Camino de Encanto but was unable to do so.

Commissioner Gibson disclosed the she visited 515 Camino de Encanto.

Vice Chair Weideman disclosed that he visited 515 and 523 Camino de Encanto.

It was confirmed that all of the visits took place after the silhouette was revised and recertified on November 2, 2012.

Vice Chair Weideman asked about the claim in an email dated October 31, 2012 from Eugene Kusion, 523 Camino de Encanto, that there is an existing Superior Court Settlement Agreement prohibiting any foliage over 10 feet in height on the subject property, therefore any structure must not exceed this height.

Assistant City Attorney Sullivan advised that the settlement is an agreement between the two parties involved and it does not restrict the City in any manner. He indicated that he had not seen the settlement, but suspected that it covers foliage only.

Jim Delurgio, 209 Via El Toro, reported that after the October 3, 2012 hearing, a silhouette of the proposed project was constructed; that the project was subsequently revised reducing the height of the rear addition by 9 inches to 11 feet 5 inches to address view impact; and that staff was now recommending approval of the project.

Nagy Bakhoum, project architect, discussed his efforts to design a one-story addition that would have less impact on neighbors than the previously approved two-story project. He explained that this was accomplished by locating the addition in the area of the lot that would have the least impact on view corridors, maintaining the lowest possible plate heights and roof pitch, and reducing the size of the project. He noted that the project has undergone numerous revisions to minimize the impact on neighbors and the roof on the southeasterly addition is virtually flat with a roof pitch of 0.5:12. He voiced his agreement with the conditions of approval.

Commissioner Polcari stated that he observed a slight view obstruction at 515 Camino de Encanto but thought it was manageable and commended Mr. Bakhoum for his efforts to minimize the project's impact.

Gene Kusion, 523 Camino de Encanto, voiced objections to the project citing view impact, stating that there is a V-shaped view corridor with a view of the sand, whitewater and ocean that would be decimated by this project. He reported that when the applicant previously proposed a two-story project, an elaborate view corridor study was presented to show that a two-story project would be less intrusive on views than a one-story project and questioned how the applicant could now argue that the proposed one-story project was the least intrusive. He contended that the Superior Court Settlement Agreement he reached with Mr. Delurgio applies to structures too since it was based on the Spite Fence law, which applies to fences and structures and evolved by case law to include foliage. He stated that he is not opposed to the project, but wants the height limited to 10 feet, the height of the existing eaves.

Peter Lattey, 515 Camino de Encanto, stated that he thought the architect had done a good job of reducing the project's impact by following the suggestions he made three years ago, however, he believed there were minor changes that could be made to further reduce the impact. He explained that the addition has an 11'5" ridge height and

an 8'2½" plate height, which means there is a 3'2½" allowance for the roof structure when only 18" is required. He suggested that eliminating the excess would bring the addition's height down to 10 feet and restore neighbors' views while adding no cost to the project.

Vicki Radel, 515 Camino de Encanto, reported that she has owned this property for over 40 years and every addition made to it has the required permits. She called for the height of the addition to be reduced to 10 feet to preserve her ocean view, noting that she informed the applicant before he purchased the property that she would oppose any addition that impacted her ocean view. She stated that she understands the Commission does not address foliage, however it has become a chronic "in-your-face" problem.

Cindy Constantino, 513 Camino de Encanto, stated that she was present to support her neighbors, but was concerned that the southeast corner of the silhouette seems to be very close to her property. She reported that foliage on the subject property continues to be neighbors' main concern.

Vice Chair Weideman asked about the setback at the southeast corner, and Planning Manager Lodan advised that the applicant will be required to comply with the five-foot minimum setback per Condition No. 5, but the silhouette does not reflect this.

Returning to the podium, Mr. Bakhoum clarified that the addition's height is measured from the lowest adjacent grade, which is in the front yard, and the height of the structure itself is less than 11'5" and it cannot be reduced any further. He offered his assurance that everything possible has been done to minimize the impact on neighbors and urged approval of the project.

Mr. Delurgio stated that claims he has engaged in spiteful and malicious behavior were untrue and his only intention was to construct a reasonably sized home for his family. He requested that the Commission treat his property the same as other properties and consider the merits of the proposed project, which is in conformance with the Code. He noted that as part of the settlement agreement, the court ordered Mr. Kusion not to oppose a single-story development, an order that he has violated.

Vice Chair Weideman reported that he visited the site two years ago in connection with the earlier project, but did not recall the yucca trees on Mr. Delurgio's property.

Mr. Bakhoum pointed out that the yucca trees are visible in photos submitted in November 2009 (Agenda Item - Attachment 4).

Vice Chair Weideman related his understanding that the two-story project previously approved by the City Council included conditions restricting vegetation to the height of the fence.

Mr. Delurgio explained that he chose not to go forward with the two-story project because of the conditions restricting the height of vegetation, which in his opinion violate the Hillside Ordinance, the City Charter and land use laws.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner D'anjou and Chairperson Uchima).

Commissioner Skoll reported that he visited 513 Camino de Encanto and observed no impact whatsoever and while he observed a slight impact at 515 Camino de Encanto, in his opinion it was not an adverse impact. He requested input from Commissioners who had viewed the project from 523 Camino de Encanto since he was unable to do so.

Commissioner Rizzo stated that he agreed with Commissioner Skoll's assessment of the impact at 515 Camino de Encanto, however he observed a significant impact to the view corridor at 523 Camino de Encanto even with the revised silhouette, and based on that impact, he could not support the project.

Vice Chair Weideman reported that he saw less than significant view impact at 515 Camino de Encanto, but observed white water views that would be impacted at 523 Camino de Encanto, therefore he would vote to deny the project.

Commissioner Skoll indicated that he would rely on the observations of Commissioners who had visited 523 Camino de Encanto in making his decision on this project.

Commissioner Polcari stated that after hearing the concerns of Commissioners who had visited 523 Camino de Encanto, he could not support the project.

MOTION: Commissioner Rizzo moved to deny the appeal. The motion was seconded by Vice Chair Weideman and passed as reflected in the following roll call vote:

AYES:	Commissioner Polcari, Rizzo, Skoll and Vice Chair Weideman
NOES:	Commissioner Gibson
ABSENT:	Commissioner D'anjou and Chairperson Uchima

Planning Manager Lodan noted that a resolution reflecting the Commission's action would be brought back for approval at the next meeting.

The Commission recessed from 8:15 to 8:25 p.m.

###

AGENDA ITEM NO. 10B

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Minor Hillside Exemption – MIS12-00085 (Revised) – Jim Delurgio

LOCATION: 209 Via el Toro

On October 3rd, 2012, the Planning Commission continued MIS12-00085 (Revised) to the November 7th, 2012 hearing after the applicant agreed to construct a silhouette. The silhouette was completed and certified. On October 25, 2012 staff viewed the silhouette from the properties located at 513, 515 and 523 Camino de Encanto based on their correspondence objecting to the project.

At 513 Camino de Encanto, staff viewed the silhouette from a living room and rear yard area. Staff determined that the proposal does not have adverse impact to view, light, air or privacy. Staff notes that the silhouette has been constructed with the covered porch encroaching into the setback area. The project is conditioned to reduce the patio cover to comply with the setback.

At 515 Camino de Encanto, staff viewed the silhouette from the living room, office, bedroom and rear yard. Staff observed impacts to ocean views from the living room and impacts to whitewater and ocean views from the bedroom.

At 523 Camino de Encanto, staff viewed the silhouette from the living room/nook area and rear yard. Staff observed impacts to whitewater views from the living room/nook area.

Staff informed the architect of these impacts, who subsequently, On October 30th, reduced the height of the rear addition by 9-inches to 11-feet 5-inches when measured from the lowest adjacent grade.

On October 31, staff viewed the revised silhouette at 515 Camino de Encanto from the living room, office, bedroom and rear yard. Staff observed minimal impacts to ocean views from the reduced height of the silhouette. Staff observed a loss of blue water views to the west at some severe angles between neighboring structures and to some areas due to the proposed family room. The owner of 515 Camino de Encanto has still expressed concerns regarding the height of the southeast addition and concerns with the design of the proposed roof not being a flat roof. Staff notes that a new chimney is proposed along the rear of the remodeled residence. Staff recommends a condition that the applicant reduces the size of the chimney extending above the roof eave be the minimum size allowed per code to further reduce potential view impacts. As conditioned, in the judgment of staff, the proposed addition does not represent an adverse impact as the reduced ridge height of the southeast addition preserves the sweeping coastal and ocean views to the north and west.

On November 1, staff observed the revised silhouette at 523 Camino de Encanto. Staff viewed the silhouette from the living room/nook area and observed a small portion of ocean/whitewater view will be lost between existing rooftops. The owner of the property has also expressed concerns with the height of the addition and about the design of the roof. Although a small portion of ocean view is lost, in the judgment of staff, the proposed addition does not represent an adverse impact.

The silhouette was recertified on November 2.

The applicant has submitted revised plans for a project that complies with R-1 standards, as conditioned. The reduced height of the revised silhouette represents a significant improvement for the protection of neighboring views and view corridors. Staff notes that the revised plans show the patio cover with increased setbacks which comply with the R-1 standards while the silhouette represents the previous design with reduced setbacks. In the judgment of staff, this one story proposal represents the least impactful development for the property as 209 Via El Toro. The addition is modest in square footage, lot coverage and FAR. The main view corridors are protected by utilizing a virtually flat roof design (0.5:12 pitch). The rooms in this area are proposed on a slab foundation, with the finished floor stepping down to a lower elevation than that of the existing house. The addition in this area features 8 foot 2.5 inch plate heights. The project has been shifted as far south and been kept as low as possible to avoid construction within the view corridors of 513, 515 and 523 Camino de Encanto. While this plan does impact some blue water view from two properties at very low angles between structures, in the judgment of staff the impacts are not adverse or significant. The proposed plan eliminates the prior widespread objection to a second story home, the concerns of bulk and massing, as well as potential impacts to privacy. This plan as proposed and conditioned overall is less impactful to the neighborhood than the 2-story project previously approved under PRE09-00007. Staff determines that the subject request will not have a harmful effect on surrounding properties and does not appear to result in adverse impacts on view, light, air or privacy. Therefore, staff recommends approval of this request as conditioned.

PROJECT RECOMMENDATION: Approval

FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE PROJECT:
Findings of fact in support of approval are set forth in the attached Resolution.

Prepared by,
for: Oscar Martinez
Planning Associate

Respectfully submitted,
Gregg D. Lodan, AICP
Planning Manager

Attachments:
1. Revised Resolution
2. Certified Silhouette
3. Correspondence
4. Items submitted at the 10/3/12 P.C. Hearing
5. Previous Planning Commission Items (Limited Distribution)
6. Revised Site Plan, Floor Plan & Elevations

REVISED PLANNING COMMISSION RESOLUTION NO. 12-067

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW ONE-STORY ADDITIONS TO THE EXISTING ONE-STORY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO.

MIS12-00085 (REVISED): JIM DELURGIO

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 3rd, 2012, to consider an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within 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 to November 7th, 2012; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on November 7th, 2012, to consider an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e); and

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

a) That the property address is 209 Via el Toro;

b) 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

c) The project is in compliance with both the R-1 Zoning and the Low-Density General Plan designation for this site, as conditioned;

d) The proposed additions, as conditioned, will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because location of the

proposed additions, as conditioned, do not adversely impair the views of 513, 515 & 523 Camino de Encanto and of those surrounding properties within the Hillside Overlay District;

e) The proposed additions, as conditioned, have 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 height of the additions do not exceed the existing roofline. The main view corridors are protected by utilizing a virtually flat roof design (0.5:12 pitch). The rooms in this area are proposed on a slab foundation, with the finished floor stepping down to a lower elevation than that of the existing house. The addition in this area features 8 foot 2.5 inch plate heights. The project has been shifted as far south and been kept as low as possible to avoid construction within the view corridors of 513, 515 and 523 Camino de Encanto. Furthermore, the applicant has reduced the height of the southeasterly addition to 11-feet 5-inches to preserve neighboring view corridors;

f) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the proposed exterior design elements are in keeping with the architecture and finishes of other recently developed properties and will improve the existing residence;

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;

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 and is in compliance with the R-1 Zone and the Hillside Overlay District;

i) That the proposed additions would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions, as conditioned, conform to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance;

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 expanded footprint allows the applicant to minimize the potential for view impairments that result from a second story proposal to the surrounding properties; and

k) That denial of such an application would result in an unreasonable hardship to the applicant as the home is suitable for the lot and has been designed to minimize view, light, air and privacy impacts to 513, 515 & 523 Camino de Encanto; 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, lot coverage and floor area ratio, as conditioned, and there are other one story structures in the surrounding area; and

WHEREAS, the Planning Commission by the following roll call vote APPROVED MIS12-00085 (Revised), subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that MIS12-00085 (Revised), filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro, 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 Minor Hillside Exemption 12-00085 (Revised) 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 Planning Commission relied in granting approval;
2. That if this Miscellaneous Permit MIS12-00085 (Revised) 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; (Development Review)
3. That the maximum height of all additions at the highest point of the roof shall not exceed a height of 14-feet 2½ -inches as represented by the elevation of 116.43 and a lowest adjacent grade of 102.23 based on a bench mark elevation of 100.10 located to the east of the property on Via el Toro as shown on the official survey map and roof plan on file in the Community Development Department; (Development Review)
4. That the height of all additions shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 14-feet 2½-inches based on the elevation of 116.43 and a lowest adjacent grade of 102.23 as indicated on the certified silhouette based on the benchmark elevation of 100.10 as shown on the survey map and roof plan on file in the Community Development Department; (Development Review)
5. That the patio cover shall conform to the required setbacks to the satisfaction of the Community Development Director; (Development Review)
6. That the chimney shall be designed in such a way that the portion extending above the roof eave line is no larger than the minimum dimensions required by the Torrance Building Code to the satisfaction of the Community Development Director; (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)

Introduced, approved and adopted this 7th day of November 2012.

_____
Chairman, Torrance Planning Commission

ATTEST:

_____
Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 7th day of November 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Secretary, Torrance Planning Commission

City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 Fax: (310) 618-5829

Height and Location Certification

NOV 05 2012

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 209 Via El Toro, Torrance, CA (address)

_____ on 11/02/2012 (date), based on plans submitted to the City of Torrance

by Jim Delurgio (applicant/architect) on 6/28/2012 (date). The survey was taken

from a bench mark located at 209 Via El Toro, Torrance, CA (address)

(attached map) which established a base elevation of 110.10'.

The ridge line/highest point of the roof was determined to have an elevation of 116.43'.

The plans indicate that the elevation should be 116.43'.

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Community Development Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of ***height, building envelope, location on the site, and all setbacks.***

OFFICIAL STAMP

REGISTERED PROFESSIONAL ENGINEER
LIONEL J. GARCIA
C 58475
EXP 12/31/12
CIVIL
STATE OF CALIFORNIA

Lionel J Garcia	RCE# 58475
Name (please print)	LS/RCE#
SIGNATURE	310-294-8111
	PHONE
	10/19/2012
	DATE

Notes: _____

09/02

SILHOUETTE CERTIFICATION MAP BY G&G STRUCTURES, 310-294-8111.

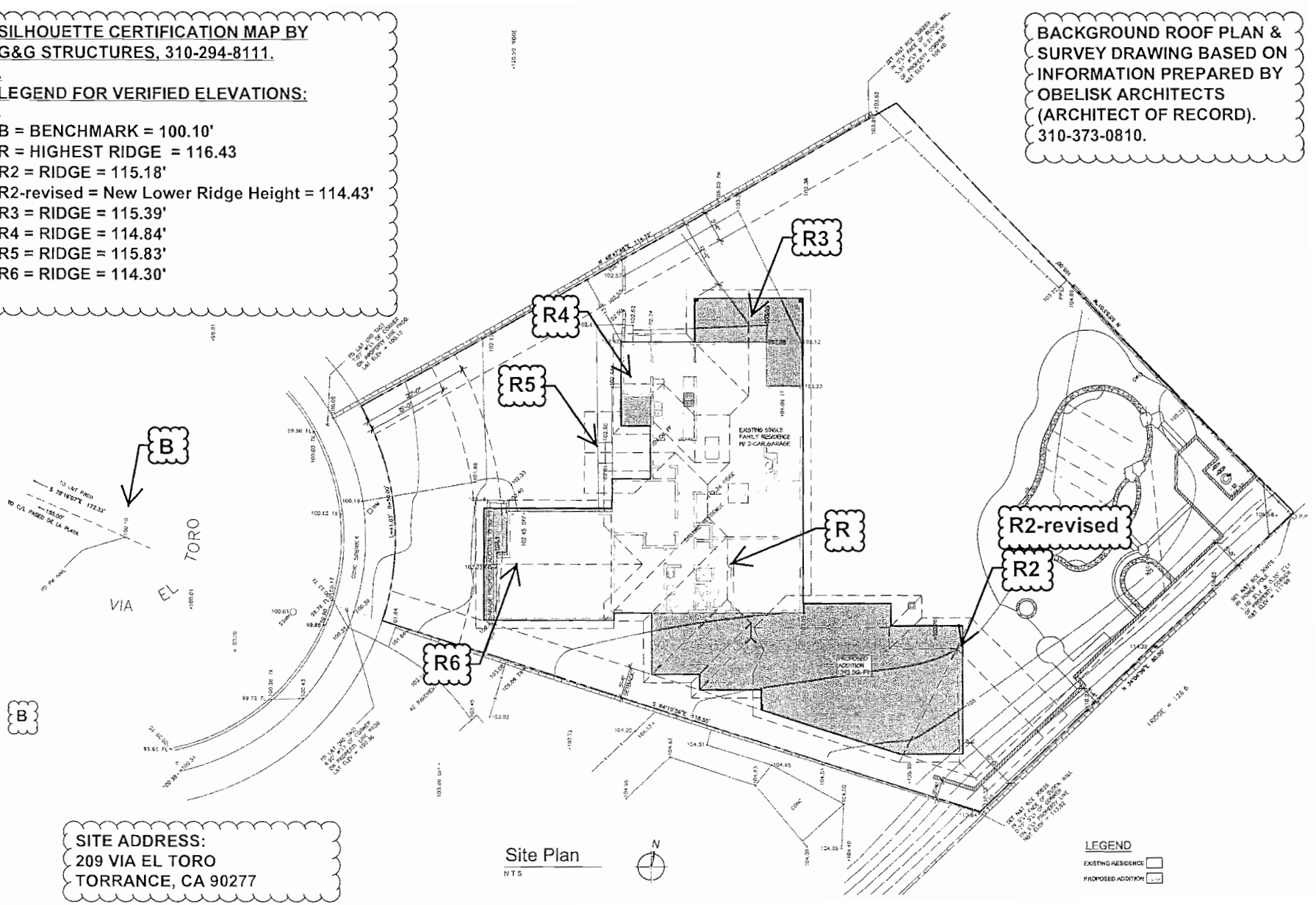
.

LEGEND FOR VERIFIED ELEVATIONS:

.

B = BENCHMARK = 100.10'
R = HIGHEST RIDGE = 116.43
R2 = RIDGE = 115.18'
R2-revised = New Lower Ridge Height = 114.43'
R3 = RIDGE = 115.39'
R4 = RIDGE = 114.84'
R5 = RIDGE = 115.83'
R6 = RIDGE = 114.30'

BACKGROUND ROOF PLAN & SURVEY DRAWING BASED ON INFORMATION PREPARED BY OBELISK ARCHITECTS (ARCHITECT OF RECORD). 310-373-0810.



Site Plan
NTS

SITE ADDRESS:
209 VIA EL TORO
TORRANCE, CA 90277

Gene Kusion

From: "Gene Kusion" <kusionlaw@earthlink.net>
Date: Wednesday, October 31, 2012 8:59 PM
To: <OMartinez@TorranceCA.gov>
Subject: Letter to CDD (to be included in documents submitted to Planning Commission for hearing of 11/7/2012)

City of Torrance
Community Development Dept.
3031 Torrance Blvd
Torrance,Ca. 90503

RE: 209 VIA EL TORO APPLICATION

Dear CDD and Planning Commission:

I reside at 523 Camino De Encanto, behind the Delurgio property. A view corridor exists over the Delurgio property which affords my residence white water and blue water ocean views, as well as beach sand views all the way to the Redondo Beach Pier and beyond. This corridor has existed since the Kusion Family purchased the Encanto property in 1964.

The proposed Delurgio project (single story, after the City granted a second story addition plan), as now flagged by Delurgio after the last hearing, clearly reveals that the Encanto view corridor will be destroyed by the roof lines sought.

Accordingly, the Encanto view corridor will be preserved only if the roof of the proposed single story structure is FLAT and no higher than the EXISTING HOUSE EAVE.

Under an existing Superior Court Settlement Agreement, Delurgio cannot maintain ANY foilage over 10 feet in height inside the Encanto view corridor. Therefore, the proposed structure must not itself be over 10 feet (i.e. the height of the house eave).

Thank you for allowing me to set forth my concerns. It is my hope that the Encanto view corridor will remain intact.

Very truly yours,

EUGENE L. KUSION

Martinez, Oscar

From: Dr Vicki Radel [DrVictoriaRadel@cs.com]
Sent: Thursday, November 01, 2012 11:55 AM
To: Martinez, Oscar
Cc: drvictoriaradel@cs.com
Subject: Re: Planning Commisison please come view silhouettes re: concerns from 515 Camino de Encanto

515 Camino de Encanto
Redondo Beach, CA 90277
310-713-2260

October 31, 2012

Gregg Lodan, AICP
City of Torrance Planning Dept
3031 Torrance Blvd
Torrance, CA 90503

RE: MIS 12-00085 (revised); 209 Via El Toro

Dear Planning Manager Lodan:

This is a formal request for the entire planning committee to come view the erected silhouettes at 209 Via El Toro from my home at 515 Camino de Encanto prior to the Planning Commission meeting Nov 7th.

I want them to see that if the SE corner & NW end of the structure were flat roofs and if the fascia/eave heights would be the same as the existing house eave/fascia we would not lose as much of our blue water view as the flags now indicate we would. They will also observe how our views are currently obstructed by the foliage that has been strategically grown to destroy our view and set the stage for construction to block our views.

Consistently Over-grown foliage at 209 Via El Toro is, in addition, why we request there be restrictions on foliage height. We respectfully request that the plants be limited to the height of the adjacent property walls and that gazebos or play structures not be permitted to obstruct the ocean views from the adjacent properties.

Thank You for the Consideration,

Vicki Radel
40 year resident 515 Camino de Encanto, Redondo Beach, CA 90277

Sent from I-Phone w/out spell check. Please interpret positive vibes between the lines & if necessary call for clarification:-)
310-713-2260

On Nov 1, 2012, at 11:09 AM, "Martinez, Oscar" <OMartinez@TorranceCA.gov> wrote:

> Can you change the font please? It's not displaying right. Thanks.
>
> **From:** Dr Vicki Radel [mailto:drvictoriaradel@cs.com]
> **Sent:** Thursday, November 01, 2012 10:55 AM
> **To:** glodan@torrance.net; Martinez, Oscar

Subject: Fwd: Planning Co[illegible]sison please come view silhouettes re: co[illegible]erns from 515 Camino de Encanto

Did you receive???
Thanks,
Vicki

Dr Vicki Radel
drvictoriaradel@cs.com

-----Original Message-----
From: Dr Vicki Radel <drvictoriaradel@cs.com>
To: glodan <glodan@torrance.net>; glodan <glodan@torranceca.gov>; omartinez <omartinez@torranceca.gov>; omartinez <omartinez@torrnet.com>; jgibson <jgibson@torranceca.gov>; jgibson <jgibson@torrnet.com>
Sent: Thu, Nov 1, 2012 8:30 am
Subject: Planning Commisison please come view silhouettes re: concerns from 515 Camino de Encanto

Please acknowledge your receipt of the attached letter of invitation to planning commission to view current silhouettes and foliage concerns from 515 Camino de Encanto, RB 90277.
Respectfully,
Vicki Radel

RECEIVED
NOV 01 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

November 1, 2012

City of Torrance
Community Development Dept.
3031 Torrance Blvd.
Torrance Ca. 90503

Re: 209 Via el Toro Proposal

Dear Commissioners,

I reside at 513 Camino de Encanto, directly behind the applicants. We have reviewed the plans (again) and were now able to view the latest silhouettes. It is difficult for non-trained eye to see through the cluster of Yucca. However Mr. Latley at 515, with his background explained exactly the dimensions. I would have to see some changes to approve.

1. The foliage allowed to be planted must remain as was stated on 2nd story. Nothing higher than property walls/no structures over 6 ft. gazebos etc
2. Addition of SE corner, flat roof.
3. The eave/facia Ht. of these two additions be the same as existing house eave/facia.
4. Reduction in size/Ht. of chimney.
5. Solar panels thin & not on a seperate structure to increase Ht.
6. No trees planted in spite.

Thank you again
Cynthia L. Constantine

Submitted to the
Planning Commission
at the 10/3/12
Public Hearing.

Neighbors who opposed two story development of 209 Via el Toro.

Attachment 4

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

OCT 28 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Patricia Roderick	528 Camino de Encanto Redondo Beach, California 90277	Patricia Roderick
Jimmy VAJID	520 Camino De Encanto Redondo Beach.	
Martha Bjalo	512 Camino de Encanto	M bjalo
VAHIK GREGORIAN	625 Camino De Encanto RB 90277	
TED GOHATA	516 camino de Encanto	Ted K Gohata
DIANE MILTIMORE	621 CAMINO DE ENCANTO RB 90277	Diane Miltimore
Roberta Blowers	621 Camino de Encanto Reds 90277	
Peggy Maddox	627 Cam. DeEncanto R.B. CA 90277	Peggy Maddox
R L Maddox	" " " "	Richard L Maddox R L Maddox
ROSE KRUC	630 CAMINO DE ENCANTO	Rose Kruc

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
CORY YOUNGERN	536 Paseo De LA Playa	Cory Youngern
GENE KUSION	523 CAMINO DE ENCANTO	Eugene Kusion
Cameron Faber	524 Camino De Encanto	Cameron Faber
RONALD SMITH	521 CAMINO DE ENCANTO	Ronald Smith
ANNE GU	535 CAMINO DE ENCANTO	Anne Gu
MARIA KUSION	523 CAMINO DE ENCANTO	Maria Kusion
TIM YOUNGERN	536 PASEO DE LA PLAYA	Tim Youngern
MARJORIE HILL	539 CAMINO DE ENCANTO	Marjorie D. Hill
ROBERT HILL	539 CAMINO de ENCANTO	Robert Hill
Mrs CRUDUP	531 Camino de Encanto	Mrs Crudup
JUDITH M. ENGLISH	531 CAMINO de ENCANTO	Judith M English

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Augustin CORAY Jeanne Coray	419, CAMINO de Encanto R.B. 419 Camino de Encanto	Jeanne Coray
Rex Farnsworth	415 Camino de Encanto R.B.	Rex Farnsworth
Erica Smalley	432 Camino de Encanto	Erica Smalley
Lee Farnsworth	415 Camino de Encanto, R.B.	Lee Farnsworth
RICHARD GLIMP	414 Camino de Encanto RB	Richard Glimp
Alexis Constantino	513 Camino De Encanto R.B.	Alexis Constantino
Cole Constantino	513 CAMINO DE ENCANTO RB	Cole Constantino

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Cindy Constantino	513 Camino de Encanto Redondo Beach, Ca. 90277	Cynthia L Constantino
JAMES CORAZZINI	419 CAMINO DE ENCANTO REDONDO BEACH, CA 90277	
KATHLEEN LAHEY	470 CAMINO DE ENCANTO REDOND BEACH, CA 90277	Kathleen M Lahey
EDWARD LAHEY	470 CAMINO DE ENCANTO REDONDO BEACH CA 90277	Edward T. Lahey
John Baldau	464 Camino de Encanto Redondo Beach, CA 90277	
Mayumi Tomita	464 Camino de Encanto Redondo Beach, CA 90277	
Paul Guaglione	99 Calle Mayor Redondo Beach, CA 90277	
Gerda Guaglione	99 C. MAYOR. Red Beach Ca 90277	
Joji Cruz.	502 P.V. Blvd. R.B CA 90277	
ANDY FILAK	514 PALOS VERDES BLVD 373-5004	
	310-373-2270 520 Palos Verdes Blvd. RB 90277	

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Ernest Amwtz	520 Palos Verdes Blvd	
Armando Montaño	526 P.V. Blvd.	Armando Montaño
Freda Montaño	526 P.V. Blvd.	Freda Montaño
Margaret Moody	568 P.V. Blvd	Margaret W Moody
Barry Bayless	608 Palos Verdes Blvd	Barry Bayless
Vean Filak	514 P.V. Blvd	Vean Filak
David Giannetta	428 Camino De Encanto 310 375 3203	
Denise Carl	428 Camino De Encanto Redondo Beach, 90277	
Louie Sampedro	431 Camino De Encanto Redondo Beach 90277	
Linda Sampedro	431 Camino De Encanto Redondo Beach 90277	
Jon Spallino	427 Camino De Encanto RB, CA 90277	

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Vicki Radel	515 Camino de Encanto	Vicki Radel
Chris Harris	440 Camino De Encanto	Chris Harris
Peter Lattey	515 Camino De Encanto	Peter Lattey
Shari Eucker	201 Via El Toro	Shari Eucker
Ken Everhart	201 Via El Toro	Ken Everhart
Don Hughes	610 Playa de la Playa	Don Hughes
Monica Bruechle	626 Paseo de la Playa	Monica Bruechle
Jonathan Bartran	630 Paseo Playa	J Bartran
Johanna Bartran	630 Paseo de la Raya	J Bartran
DAVID RADEL	515 CAMINO DE ENCANTO	
Molly WALSH	625 Camino De Encanto	

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
LINDA GOHATA	516 CAMINO DE ENCANTO REDONDO BEACH 90277	[signature]
FUSA MOTOWAKI	516 CAMINO DE ENCANTO REDONDO BEACH 90277	[signature]
Sylvia Thomas	113 Calle de Sirenas Redondo Beach 90277	[signature]
[illegible]	614 Palos Verdes Blvd Redondo Beach, CA 90277	[signature]
ALBERT ORTIZ	620 PALOS VERDES B. REDONDO BEACH, CA 90277	[signature]
Charlotte Ferris	613 Camino de Encanto	[signature]
Charles Hammer	221 Paseo De Suenos, RB	[signature]

TO: Torrance Planning Commission

Date: 11-2-09

NOV 03 2009

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
LORRAINE MARCONE	707 CAMINO DE ENCANTO	Lorraine Marcone
JOHN MARCONE	707 CAMINO DE ENCANTO	John A. Marcone
Penny Handsaker	213 Calle de Sirena	Penny Handsaker
THOMAS HANDSAKER	213 CALLE DE SIRENA	THOMAS Handsaker
Barbara Shoemaker	503 Camino de Encanto	Barbara Shoemaker

Date: 11-2-05

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Natalie Kelterborn	113 Vista del Sol, RB CA 90277	Natalie Kelterborn
MICHAEL CONSTANTINO	113 VISTA DEL SOL, RB 90277	MAConstantino
Pamela Kelterborn	113 Vista del Sol RB 90277	
Vanessa Kelterborn	113 Vista del Sol RB 90277	

TO: Torrance Planning Commission

Date: 10/21/09

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Sheri + Ramzi Ghaby	509 Camino de Encanto Redondo Beach, CA	Sheri Ghaby
ELKE ROLFES	508 CAMINO DE ENCANTO RED. BEACH, CA 90277	
RAMZI GHABY	509 CAMINO DE ENCANTO REDONDO BEACH, CA	

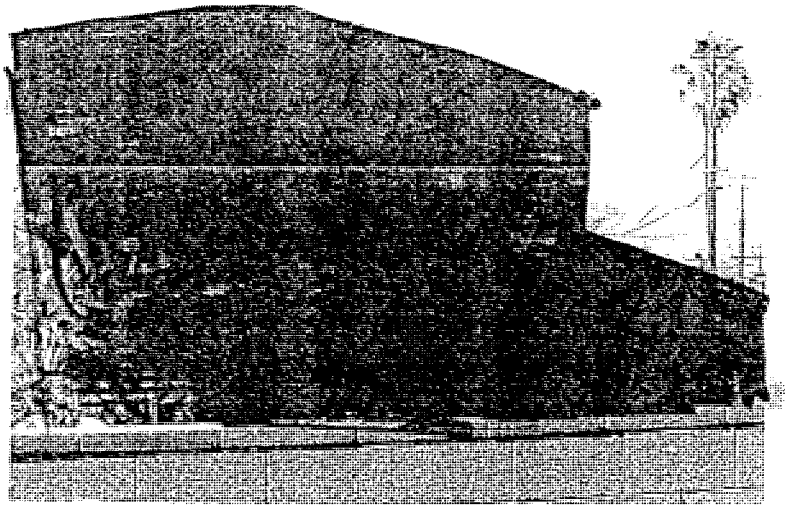
TO: Torrance Planning Commission

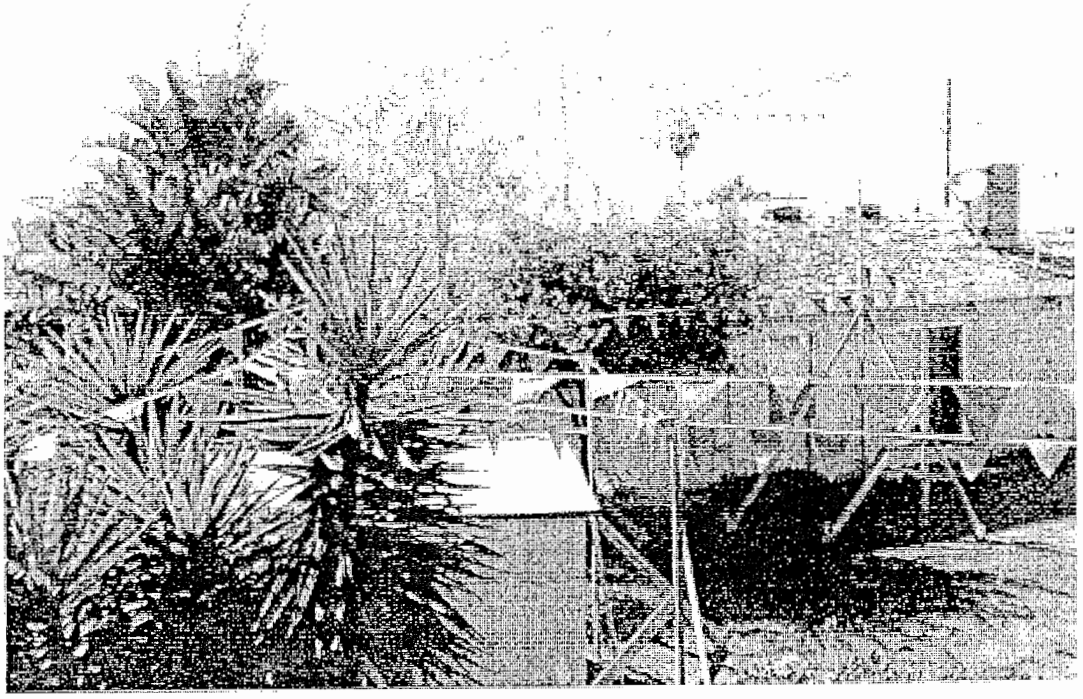
Date: 11-2-09

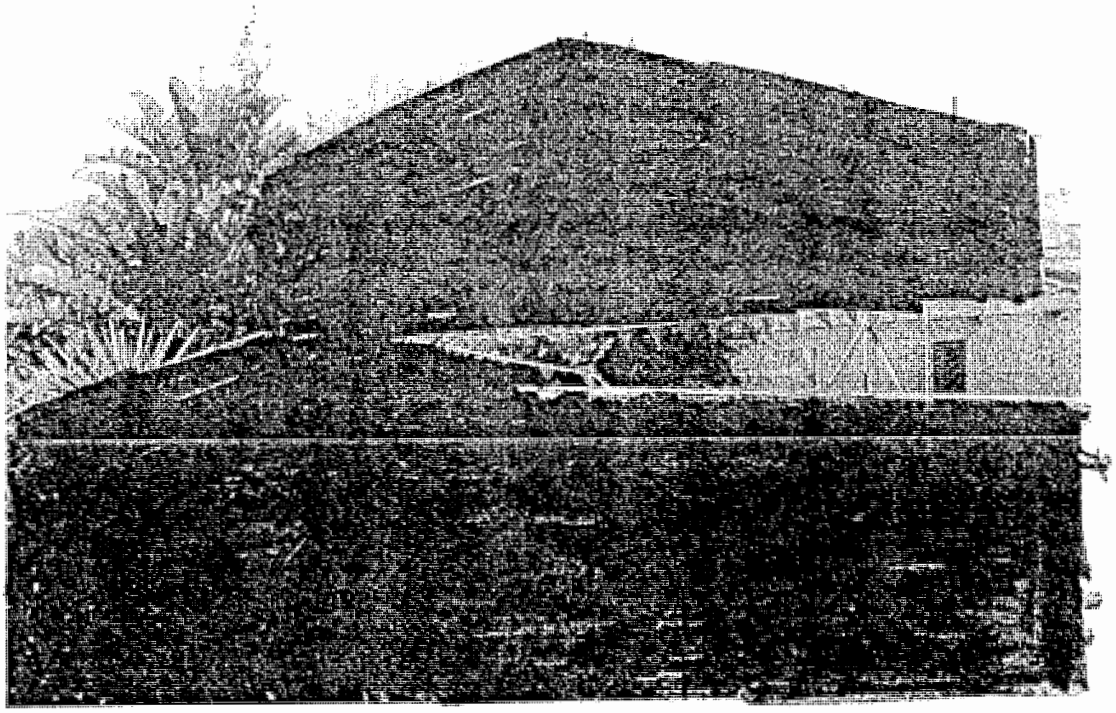
From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
DEAN R. SPITTLE	609 CAMINO DE ENCANTO REDONDO BCH. CA. 90277	Dean R Spittle
Tina M. Spittle	609 Camino de Encanto Redondo Bch, CA 90277	Tina M Spittle







SUPPLEMENTAL #2 TO AGENDA ITEM 15A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Minor Hillside Exemption – MIS12-00085 (Revised)

LOCATION: 209 Via el Toro

The attached correspondence was received subsequent to the preparation of the agenda item.

Staff continues to recommend denial without prejudice of the project.

Prepared by,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg D. Lodan, AICP
Planning Manager

ATTACHMENTS

1. Correspondence

Martinez, Oscar

From: Jim Delurgio [jim@delurgio.com]
Sent: Friday, September 28, 2012 3:24 PM
To: Martinez, Oscar
Subject: Gohata letters from 516 Camino de Encanto
Attachments: 209 Via El Toro Linda Objection.pdf; 209 Via El Toro Ted Objection.pdf

As we discussed yesterday it appears that you have omitted two very important letters from your staff report, attachment #1. These two letters were submitted in opposition to our plans by Ted and Linda Gohata, the owners of 516 Camino de Encanto. You had provided me copies for my review, and I have attached them to this message.

These two letters are of interest due to the nature of their content and the fact that they were submitted at all. These letters speak volumes as to the process of review to which our plans have been subjected. The Gohata's are now clearly opposed to our one story development proposal even though they had previously argued vehemently that a two story design would wipe out 100% of their ocean view. The Gohatas' arguments against the two story design had previously influenced the Planning Commission's decision to deny our prior application because of the consideration that they would lose 100% of their view from 516 Camino de Encanto.

These letters were submitted after our certified plans had been illegally duplicated while in the custody and control of the City Planning Department. These illegally duplicated, uncontrolled and inaccurate plans were then presented to a group of neighbors, apparently including the Gohatas, who have recognized that the political value of collective opposition to our conforming plans will carry more weight than individual concerns.

We find it of particular interest that these letters from the Gohatas have been excluded from the staff report to the Planning Commission. We received copies of these letters from you, and we verified that you and staff were not aware of the Gohata's ever reviewing our plans with the City, and we are certain that we have never spoken with them or shared these plans with them. In fact the Gohatas are not in the notification and signoff area for our project. The Gohatas must have based their opposition on their involvement with the organized opposition group, and a review of the illicit plans, which has prevented us and/or the City the opportunity to explain the merit of our conforming design and acquire a signature of approval.

We will be ready to discuss these letters, and the nature of the opposition in this particular case. This group of neighbors has formed and stands collectively opposed to any development of our property, which is not the intended standard of review for conforming development.

Please make sure that the Planning Commission receives these letters and this email for their consideration as soon as possible.

Jim Delurgio
Supply Chain Technology Consultant
209 Via el Toro, Redondo Beach, CA 90277
310.378.0001 office | jim@delurgio.com

City of Torrance
Community Development Department
Development Review Division
3031 Torrance Blvd.
Torrance, CA 90503

Attn: Gregg D. Lodan, AICP
Planning Manager

Re: MIS 12-00085, 209 Via El Toro
Mr. James Delurgio, Applicant

Dear Mr. Lodan:

I reside at 516 Camino de Encanto. I have argued against the two-story development on 209 Via El Toro both verbally and in writing over the several-year period Mr. Delurgio exercised his right to be heard by the Planning Commission and the City Council. While my husband and I were very disappointed with the ultimate outcome which allowed Mr. Delurgio to build a second story, even as I fully believed he and others had twisted both the intent and letter of the Hillside Overlay ordinance, I respectfully accepted the City Council's decision. I did so as a taxpayer and citizen of this City.

I have learned Mr. Delurgio submitted new plans to the City which no longer depict a two-story structure, but rather a greatly expanded one-story structure. I must vehemently oppose any further City resources being expended in this matter for the following reasons:

1. The Hillside Overlay ordinance places burden of proof on Mr. Delurgio in **SECTION 91.41.4.** Mr. Delurgio presented no public evidence proving his inability to meet the letter of the ordinance as required in **SECTION 91.41.10.** (LIMITATION ON INCREASES IN HEIGHT). Despite this lack of evidence, Mr. Delurgio was granted approval of his two-story structure (his "dream house").

2. Per Mr. Delurgio's own testimony before the Planning Commission and the City Council, a one-story structure would have obliterated the ocean and beach views of his surrounding neighbors. He therefore presented his two-story structure as being "the best" for his neighbors. While clearly struggling with his final ruling, the Mayor himself agreed with Mr. Delurgio on this point.

3. The Planning Commission and the City Council members have been witness to the flip-flopping of Mr. Delurgio's stated intentions and actions. In addition, his consistent defiance of matters appropriately adjudicated by the Planning Commission and City Council have already caused an egregrious misuse and waste of City employees' time and resources, and of taxpayer dollars.

4. Mr. Delurgio's submission of a completely new plan at 209 Via El Toro seems to be a "second bite at the apple" – generally unallowable in most administrative and legal matters. As evidence of the inappropriateness of his recent submittal, please consider this. The proposed plan for the

one-story structure is being submitted after Mr. Delurgio installed a large swimming pool and related structures on that property. His piecemeal approach to planning now significantly reduces the many options he would have had in the placement of the one-story structure, if he had submitted a comprehensive plan to the Planning Commission in the beginning of this process.

5. As the Planning Commission and City Council members have noted in the several hearings related to this matter, my husband and I suffered the greatest loss as a result of the approved two-story structure – 100% view blockage – from our vantage point at 516 Camino de Encanto. Although a one-story structure would maintain our ocean view, I feel strongly Mr. Delurgio should not be allowed to continue his misuse of City resources (my taxes) in an inappropriate or frivolous manner. Mr. Delurgio has effectively received free architectural advice and research by using the City of Torrance's Planning Department personnel to help determine setbacks, construction options, feasibility of subterranean garage and driveway angles, etc. He has even used City personnel as the conduit for his communications with his own neighbors.

While we may not have the longevity of residency enjoyed by our neighbors, my husband and I have greatly enjoyed being part of the Torrance community for almost 20 years. We are proud supporters of the many activities sponsored by the City's Cultural Services Division, including being performers with the Torrance Civic Chorale and being a Donor Family of the Torrance Symphony Association. I understand that building a city is more than building structures – I believe in building relationships, supporting the Arts, and creating a balanced approach in City government.

I also understand that by inviting our friends and families from other neighborhoods to enjoy the City of Torrance's cultural and recreational activities we are, in our small way, supporting the City's ability to continue to create a family-oriented environment in Torrance. Our friends and families always comment on the relaxed and beautiful environment in the Hollywood Riviera section, which includes our ocean view, the "perfect" year-'round weather, and friendly neighbors. This is most certainly reflective of the years of decisions handed down with regard to the Hillside Overlay ordinance. Good citizenship requires residents who support the City's decisions in an effort to continue goodwill among neighbors, which in turns allows good governance of the City's administrative proceedings.

Thank you for your full attention and consideration of this matter.

Linda N. Gohata
516 Camino de Encanto
310-375-2641

City of Torrance
Community Development Department
Development Review Division
3031 Torrance Blvd.
Torrance, CA 90503

Attn: Gregg D. Lodan, AICP
Planning Manager

Subject MIS 12-00085; 209 Via El Toro
James Delurgio, Applicant

Dear Mr. Lodan:

I am writing to oppose the Applicant's request for another plan approval at 209 Via El Toro.

When Mr. Delurgio requested approval for a two-story addition on his property, I was opposed to the project because my view of the ocean would be completely destroyed. It seems Mr. Delurgio's neighbors worked to make adjustments here and there and to be sure the neighbors' views wouldn't be totally lost.

The City Council said a two-story remodel would have less of an impact than a one-story remodel for the neighbors closest to 209 Via El Toro. I reluctantly agreed with the City Council, even though I would completely lose my view. But because they had more to lose, I agreed our neighbors should be able to preserve some of their views.

Mr. Delurgio won approval by the City Council for his two-story remodel. The plan greatly increased and improved Mr. Delurgio's views, while the rest of us completely lost our views or our views were greatly diminished. Now, the one-story plan will most certainly destroy the neighbors' views.

Why should the neighbors completely lose their views and thousands of dollars of home values, while Mr. Delurgio expects to increase his view and home value?

Mr. Delurgio has already won his battle. Despite the neighbors' numerous protests, Mr. Delurgio won approval for a two-story remodel – not an easy feat in the Hillside Overlay area. He should leave well enough alone. In addition to destroying our views, he is single-handedly destroying the neighborliness of the Hollywood Riviera and the spirit of the Hillside Overlay ordinance.

The request for a one-story construction should be denied.

Ted K. Gohata

Ted Gohata
516 Camino de Encanto

Martinez, Oscar

From: Chris Jensen [ccjmd@hotmail.com]
Sent: Monday, October 01, 2012 8:13 PM
To: Martinez, Oscar
Subject: Re: 209 Via El Torro

Dear Planning Commission,

I have no new objections to the development at 209 Via El Torro. All of the issues raised in my previous emails are still relevant and valid.

I am not sure what is being appealed and what is being heard so it makes it difficult to raise relevant issues. I also wonder how long these hearings and appeals are going to go on? It seems like an undue burden to the affected property owners.

The one issue I would like to emphasize is that the required and necessary fence between my property and the planned develoment needs to be maintained as it has fallen in to disrepair and is on the Delurgio's property.

Thank you,

Chris Jensen
210 Calle de Sirenas
Redondo Beach, CA 90277

Martinez, Oscar

From: Dr Vicki Radel [drvictoriaradel@cs.com]
Sent: Tuesday, October 02, 2012 12:03 PM
To: Lodan, Gregg; Gibson, Jeff; Martinez, Oscar; Martinez, Oscar; Gibson, Jeff
Subject: Letter of opposition to MIS 12-00085 by resident architect 515 Camino de Encanto
Attachments: Peter_Delurgio_appeal_application_letter_10-1-12-1.docx

Gentlemen herein you will find letter from my partner, licensed architect Peter Lattey who is currently out of town and has asked me to submit on our behalf. Kindly acknowledge you have received.
Thank You,
Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277

Dr Vicki Radel
drvictoriaradel@cs.com

PETER LATTEY
CA Licensed architect, M A I B C, L E E D A P
515 Camino de Encanto, Redondo Beach CA 90277 USA Phone 310-968-3252 email: peter@peterlattey.com

October 1, 2012

Planning Manager,
City of Torrance,
3031 Torrance Blvd.,
Torrance CA 90503

RE: MIS 12-00085 (revised); 209 Via El Toro Appeal

Dear Greg Lodan;

I wish to register my objection to the revised development application filed by Mr. Jim Delurgio.

My objections are as follows:

1. The current application for a single story structure was submitted after the previous two story application was approved with minor restrictions regarding foliage. During the application for the two story structure, Mr. Delurgio made a very strong case that the two story development would provide significantly less view obstruction to the neighbors than a one story development would. The neighbors, planning department, and council agreed with this argument. Apparently, according to Mr. Delurgio, this argument no longer applies. It seems apparent, from Mr. Delurgio's words and actions that there really is a different agenda in his applications. My guess is that Mr. Delurgio really would like a backyard that is visibly private from his neighbors. This sentiment was alluded to by Mrs. Delurgio in her earlier presentation to council when she expressed a concern that one of the neighbors was looking at the beach with binoculars and also able to look at her daughters. Unfortunately for all the homeowners in this area, the configuration of the lots and the hillside slopes makes it impossible for Mr. Delurgio to have a private backyard without also obliterating the view of his neighbors. Thus a compromise is required. The previous two story structure was an effective compromise.
2. I understand that the current application was rejected because there was an alternative, two story, development that would retain the neighbor's views and because it was not possible to accurately assess the true view impact without flagging the proposed structure. As an Architect, my assessment of the view impact of the proposed one story development is that it would completely obliterate the blue water views from at least two properties. However, I appreciate that to a layman this would not be clear without flags. We did request that Mr. Delurgio flag at least the view critical parts of the proposed structure but he apparently prefers not to.

3. During discussions with Mr. Delurgio's Architect, I made several suggestions regarding roof slopes etc, that would not alter the functionality of the single story building but which would slightly reduce the negative view impact. None of these suggestions have been implemented.
4. The revised plan, although lowering the roof ridge slightly, changes the roof line on the eastern portion of the addition from a slope to a horizontal line. The change significantly increases the blockage of our view.
5. The revised elevations show a massive chimney. This element will significantly impact the views from 515, 513 and 523 Camino de Encanto. As the actual vents are quite small, this large element could be easily reduced. We have requested that this be done. Mr. Delurgio has apparently decided that he does not wish to make this change.
6. Mr. Delurgio has publicly stated that it is his intention to grow trees and other foliage to block the views of the uphill properties. He has grown trees and foliage with the sole purpose of obstructing his neighbor's view. The plans as submitted do not contain any landscape plans so it is not possible to determine what his intentions are in this regards.
7. Mr. Delurgio has previously put his neighbors and the city through considerable aggravation and expense in order to obtain development approval for a two story addition to his home. It is unreasonable to put his neighbors through the same process again for another scheme that he may or may not build.

I realize that Mr. Delurgio does have the right to develop his property. However, per the Hillside Overlay Ordinance, any development should be done in a manner that takes into consideration the light, air and views of his neighbors.

I request that this appeal be denied. I further request that Mr. Delurgio be informed that the previous two story development, with the foliage restrictions, is the only development acceptable to the City. Mr. Delurgio has previously provided the reasons for restricting the development of his property to the two story option. He has argued that that this option is the one that enables him to add the space he needs for his family while providing the least impact to his neighbor's view, light and air. This was agreed to by Council, the Planning Department and his neighbors. This is the only acceptable development option.

Thank you for your consideration of my opinions and comments.

Yours truly,

Peter Lattey

Peter Lattey, MABC, Licensed Architect, LEED AP, NCARB

Martinez, Oscar

From: David Radel [davygravy@hotmail.com]
Sent: Tuesday, October 02, 2012 3:01 PM
To: Mom; Lodan, Gregg; Gibson, Jeff; Martinez, Oscar; Martinez, Oscar; Gibson, Jeff
Subject: Letter of opposition to MIS 12-00085
Attachments: DOC001.pdf

Please find attached my letter of opposition to the aforementioned proposal. Thank you for your consideration.
Sincerely, David Radel

To: glodan@torrnet.com; jgibson@torrnet.com; omartinez@torranceca.gov; omartinez@torrnet.com; jgibson@torranceca.gov
Subject: Letter of opposition to MIS 12-00085 by resident architect 515 Camino de Encanto
From: drvictoriaradel@cs.com
Date: Tue, 2 Oct 2012 15:02:57 -0400

Gentlemen herein you will find letter from my partner, licensed architect Peter Lattey who is currently out of town and has asked me to submit on our behalf. Kindly acknowledge you have received.
Thank You,
Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277

Dr Vicki Radel
drvictoriaradel@cs.com

515 Camino de Encanto
Redondo Beach, CA 90277

October 2, 2012

Mr. Gregg Lodan, Planning Manager, CDD
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

Re: MIS 12-00085; 209 Via El Toro

Dear Mr. Lodan:

I write to you today, for the fourth time, to register my vehement opposition to Mr. Jim Delurgio's (Mr. Delurgio) "revised" proposed residential expansion for 209 Via El Toro, which still stands to negatively and permanently impact a number of neighboring properties.

As noted in my previous letters, Mr. Delurgio has already received approval for a residential expansion of his home; nonetheless, he remains unsatisfied. His "revised" development application still unacceptably reflects Mr. Delurgio's stated intention of expanding his residence in a way that will "eliminate the ocean view" of those homeowners who challenged his original expansion plans. Again, this harm is precisely what the Hillside Overlay Ordinance was designed to prevent.

Mr. Delurgio's "revisions" to his latest expansion plans are wholly superficial in nature, and will still fully destroy the blue water views that we have regularly enjoyed from our family home for some forty years. Moreover, his plans still stand to significantly diminish the ocean views enjoyed by neighboring homeowners. As his proposed, *de minimis* revisions will still substantially, negatively, and permanently impact his neighbors' quality of life and the property value of their homes, his current expansion application should be rejected.

Mr. Delurgio has publically threatened to grow trees and foliage with the specific intent to block his neighbors' views. By strategically overgrowing his foliage and relocating temporary structures in order to compromise his neighbors' views, he has followed through on his threats. For this reason, clear restrictions on the height of foliage and temporary structures on his property - under any development scheme – should also be required.

Please preserve the character of our community and the integrity of the Hillside Overlay Ordinance by rejecting Mr. Delurgio's revised - but no less spiteful – residential expansion.

Sincerely,

David M. Radel, Esq.

Martinez, Oscar

From: Sandy Spallino [spallino4@yahoo.com]
Sent: Wednesday, October 03, 2012 9:51 AM
To: Martinez, Oscar
Subject: Hearing tonight, Jim Delurgio home, El Toro road, Hollywood Riviera

Hi Oscar,
As discussed yesterday, I wanted to have something in writing regarding a petition we signed over a year ago.

We were approached by a neighbor over a year ago and asked to sign a petition to stop the construction of a home by Jim Delurgio. The neighbor lives right behind the subject property and said it will block her views and be an eyesore. She showed us pictures she had taken of the flags that were up at the time on the Delurgio home. She had doctored up the photos by coloring in the flag area to depict the home as complete. My husband and I thought that it looked like the construction would be pretty damaging to her view from her yard and my husband signed the petition, based solely on her photos.

A few days later I had a chance to go into the women's backyard and was surprised that the actual flags were not as bad as the pictures looked. Further, I understand that now the proposed development is only one story.

I have always felt bad that our family signed the petition without actually viewing the property from my neighbors back yard. I also wonder how many other people did this as well, relying on her pictures without seeing the actual flags for themselves? I just think this is important to know if you are relying on the petition as part of your case to not allow construction of the proposed one story project. I think it is important going forward, that if there is neighborhood input, that they actually physically view the proposed development from the affected subject property and not rely on photos.

Thank you, Sandy and Jon Spallino
427 Camino De Encanto
Redondo Beach, CA 90277

Martinez, Oscar

From: Dr Vicki Radel [drvictoriaradel@cs.com]
Sent: Wednesday, October 03, 2012 12:06 PM
To: Martinez, Oscar; Lodan, Gregg; Gibson, Jeff
Cc: drvictoriaradel@cs.com
Subject: Vicki Radel statement for 10/3/12 meeting consideration 209 Via El Toro appeal
Attachments: Vicki Delurgio appeal garamond oct 2 2012.docx

Please acknowledge you have received my new letter with font change per your request.
Thank YOU!
V
Cancelled vacation to attend tonight.

Dr Vicki Radel
drvictoriaradel@cs.com

Dr Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277
310-713-2260

October 2, 2012

Gregg Lodan, AICP
City of Torrance Planning Dept
3031 Torrance Blvd
Torrance, CA 90503

RE: MIS 12-00085 (revised); 209 Via El Toro Appeal

Dear Planning Manager Lodan:

At former Planning Commission and City Council meetings both the resident of 209 Via El Toro and his architect spoke on the exclusive merits of a two story structure over a one story home. They even provided a sophisticated visual presentation to convince us of their adamant opinions. It worked, the City
Council granted permission to build the 2 story "dream house". But then the resident decided instead to build a one story which could have more negative impact on views, light & air flow of neighbors. Is this a spite decision?
Is it following through on a threat? Is it bullying and intimidation? Is the overgrown foliage and over sized play equipment that currently obstruct views all part of a smoke and mirrors to detract from the desire to devalue neighbor's property who did not sign off on the construction plans? Whatever the reason, the resident is well aware of my rights the Hillside Ordinance protects.

I was perfectly clear with the resident before he purchased 209 Via El Toro that I would oppose a major obstruction of my view, light & airflow. I bought my home nearly 40 years ago because of the ocean and queen's necklace view, light and airflow. I will not allow my rights and enjoyment of my home to be violated without a protest. I further resent that the resident appears to be following through with the clear threat made to "build a one story and obliterate my view."

Therefore, I vehemently request that the resident of 209 Via El Toro be held to the two story construction he has been cleared to build!

Thank You for the Consideration,

Vicki Radel
515 Camino de Encanto,
Redondo Beach, CA
90277

SUPPLEMENTAL #1 TO AGENDA ITEM 15A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Minor Hillside Exemption – MIS12-00085 (Revised)

LOCATION: 209 Via el Toro

The attached correspondence was received subsequent to the preparation of the agenda item.

Staff continues to recommend denial without prejudice of the project.

Prepared by,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg D. Lodan, AICP
Planning Manager

ATTACHMENTS

1. Correspondence

Martinez, Oscar

From:	Jim Delurgio [jim@delurgio.com]
Sent:	Friday, September 28, 2012 12:16 PM
To:	Martinez, Oscar
Cc:	Betsy Delurgio
Subject:	Letter of Appeal to Planning Commission
Attachments:	Appeal letter to Planning Commission.pdf

Attached is the letter we are submitting to the Planning Commission in support of our appeal. Please let them know that we would appreciate a site visit to better understand the merit of our proposal.

Jim Delurgio
209 Via el Toro, Redondo Beach, CA 90277
310.378.0001 office | jim@delurgio.com

209 Via el Toro
Redondo Beach, CA 90277

Torrance Planning Commission
3031 Torrance Blvd.
Torrance, CA 90503

RE: MIS12-00085 for 209 Via el Toro

September 28, 2012

Dear Planning Commission,

We have accepted the Planning Commission's recommendation to return with a conforming one story development proposal. We were surprised by the recommended denial of our application by the Community Development Director, and therefore appeal this decision to the Planning Commission. When we purchased this property it came with the same rights as all other properties in our community. These property rights were confirmed by City Council and staff during our prior hearings.

As recommended by staff, we agree to alter the location of the patio support posts so that they are located within the building envelope.

We have confirmed with staff that our proposed addition with an FAR of .265 has been located in the area of least impact, has been designed and modified to have least impact, and conforms to the standards of development. We do not understand why this application has been denied when we have followed the design recommendations of staff and all application requirements of the City.

Our expectation was that our application and design would be reviewed and approved in accordance with the same application requirements and review process that has been the standard of review for similar projects. This has not been the case. We have come to the recognition that it is now impossible to complete the neighbor signoff process as the neighbors have grouped and organized to oppose all development of our property.

We have a right to improve our property regardless of the deliberate actions taken by some of our neighbors to delay and interfere with the conforming use and enjoyment of our land.

Several letters have been submitted from neighbors who have politically organized themselves in opposition to our proposed project. These letters make egregious claims that are absolutely false, and speculate as to our intentions which we assert are incorrect, offensive, and ridiculous.

We recognize that any construction on our property will have some impact on some of our neighbors, just as those who have previously been allowed to construct a conforming home on their property have impacted other properties. Our objective throughout this process has always been to improve our property and our home to provide our family with the same quality of life that all others enjoy, and has the least impact on others.

Despite the magnitude of organized opposition from some neighbors with opposing interests, please review these conforming plans carefully. We believe that you will find that the best location and design for a conforming addition to our family home is the one that has been proposed in this application.

Thank you for your time and consideration, and please come by our home in order to further understand the merit of our proposed project.

Sincerely,

[Jim Delurgio]

AGENDA ITEM NO. 15A

CASE TYPE & NUMBER: Minor Hillside Exemption – MIS12-00085 (Revised)

NAME: Jim Delurgio

PURPOSE OF APPLICATION: Planning Commission consideration of an appeal of a Community Development Director denial of a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located in the Hillside Overlay District in the R-1 zone.

LOCATION: 209 Via el Toro

ZONING: R-1, Single-Family Residential District / Hillside Overlay District

ADJACENT ZONING AND LAND USE:

NORTH: R-1 Hillside Overlay District, One-Story Single Family Residence
EAST: R-1 Hillside Overlay District, One-Story Single Family Residence
SOUTH: R-1 Hillside Overlay District, One-Story Single Family Residence
WEST: R-1 Hillside Overlay District, One-Story Single Family Residence

GENERAL PLAN DESIGNATION: Low-Density Residential

COMPLIANCE WITH GENERAL PLAN: The site has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed additions to an existing one-story single-family residence on this property is consistent with the Low-Density Residential designation.

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES: The semi-pentagon lot is relatively flat and sits at a lower elevation than the properties to the rear on Camino de Encanto and higher than the lots to the north on Calle de Sirenas. According to the Los Angeles County Assessor's the subject property is developed with an existing 1,430 square foot single-family residence with an attached garage originally constructed in 1955.

ENVIRONMENTAL FINDINGS: Additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e).

BACKGROUND:

On July 20, 2010, the City Council approved a Precise Plan of Development (PRE09-00007) to allow first and second story additions to the existing single story residence in conjunction with a detached accessory building in the rear. On July 26, 2011, the City Council denied a Modification (MOD11-00006) to eliminate two conditions of approval relating to structures and vegetation in the rear yard area. The approved entitlement, PRE09-00007, was valid for a period of one year. As the applicant did not submit

building plans or request a time extension within the allotted time, PRE09-00007 is now expired. Staff has included a copy of the previous City Council items for PRE09-00007 and MOD11-00006 for reference (Attachments #8 & #9). The current submittal is a request to expand the existing residence and preserve a one-story profile. The project comes before the Planning Commission on an appeal of the Community Development Director's denial of the subject request.

ANALYSIS:

The subject lot is 13,185 square feet in size and is located at the end of the cul-de-sac on Via el Toro. Properties to the rear on Camino de Encanto and higher than the lots to the north on Calle de Sirenas.

The applicant has filed an application/plan to allow additions to front, south side, and rear of the residence which also includes a new front porch. The additions total 1,468 square feet and the residence will maintain the maximum ridge height of 14-feet 11-inches. The maximum height of the additions are 13-feet 10½-inches. The purpose of the additions is to add a master suite, office, and studio in the rear, enlarge the garage and create a new family room and entrance. A project summary follows:

Statistical Information			
♦ Lot Area	13,185	square feet	
♦ Existing Residence	1,597	square feet	
♦ Existing Garage	426	square feet	
♦ Living Additions	1,393	square feet	
♦ Total Living Area	2,990	square feet	
♦ Garage Additions	75	square feet	
♦ Remodeled Garage	501	square feet	
♦ Total Floor Area (Inc. Garage)	3,491	square feet	
♦ Floor Area Ratio	0.27		
♦ Maximum Floor Area Allowed	7,911	square feet	@ 0.6
♦ Lot Coverage	27%		
♦ Maximum Lot Coverage	50%		

The new addition along the south side property line will have a 5-foot 9-inch setback from the south side property line (abutting residence on Via el Toro) and approximately 9-feet 6-inches from the west side property line (abutting residences along Camino de Encanto). Staff notes that the proposed patio cover along the southeast addition encroaches into the setback requirement of 5-feet and, should the project be approved, a condition of approval has been included to address this requirement. The addition to the garage will provide an approximate front setback of 16-feet 6-inches which is within code for a swing-in garage. The addition to the north side of the house will provide a setback of 12-feet 9-inches to the side property line.

Plans for this project were shown to 10 neighboring property owners to determine if they had Hillside Overlay objections to the project. Plans were initially submitted on March 22, 2012 that requested similar additions. At that time the applicant obtained five

signatures and correspondence was submitted by 505, 513, 515 and 523 Camino de Encanto (Attachment #4). Staff also received correspondence from 516 and 531 Camino de Encanto but were not part of the 10 neighboring properties for which staff required signatures (Attachment #4). Staff assessed potential impacts at 505, 513, 515 and 523 Camino de Encanto and informed the applicant that without a silhouette, a full assessment could not be completed. However, based on the plans the proposal appeared to cause adverse view impacts to 513, 515 and 523 Camino de Encanto. Staff informed the applicant of these potential impacts who subsequently modified the plans to reduce the height and design of the roof. It was brought to staff's attention that correspondence from a neighbor at 516 Camino de Encanto was not included in the administrative report and has now included it as Attachment #5.

The revised plans were submitted on July 2, 2012. The Hillside Sign-Off process was redone and the applicant was unable to obtain five of the requested 10 signatures. Staff mailed letters to the owners of 505, 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas to notify them of the proposed work and to see if they had any concerns related to the Hillside Overlay Ordinance. The property owners at 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas submitted correspondence (Attachment #4) to the Community Development Department. Staff notes that the applicant was informed that the proposed patio cover in the rear encroaches into the required setback area.

After various field observations of the property and without the construction and certification of a silhouette, staff has determined that a full assessment of impacts cannot be completed. At 513 Camino de Encanto staff observed blue water ocean views from the living room, dining room, bedroom and rear patio area which may be adversely impacted. At 515 Camino de Encanto staff also observed blue water ocean views that may be adversely impacted from the living room, office and rear patio area. At 523 Camino de Encanto staff observed blue and white water ocean views that may be adversely impacted from a living room area.

Although the applicant has submitted plans that comply with R-1 standards, with the exception of the patio cover, the potential for impacts cannot be fully assessed without a certified silhouette. Based on the record of information from prior cases on the site and from observations made by staff, there appear to be potential impacts to view from multiple properties, therefore staff recommends Denial Without Prejudice of the request.

PROJECT RECOMMENDATION: Denial Without Prejudice

FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE PROJECT:
Findings of fact in support of denial without prejudice are set forth in the attached Resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:
Should the Commission consider approval of the subject requests, a list of recommended conditions for the project is set forth in Attachment #7.

Prepared by,

Oscar Martinez
Planning Associate

Recommended by,

Gregg D. Lodan, AICP
Planning Manager

Attachments:
1. Resolution
2. Location and Zoning Map
3. Appeal Correspondence from Applicant
4. Administrative Report and Attachments
5. Correspondence from 516 Camino de Encanto
6. Correspondence from 515 Camino de Encanto
7. Recommended Conditions if Approved
8. PRE09-00007 City Council Items and Minutes (Limited Distribution)
9. MOD11-00006 City Council Items and Minutes (Limited Distribution)
10. Site Plan, Floor Plans, & Elevations (Limited Distribution)

PLANNING COMMISSION RESOLUTION NO. 12-067

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW ONE-STORY ADDITIONS TO THE EXISTING ONE-STORY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO.

MIS12-00085 (REVISED): JIM DELURGIO

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 3rd, 2012, to consider an appeal of the Community Development Director's denial without prejudice of a Minor Hillside Exemption filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within 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 1, Article 41 of the Torrance Municipal Code; and

WHEREAS, additions to single family residential properties are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301 (e); and

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

a) That the property address is 209 Via el Toro;

b) 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

c) That the proposed residence may have an adverse impact upon the view, light, air and privacy of other properties in the vicinity; and

d) That the proposed residence may have not 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 of impacts to views of 513, 515 and 523 Camino de Encanto; and

WHEREAS, the Planning Commission by the following roll call vote DENIED WITHOUT PREJUDICE MIS12-00085 (REVISED):

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that MIS12-00085 (Revised), filed by Jim Delurgio to allow one-story additions to the existing one-story residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro, is hereby DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 3rd day of October 2012.

_____
Chairman, Torrance Planning Commission

ATTEST:

_____
Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 3rd day of October 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Secretary, Torrance Planning Commission

LOCATION AND ZONING MAP

209 Via el Toro
MIS12-00085 (Revised)

TORRANCE COMMUNITY DEVELOPMENT GIS

LEGEND

209 Via el Toro

Notification Area

0 60 120 240 Feet

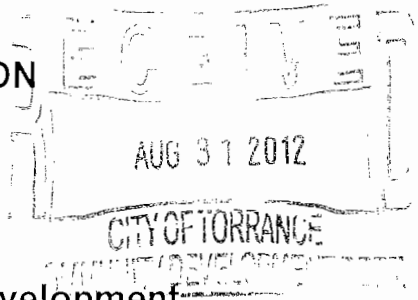
N W E S

Prepared using City of Torrance Community Development Geographic Information System
Jeffery W. Gibson, Community Development Director

Attachment 2

CITY OF TORRANCE

INTEROFFICE COMMUNICATION



DATE: August 17, 2012

TO: Jeffrey Gibson, Community Development

FROM: City Clerk's Office

SUBJECT: Appeal 2012-07

Attached is Appeal 2012-07 received in this office on August 17, 2012 from Jim Delurgio, 209 Via El Toro, Redondo Beach, CA 90277. This appeal is of the Community Development Director's denial on August 2, 2012 regarding MIS12-00085: JIM DELURGIO located at 209 Via El Toro, Redondo Beach, CA 90277 citing the proposed development has been located and designed to have the least impact to other properties. Denial of the proposed conforming one-story addition has created a significant economic hardship by denying appellant a permit to improve their property.

The appeal fee of $100.00 paid by personal check and $150.00 paid by credit card was accepted by the City Clerk.

SECTION 11.5.3. PROCEDURE AFTER FILING.

a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.

b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing

Sue Herbers
City Clerk

cc: City Council
Building & Safety

CITY OF TORRANCE

APPEAL FORM

AN APPEAL TO:
- ☐ City Council
- ☒ Planning Commission
- ☐ _____

RETURN TO:
Office of the City Clerk
3031 Torrance Boulevard
Torrance CA 90509-2970
310/618-2870

(lc) & counter

RE: MIS12-00085
(Case Number and Name)

Address/Location of Subject Property 209 Via el Toro
(If applicable)

Decision of:
- ☐ Administrative Hearing Board
- ☐ Airport Commission
- ☐ Civil Service Commission
- ☐ Environmental Quality & Energy Conservation Commission
- ☐ License Review Board
- ☐ Planning Commission
- ☒ Community Development Director
- ☐ Special Development Permit
- ☐ Other _____

PAID!
08-29-2012/03:20 PM
USER:/TOTAL:$150.00
004-00002663
ACCT#:101 -630004-1800-00000-0000000000-000000
REF:APPEAL MIS12-00085 (RCPT#12271)

Date of decision: 8/2/2012 **Appealing:** ☐ APPROVAL ☒ DENIAL
☐ OTHER _____

Reason for Appeal: *Be as detailed as necessary Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.)*

The proposed development has been located and designed to have the least impact to other properties. Denial of the proposed conforming one-story addition has created a significant economic hardship by denying us a permit to improve our property.

Name of Appellant Jim Delurgio

Address of Appellant 209 Via El Toro, Redondo Beach, 90277

Telephone Number (310) 378-0001

Signature Jim Delurgio

RECEIVED
2012 AUG 29 PM 3:32
CITY OF TORRANCE
CITY CLERK'S OFFICE

For office use only:
Appeal Fee paid $100.00 Date 8-17-12 Received by _____
via check #9157 (lc)

Notice to: Community Development Department: ☒ Planning ☐ Building & Safety
☐ City Council ☐ City Manager ☐ City Attorney ☐ Other Department(s) _____

lc 8/29/2012
received $150

DATE: August 2, 2012

TO: Jeffery W. Gibson, Community Development Director

FROM: Development Review Division

SUBJECT: **MINOR HILLSIDE EXEMPTION (MIS12-00085 Revised) – Jim Delurgio**

Request for an Administrative Approval of a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located in the Hillside Overlay District at 209 Via el Toro.

Applicant: Jim Delurgio
Case No: MIS12-00085
Location: 209 Via el Toro
Zoning: R-1: Single-Family Residential, Hillside Overlay District

The applicant, Jim Delurgio, has filed an application/plan to allow additions to front, south side, and rear of the residence which also includes a new front porch. The additions total 1,468 square feet and the residence will maintain the maximum ridge height of 14-feet 11-inches. The maximum height of the additions are 13-feet 10½-inches. The purpose of the additions is to add a master suite, office, and studio in the rear, enlarge the garage and create a new family room and entrance.

BACKGROUND

The 13,185 square foot semi-pentagon lot is relatively flat and sits at a lower elevation than the properties to the rear on Camino de Encanto and higher than the lots to the north on Calle de Sirenas. The property is currently developed with a one-story single family residence and attached garage. On July 20, 2010, the City Council approved a Precise Plan of Development (PRE09-00007) to allow first and second story additions to the existing single story residence in conjunction with a detached accessory building in the rear. On July 26, 2011, the City Council denied a Modification (MOD11-00006) to elirninate two conditions of approval relating to structures and vegetation in the rear yard area. The approved entitlement was valid for a period of one year. As the applicant did not submit building plans or request a time extension within the allotted time, PRE09-00007 is now considered to be expired. Staff has included a copy of the previous City Council items for PRE09-00007 and MOD11-00006 for the file.

ANALYSIS

Through the Minor Hillside Exemption process, potential view, light, air, and privacy impacts to surrounding properties are evaluated. Plans for this project were shown to 10 neighboring property owners to determine if they had any objections to the project. Plans were initially submitted on March 22, 2012 that requested similar additions. At that time the applicant obtained five signatures and correspondence was submitted by 505, 513, 515 and 523 Camino de Encanto (Attachment #1). Staff also received correspondence from 516 and 531 Camino de Encanto but were not part of the 10 neighboring properties for which staff required signatures (Attachment #2). Staff assessed potential impacts at 505, 513, 515 and 523 Camino de Encanto and informed the applicant that without a silhouette, a full assessment could not be completed. However, based on the plans the proposal appeared to cause adverse view impacts to 513, 515 and 523 Camino de Encanto. Staff informed the applicant of these potential impacts who subsequently modified the plans to reduce the height and design of the roof.

The revised plans were submitted on July 2, 2012. The Hillside Sign-Off process was redone and the applicant was unable to obtain five of the requested 10 signatures. Staff mailed letters to the owners of 505, 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas to notify them of the proposed

work and to see if they had any concerns related to the Hillside Overlay Ordinance. The property owners at 513, 515, 523 Camino de Encanto and 210 Calle de Sirenas submitted correspondence (Attachment #3) to the Community Development Department. Staff notes that the applicant was informed that the proposed patio cover in the rear encroaches into the required setback area. Should the project be approved, the posts of the cover must be moved to the required setback and the eaves may not encroach more than 30-inches.

After various field observations of the property and without the construction and certification of a silhouette, staff has determined that a full assessment of impacts cannot be completed. At 513 Camino de Encanto staff observed blue water ocean views from the living room, dining room, bedroom and rear patio area which may be adversely impacted. At 515 Camino de Encanto staff also observed blue water ocean views that may be adversely impacted from the living room, office and rear patio area. At 523 Camino de Encanto staff observed blue and white water ocean views that may be adversely impacted from a living room area.

Although the applicant has submitted plans that comply with R-1 standards, with the exception of the patio cover, the potential for impacts cannot be fully assessed as no certified silhouette has been constructed. There appear to be potential impacts to view from multiple properties, therefore staff recommends Denial Without Prejudice of the request.

Prepared by,

Oscar Martinez
Planning Associate

Recommended by,

for Gregg D. Lodan, AICP
Planning Manager

Attachments:
1. Initial Correspondence from Neighbors
2. Additional Correspondence in Opposition
3. Correspondence from Neighbors
4. Council Item and Attachments for PRE09-00007 & MOD11-00006 (File)
5. Site Plan, Floor Plan and Elevations (File)

This request for a Minor Hillside Exemption (MIS12-00085 Revised) is ___APPROVED ✓ DENIED per Section 91.41, R-H Hillside and Local Coastal Overlay Zone of the Torrance Municipal Code, Division 9.

2 aug 12
DATE

Jeffery W. Gibson
Community Development Director

Decisions made by the Community Development Director are appealable to the Planning Commission within 15 calendar days following the above date of approval/denial.

RECEIVED
APR 04 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

PETER LATTEY
CA Licensed architect, MAIBC, LEED AP
515 Camino de Encanto, Redondo Beach CA 90277 USA Phone 310-968-3252 email: lattey@sbcglobal.net

April 2, 2012

Planning Manager,
City of Torrance,
3031 Torrance Blvd.,
Torrance CA 90503

RE: MIS 12-00085; 209 Via El Toro

Dear Greg Lodan;

I wish to register my objection to the development application filed by Mr. Jim Delurgio.

My objections are as follows:

1. The proposed development will completely obliterate all blue water views from 515 Camino de Encanto and 523 Camino de Encanto.
2. Mr. Delurgio has publicly stated that it is his intention to grow trees and other foliage to block the views of the uphill properties. He has grown trees and foliage with the sole purpose of obstructing his neighbor's view. The plans as submitted do not contain any landscape plans so it is not possible to determine what his intentions are in this regards.
3. The proposed development will restrict the views from 513 Camino de Encanto.
4. Mr. Delurgio has previously had a development approved for this property which entailed the erection of a second story onto the existing structure. This was approved by City Council, with restrictions on the height of landscaping. After the Council meeting that approved this previouis application, Mr. Delurgio publicly stated that he had no intention of constructing the two story addition but would instead build a single story addition that would, "eliminate the ocean view" from 515 Camino de Encanto. Based on Mr. Delurgio's statement, the proposed development is essentially a, "spite" development and should not be approved.
5. The proposed extension of the house to the north by 8' will impact the views from 513 Camino de Encanto.
6. Mr. Delurgio has previously put his neighbors and the city through considerable aggravation and expense in order to obtain development approval for a two story addition to his home. It is unreasonable to put his neighbors through the same process again for another scheme that he may or may not build.

I realize that Mr. Delurgio does have the right to develop his property. However, per the Hillside Overlay Ordinance, any development should be done in a manner that takes into consideration the light, air and

views of his neighbors. The negative effects of Mr. Delurgio's current proposal could be mitigated if several revisions were made to it. These are:

1. The floor of the addition in the rear yard should remain at the same level as the existing house.
2. The roof of the addition in the rear yard should be changed from a pitched roof to a flat roof with a height roughly equal to the existing house. Silhouettes of this development should be erected in order that the Planning staff and neighbors can fully assess the impact of the proposed development.
3. The restriction on planting of trees, bushes etc. that was applied to his previous application should be likewise applied to the current proposal and any future proposals that he makes. This restriction limits the height of foliage to the height of the existing adjacent property wall or fence.

Thank you for your consideration of my opinions and comments.

Yours truly,

Peter Lattey, MABC, Licensed Architect, LEED AP, NCARB

MARIA KUSION
Owner
523 Camino De Encanto
Redondo Beach, Ca 90277

April 2, 2012

APR 03 2012

J.W. Gibson
Community Development Director
City of Torrance
3031 Torrance Blvd.
Torrance,Ca. 90503

Re: MIS 12-00085(Delurgio)

Dear Mr. Gibson:

Thank you for your letter dated March 27 giving me notice of the application of the 209 Via El Toro owners for additions to their existing residence.

Based upon a review of the plan I strongly object to the project as it will wipe out the ocean, sand, pier and city views of the Encanto property which I have owned since 1964.

The Applicants' plan is ill-conceived, ill-designed and based upon ill-will and bad faith in that it is intended to destroy the views of the surrounding properties. The proposed project is not within the letter, spirit or intent of the Hillside Overlay ordinance and, as such, should be rejected.

Thank you for allowing me to express my concerns.

Very truly yours,

Maria L. Kusion

MARIA L. KUSION

EUGENE L. KUSION
Resident
523 Camino De Encanto
Redondo Beach, Ca. 90277

APR 03 2012

April 2, 2012

Gregg Lodan
Planning Manager
City of Torrance
3031 Torrance Blvd
Torrance, Ca. 90503

RE: MIS 12-00085 (Delurgio/209 Via El Toro)

Dear Mr. Lodan:

As you know the application now at issue is the third filed by the Delurgios since 2009. Just as in the past, the current application is violative of the Hillside Overlay ordinance and the plans once again show a total disregard for the view rights of the surrounding homes.

The Delurgios' proposed plan has the sole purpose and objective of destroying the views of the nearby properties, including those of my residence at 523 Camino De Encanto. The project is purely motivated by spite towards the neighbors. Indeed, Mr. Delurgio publicly stated to a gathering of people at the end of the City Council hearing held on July 20, 2010, that he was "going to obliterate your views by building a first story". This was said by him after the City Council had approved a second story addition with vegetation restrictions.

If the proposed plan is approved, I will loose all of my home's north-west view corridor, including white water and blue water ocean views, Pier view, sand/beach view, city view, and city lights view at night.

I am deeply troubled by the Applicants' latest scheme to wipe out these views, as well as the views of my Encanto neighbors, causing irreversible property value damage to residents who have owned/occupied their homes for decades.

The City of Torrance should not tolerate this clear abuse and misuse of the permit system.

I believe that the Delurgios are legally estopped from proceeding with the proposed additions. In 2009 I was forced to file suit against the Delurgios after they intentionally and maliciously planted fast-growing trees and foliage in the same area that they now seek additions (i.e. southern boundary of the property, front to back)with the resulting obliteration of the views from the Encanto property.

The case, LASC No. YC 059065, was filed in the Torrance Superior Court and alleged causes of action for Spite Fence (Civil Code 841.4) and Private Nuisance (Civil Code 3479), and sought restoration of the Encanto views destroyed by the Delurgios' actions. During trial, it was shown that the planting of the offending trees and foliage was nothing but a ploy by the Delurgios to block the same Encanto view corridor now at issue with the proposed additions, but with the object of obtaining an edge in the seeking of a second-story addition.

On February 11, 2010, during trial, in open court, and at the suggestion of the Trial Judge, the Delurgios entered into a Settlement Agreement with me wherein they agreed to completely remove certain trees and foliage along the southern propertyline, and cut down (and maintain cut down) trees/foliage directly in the path of the Encanto ocean view corridor. They also agreed not to plant any further trees/foliage in the future so as to interfere with the views of 523 Camino De Encanto.

To this day, my Encanto view corridor restoration only exits because the Delurgios were forced to remove the blocking trees and foliage. Absent such suit, my views would to this day still be blocked by out-of-control spite vegetation, as is currently the case with the Delurgios' vegetation spitefully blocking air/light/sky of the Ghaby backyard at 509 Camino De Encanto.

The Delurgios' current addition application is yet another scheme to substitute the trees/foliage that were removed and/or cut down,with the permanent structures of the additions being proposed. This will in fact result in a violation of the Settlement Agreement of 2-10-2010, entered into in court. Under Civil Code 841,4, a spite fence may be composed of "any fence or other structure in the nature of a fence unnecessarily exceeding 10 feet in height and maliciously erected or maintained for the purpose of annoying the owner or occupant of adjoining property", and constitutes a private nuisance as well.

Under California law, a spite fence has been held to include trees and foliage comprising, in effect, a fence.

The additions now sought by the Applicants are structures clearly constituting a spite fence in violation of the Court Settlement Agreement and California Law. They simply want to wipe out a view corridor with the additions,when they failed to do so with trees and foliage.

Based upon their past conduct, dating back to 2009, the Applicants now come once again to the City of Torrance with "unclean hands". Their past conduct shows bad faith, malicious intent and unconscionable, unacceptable motivation. As such, I object to the current application and urge you to deny same absent the imposition of restrictions on the project that assure the protection of my Encanto view corridor and consistent with the court Settlement Agreement in effect at this time.

Plan restrictions must also be placed to further assure that the views and values of my neighbors at 515, 513, 509 and 505 Camino De Encanto are also protected and preserved.

Lastly, I respectfully request that the Applicants be required to erect a silhouette as part of the application process so that the proposed additions may be better visualized by all concerned.

Thank you for your consideration of my concerns.

Very truly yours,

EUGENE L. KUSTON

John A. Marcone
505 Camino De Encanto
Redondo Beach, CA 90277

RECEIVED
APR 09 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Planning Department
City of Torrance, CA

Re: MIS -00085; 203 Via El Toro

Gentleman,

I wish to register my objection to the development application filed by Mr. Delurgio

My objections are as follows;

1. Mr. Delurgio has publicly stated that it is his intention to grow tree and foliage to block the views of the uphill properties. He has grown trees and foliage with the sole purpose of obstructing his neighbor's view. The plans as submitted do not contain any landscape plans. There must be a restriction on trees and foliage that limits the height to the adjacent boundary walls.

2. The proposed development will restrict the views from 513 Camino de Encanto

3. Mr. Delurgio has previously had a development approved for this property which entailed the erection of a second story on the existing structure. This was approved by City Council, with restrictions on the height of landscaping. At that time, Mr. Delurgio publicly stated that he has no intention of constructing the two story addition but would instead build a single story addition that would, "eliminate the ocean view" from 515 Camino de Encanto. Based on Mr. Delurgio's statement, the proposed development is essentially a, "spite" development and should not be approved.

4. The proposed extension of the house to the north by 8 feet will impact the views from 513 Camino de Encanto.

5. Mr. Delurgio has previously put his neighbors and the City through considerable aggravation and expense in order to obtain development approval for a two story addition to his home. It is unreasonable to put his neighbors through the same process again for another scheme that he may or may not build. The proposed scheme should be rejected out of hand.

Sincerely,

John A. Marcone

Dr Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277
310-713-2260

RECEIVED
APR - 2 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

April 1, 2012

Gregg Lodan, AICP
City of Torrance Planning Dept
3031 Torrance Blvd
Torrance, CA 90503

Dear Planning Manager Lodan:

This letter is to oppose the current one story structure plans for 209 Via El Toro.

Even though I am no architect, it appears that the proposed building will destroy my ocean view at 515 Camino de Encanto. I am also aware that as a resident of the "Hillside Overlay District of the R-1 Zone" that certain standards of protection apply to my view, light and air flow.

I have owned my home for over 39 yrs and cannot passively allow a major reduction of my views and potential loss of light and air flow without a firm protest! Especially since, before Mr. Delurgio purchased the property he asked me if I would, "oppose a remodel?" I was candid in telling him, "I certainly would oppose the obstruction of 'blue water', or 'queen's necklace' view because I purchased my home for those views. A building that would destroy my views would not only interfere with my personal enjoyment of my home, but it would ultimately decrease my property value as well."

I acknowledge the right to build on the property, and I believe that if I were to view a silhouette of the structure I could better determine the precise extent of reduction of "blue water" and queen's necklace" views; as well as the diminished "light" and "air flow" that would result from the current proposal.

The foliage, trees and shrubs that Delurgio might choose to plant at 209 Via El Toro are of grave concern as well. A review of the history of past transgressions as reflected in the City of Torrance public records and transcripts will provide a detailed account to verify my concerns.

Therefore, I respectfully request that Mr. Delurgio silhouette his building plans. Then we can better access the degree that it will negatively impact, not only my views, but those of other neighbors on Camino de Encanto (513, 516, 523 etc) as well.

Furthermore, a silhouette of the proposed structure would provide a gauge of possibilities for compromise.

Respectfully,

Dr Vicki Radel
515 Camino de Encanto

RECEIVED
APR 02 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Cynthia L. Constantino
513 Camino de Encanto
Redondo Beach, CA 90277

March 30, 2012

Development Review Division
Planning Department
City of Torrance, CA

Re: MIS 12-00085; 209 Via El Toro

Planning Commissioners:

I would like to register my objections to the development application filed by Mr. Delurgio. Listed below are my objections:

1. I would like to firmly request that this project be silhouetted even though it is a one level home. The reason for this request is due to past circumstances that include lawsuits with the City of Torrance and an inordinate amount of time, energy, and expenses spent by neighbors in what is a less than honorable attempt to develop on this property.

2. This new plan would restrict the view from my property/home at 513 Camino de Encanto even more than before by eight feet to the north.

3. My neighbors at 516, 515 and 523 would now lose their entire ocean view in addition to a loss in their property value. For these reasons, it is essential that the silhouettes be required in this special circumstance. It is imperative that they be viewed by all those involved.

4. Last year in 2011, the Delurgios were granted approval to build a second story,pool house and pool. The restriction placed on the perimeter of this project was more than fair to the neighbors in the surrounding area, as well as the Delurgios. Although neighbors sacrificed portions of their view, they felt it was a small price to pay in order for them to maintain their views, as well as their property values.

5. Many of the neighbors feel that this one-story home is a means for the foliage maintenance to be lifted from the Delurgio plan. This belief is a result of the Delurgios' last attempt to be able to grow trees to intentionally block the views of neighbors.

6. Enclosed is a copy of the original MLS flyer on this property at the time of the Delurigio's purchase. Please note the reminder of restrictions with this property. A sense of entitlement seems to be in Mr. Delurgio's plan, as well as his quest for continued view consumption.

Thank you yet again,
Cynthia L. Constantino
Cynthia L. Constantino

These Listings were manually emailed to You on Friday, September 25, 2009 1:15 PM

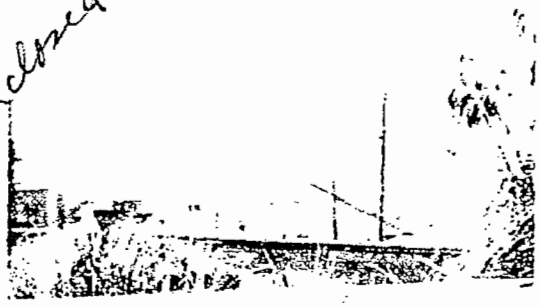
Result 1 of 1.

[1]

209 VIA EL TORO , Redondo Beach 90277 **List Price: $1,300,000-Sold Price: $1,45**

Please see enclosed

Image 1 of 6



© 2009 Greater South Bay, Regional Multiple Listing Service, Inc.

Basic Information

Status:	**Closed Sale**
Property Type:	**Single Family Residence/Det**
Thomas Guide:	**792H3**
Year Built:	**1955**
Sqft/Source:	**1,430/Assessor's Data**
Lot Sqft/Source:	**13,110/Assessor's Data**
View:	**Yes**
Assoc Dues:	**$ /Mo**

Property Description

Enjoy breathtaking ocean and coastline views, gorgeous sunsets and endless ocean breezes on your 13,110 sq ft, FLAT "dream lot" in the Riviera. Forget about your car on the weekends as you'll find Torrance Beach and Riviera Village within a short, scenic and enjoyable stroll. This is an incredibly unique opportunity to build on or improve upon one of the area's most coveted cul-de-sacs. Property is located in Torrance school district. Property is in the Torrance hillside overlay zone. Check with city on building restrictions.

Interior Features

Bedrooms:	**3**
Baths (FTHQ):	**1,1,0,0**
Fireplace:	**Yes**
Cooling:	**Central**
Laundry:	**Yes**
Rooms:	**Family Room, Master Bedroom**
Eating Area:	**Dining El**
Floor:	**Wall-To-Wall Carpet**
Utilities:	

Exterior Features

Pool:	
Spa:	
Patio:	
Sprinklers:	
Structure:	**Fixer, Freestanding**
Outdoors:	
Fence:	
Roofing:	**Stone**
Lot/Community:	**Cul-De-Sac, Lot-Level/Flat, Lot 10000-19999 Sqft, Value In Land**
Legal:	

School Information

School District:	**Torrance Unified**
Elementary:	**RIVIERA**
Junior:	**RICHARDS**
High School:	**SOUTH**

[1]

Display: Public - Customer Flyer at 10 per page.

MRMLS

lorraine@marcone.us

© 2009 MRMLS. Information is believed to be accurate, but should not be relied upon without verification. Accuracy of square footage, lot size and other information is not guaranteed..

Powered by matrix

To: Gregg Lodan AICP
Planning Manager

RECEIVED
APR 04 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

From: Ronald & Vicki Dasner
206 Calle De Sirenas
Redondo Beach Ca. 90277

RE: MIS12-00085, 209 Via El Toro

This letter is written to oppose the application/plan to build additions along the front and sides of the residence at 209 Via El Toro, without following the Hillside Overlay ordinance requiring silhouette's placed where the changes are planned.

The Hillside Overlay gives all affected landowners the opportunity to evaluate the impact to their views, available light, air flow and their property value. This ordinance should not be considered an option.

Respectfully,

Ronald & Vicki Dasner
206 Calle De Sirenas

R.S Dasner 4/01/2012
Vicki Dasner 4-1-12

APR 05 2012

April 4, 2012

Judy English
531 Camino de Encanto
Torrance, CA 90277

Planning Commission
City of Torrance, CA

Re: MIS12-00085; 209 Via El Toro

I live on Camino de Encanto two houses away from my neighbors who live directly in back of Mr and Mrs Delurgio. I have met Mr. Delurgio several times and have discussed with him and my neighbors the pros and cons of their disagreement over height of landscaping.

Mr Delurgio attended a general meeting of the Hollywood Riviera HOA., where I am on the board as secretary, on Wednesday, Feb. 8, 2012. Councilman Furey was speaking that evening to a large audience in Richardson School about a landscaping ordinance for Torrance.

Mr Delurgio and I spoke briefly that evening and he said to me that although the people on Encanto thought they had won [by securing landscaping height requirements on his 2 story remodel] but they were wrong. He said he was "going to get them by building a one-story house" with no landscaping restrictions "and they will all loose" their views.

To me this demonstrated an intent to harm others, cause their homes to loose value, and to be totally without any care or concern for his neighbors welfare. In fact, it showed malice toward and a desire to harm his neighbors. This information seemed appropriate to share with you when I learned he had new plans with you.

This problem shows again how the absence of a landscaping ordinance can turn neighbors and neighborhoods into war zones. Please do not allow Mr and Mrs Delurgio to succeed in damaging good people who have lived in their homes and enjoyed a view for many years and who have not done one damaging thing to them.

Sincerely,

Judy English

Judy English

Martinez, Oscar

From:	Lodan, Gregg
Sent:	Monday, July 16, 2012 10:23 AM
To:	Martinez, Oscar
Subject:	FW: 209 Via El Toro

fyi

From: Chris Jensen [mailto:ccjmd@hotmail.com]
Sent: Saturday, July 14, 2012 9:07 AM
To: Lodan, Gregg
Subject: Re: 209 Via El Toro

Dear Mr. Lodan,

Regarding the proposed developement at 209 Via El Toro, my only request would be to require Mr. Delurgio to maintain the existing fence between our properties. Recently, the fence, which has been in place since before either of us owned our properties and which separates their pool from my back yard, has fallen into disrepair. When Mr. Delurgio and I discussed the issue, he was not concerned with the old fence because he actually wanted to move and lower the fence so it would improve his view.

I have a 7 year old son and a spa in my back yard so we need the protection and privacy of that fence.

You should be aware that Mr. Delurgio refused to sign off on a landscape remodel for my back yard that in no way would affect his property. Part of the reason was that the above mentioned fence was on the plan and he would not sign off on a plan that included the existing fence. This actually resulted in Mr. Delugio shouting at me in my own home in the presence of my son.

I know there are strained relationships between Mr. Delurgio and his neighbors and none of us want this [illegible] in our neighborhood. I also know that aggressive behaviors have been seen on both sides. While I respect Mr. Delurgio's right to improve his property, I would request that the planning department fully consider the concerns of his neighbors.

Thank you,

Chris Jensen
210 Calle de Sirenas
Redondo Beach, CA 90277

Dr Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277
310-713-2260

JUL 12 2012

July 11, 2012

Gregg Lodan, AICP
City of Torrance Planning Dept
3031 Torrance Blvd
Torrance, CA 90503

RE: MIS 12-00085 (revised); 209 Via El Toro

Dear Planning Manager Lodan:

This letter is to oppose the revised development one story structure plans for 209 Via El Toro. This issue is beginning to feel like a déjà vu nightmare. One in which, the views, light, and air flow, for which I purchased my home, someone is attempting to take from me. Rob from me, in spite of protections, which I believed were solidly in place!

I am no architect, however my fear is that the revised building will destroy my ocean view at 515 Camino de Encanto. I am also keenly aware that as a resident of the "Hillside Overlay District of the R-1 Zone" that certain standards of protection apply to my view, light and air flow.

I have owned my home for nearly 4 decades and I cannot passively allow a major reduction of my views and potential loss of light and air flow without a protest! For the record, before Mr. Delurgio purchased the property he asked me if I would, "oppose a remodel?" I told him, "I certainly would oppose obstruction of 'blue water', or 'queen's necklace' view because those are the views I purchased my home to

enjoy. A building that would destroy those views would not only interfere with my personal enjoyment of my home, but would decrease my property value as well."

I continue to acknowledge the right to build on the property, and if I were to view a silhouette of the revision structure I could then better determine the extent of reduction of "blue water" and queen's necklace" views; as well as the diminished "light" and "air flow" that would result from the proposal.

Those of us who stand the most to lose, (in view, light, airflow and property value) have requested of Architect Nagy to please have silhouettes erected to illustrate how benign or unbearable the structure would be. Even Mr. Nagy, in my home, deemed the request to view silhouettes as "reasonable" however instead we get plans without silhouettes. As for the 4 individuals who have signed off on the plans, they clearly do not have the potential loss, at risk, which those of us who have not signed off do.

The foliage, trees and shrubs that Delurgio might choose to plant at 209 Via El Toro are of grave concern as well. A review of the history of past transgressions as reflected in the City of Torrance public records and transcripts will provide a detailed account to verify my concerns. Please come see for yourself how the foliage has already been cultivated to specifically obstruct my views. Views that the Hillside Overlay is intended to protect!

Therefore, I request that you not approve the revision and instead that Mr. Delurgio silhouette his most recent revised building plans. Then we can better access the degree that it will negatively impact, our views, light and air flow. A silhouette of the proposed revision structure would also provide a gauge of possibilities for compromise. And who can logically argue against a suggestion for the possibility of a conflict resolution compromise?

Respectfully,

Dr. Vicki Radel

Martinez, Oscar

From: Lodan, Gregg
Sent: Wednesday, July 11, 2012 10:37 AM
To: Martinez, Oscar
Subject: FW: Opposition to MIS 12-0085; 209 Via El Toro
Attachments: DOC000.pdf

fyi

-----Original Message-----
From: dradel@alumni.stanford.edu [mailto:dradel@alumni.stanford.edu] On Behalf Of David Radel
Sent: Wednesday, July 11, 2012 10:29 AM
To: Lodan, Gregg
Cc: DrVictoriaRadel@cs.com
Subject: Opposition to MIS 12-0085; 209 Via El Toro

Mr. Lodan,

Please find attached my opposition to the revised development plans for 209 Via El Toro.

Thank you for your time and consideration.

Sincerely,
David Radel

515 Camino de Encanto
Redondo Beach. CA 90277

July 10. 2012

Mr. Gregg Lodan
Planning Manager, CDD
City of Torrance
3031 Torrance Blvd.
Torrance, CA 90503

Re: MIS 12-00085; 209 Via El Toro

Dear Mr. Lodan:

I write to you today, for the third time, to register my vehement opposition to Mr. Jim Delurgio's (Mr. Delurgio) "revised" proposed residential expansion for 209 Via El Toro, which still stands to negatively and permanently impact a number of neighboring properties.

As noted in my previous letters, Mr. Delurgio has already received approval for a residential expansion of his home; nonetheless, he remains unsatisfied. His "revised" development application still unacceptably reflects Mr. Delurgio's stated intention of expanding his residence in a way that will "eliminate the ocean view" of those homeowners who challenged his original expansion plans. Again. this harm is precisely what the Hillside Overlay Ordinance was designed to prevent.

Mr. Delurgio's "revisions" to his latest expansion plans are wholly superficial in nature, and will still fully destroy the blue water views that we have regularly enjoyed from our family home for some forty years. Moreover, his plans still stand to significantly diminish the ocean views enjoyed by neighboring homeowners. As his proposed, *de minimis* revisions will still substantially. negatively, and permanently impact his neighbors' quality of life and the property value of their homes. his current expansion application should be rejected. As Mr. Delurgio has also publically threatened to grow trees and foliage with the specific intent to block his neighbors' views, clear restrictions on the height of foliage on his property – under any development scheme – should also be required.

Please preserve the character of our community and the integrity of the Hillside Overlay Ordinance by rejecting Mr. Delurgio's revised - but no less spiteful – residential expansion.

Sincerely.

David M. Radel. Esq.

EUGENE KUSION
523 Camino De Encanto
Redondo Beach,Ca 90277

July 9, 2012

Re: MIS12-00085 (Revised); 209 Via El Toro/Delurgio

To: Jeffery W. Gibson
CDD Director

Gregg Lodan,AICP
Planning Manager

Gentlemen:

This will serve to express my objections to the above-proposed project following receipt of your letter dated July 2, sent to the owner of the property I reside at located at 523 C.D. Encanto.

The project should not be approved for the following reasons:

1. Any structure over 10' in height would violate the court Settlement Agreement of 2-11-2010 entered into between the Delurgios and myself as a result of the Superior Court suit I filed against them alleging Spite Fence/Nuisance causes of action.

   As a result of the settlement agreement, the Delurgios cannot have any foliage over 10' across my view corridor looking toward the Redondo Beach Pier. The views of said corridor include white sand, white water/surf, blue water, the various jetties, the Pier and Harbor, as well as the Esplanade roadway and the cliffs below down to the sand.

   Under the Spite Fence law (Civil Code 841.4), a spite fence is defined as any structure, as well as trees/foliage. To allow the Delurgios to proceed with a project that violates the settlement agreement is tantamount to aiding and abetting the breach of said agreement.

   I have placed the Delurgios on notice that their latest first-story scheme would violate the legal agreement.

   Any structure proposed in this project must be no higher than 10' and have a flat roof,with nothing else on top of the roof. Anything less will destroy my view corridor.

2. The project now being proposed does not comply with T.M.C. Section 91.41.6 (Hillside Overlay Ordinance), and particularly violates, inter alia, subsection "b", which provides:

   > "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". (Emphasis Added)

The proposed project causes much greater intrusion than the second story already approved by the City.

At the Planning Commission hearing of 5-19-2010, both the Delurgios and their architect, Mr. Naggy,admitted and argued that a first story project would have the impact of destroying the view corridor at my residence. They stated the second story caused the least intrusion.

At the City Council hearing of 7-20-2010, the Delurgios and Naggy told the council members the same thing. A second story causes much less intrusion on views than a first story. In fact, Naggy stated that any first story structure at over 10' would destroy the Encanto view corridor.

3. The Delurgio's current proposed first story is motivated by only one element, spite and spite alone. Mr. Delurgio has, in public, stated to neighbors that he would not proceed with a second story because with a first story he could "obliterate" the neighboring views. This has been stated several times and the Delurgios' spite is based upon the condition of the foliage restrictions tied to the approval of the second story project.

Based upon the above, the Delurgios should now be estopped from playing games with the City and his neighbords based upon their spiteful feelings against both the City and the neighbors that have stood up to protect their rights.

In conclusion, I reiterate that I strongly oppose the project now being proposed. I also respectfully request the City to require that the Delurgios "flag" the current structures being proposed with a silhouette that allows for direct visual scrutiny of the project as opposed to guessing how their filed plans will in fact impact views.

Very truly yours,

EUGENE L. MUSION

MARIA KUSION

523 Camino De Encanto

Redondo Beach,Ca 90277

JUL 11 2012

July 11, 2012

Re: MIS12-00085 (Delurgio, 209 Via El Toro)

To: Jeffery Gibson, Director CDD

Greg Lodan, CDD Planning Manager

Dear Sirs:

I have owned the property at 523 Camino De Encanto since 1964. The property has an ocean view corridor that will be wiped out by the proposed Delurgio project. The Delurgios have been in the neighborhood since 2006. What gives them the right to destroy views that were bargained for when I purchased the property 48 years ago? And particularly when they have already been approved for a second story project?

I urge you to act reasonably and deny this latest unreasonable project of the Delurgios.

Sincerely,

Maria Kusion

RECEIVED
JUL 11 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Cynthia L. Constantino
513 Camino de Encanto
Redondo Beach, CA 90277

July 13, 2012

Development Review Division
Planning Department
City of Torrance, CA

Re: MIS 12-00085; 209 Via El Toro

Planning Commissioners:

I would like to register my objections to the development application filed by Mr. Delurgio. Listed below are my objections:

1. I would like to firmly request that this project be silhouetted even though it is a one level home. The reason for this request is due to past circumstances that include lawsuits with the City of Torrance and an inordinate amount of time, energy, and expenses spent by neighbors in what is a less than honorable attempt to develop on this property.

2. This new plan would restrict the view from my property/home at 513 Camino de Encanto even more than before by eight feet to the north.

3. My neighbors at 516, 515 and 523 would now lose their entire ocean view in addition to a loss in their property value. For these reasons, it is essential that the silhouettes be required in this special circumstance. It is imperative that they be viewed by all those involved.

4. Last year in 2011, the Delurgios were granted approval to build a second story pool house and pool. The restriction placed on the perimeter of this project was more than fair to the neighbors in the surrounding area, as well as the Delurgios. Although neighbors sacrificed portions of their view, they felt it was a small price to pay in order for them to maintain their views, as well as their property values.

5. Many of the neighbors feel that this one-story home is a means for the foliage maintenance to be lifted from the Delurgio plan. This belief is a result of the Delurgios' last attempt to be able to grow trees to intentionally block the views of neighbors.

6. Enclosed is a copy of the original MLS flyer on this property at the time of the Delurigio's purchase. Please note the reminder of restrictions with this property. A sense of entitlement seems to be in Mr. Delurgio's plan, as well as his quest for continued view consumption.

Thank you yet again.
Cynthia L Constantino
Cynthia L. Constantino

PS. a formal request was made to "Nozy" at our last meeting for even Partial silhouettes (under the long circumstances etc.) what's to hide?

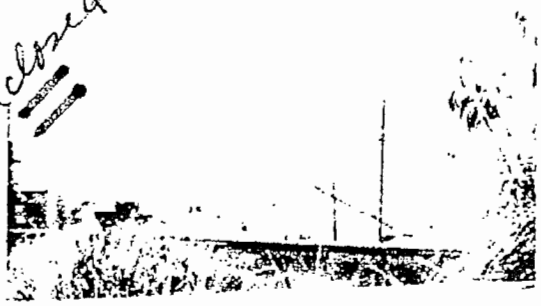
These Listings were manually emailed to you on Friday, September 25, 2009 [illegible]

Result 1 of 1

[1]

209 VIA EL TORO , Redondo Beach 90277 List Price: $1,300,000-Sold Price: $1,45

Image 1 of 6



Please see enclosed

© 2009 Greater South Bay Regional Multiple Listing Service, Inc.

Basic Information

Status:	Closed Sale
Property Type:	Single Family Residence/Deta
Thomas Guide:	792H3
Year Built:	1955
Sqft/Source:	1,430/Assessor's Data
Lot Sqft/Source:	13,110/Assessor's Data
View:	Yes
Assoc Dues:	$ /Mo

Property Description

Enjoy breathtaking ocean and coastline views, gorgeous sunsets and endless ocean breezes on your 13,110 sq ft, FLAT "dream lot" in the Riviera. Forget about your car on the weekends as you'll find Torrance Beach and Riviera Village within a short, scenic and enjoyable stroll. This is an incredibly unique opportunity to build on or improve upon one of the area's most coveted cul-de-sacs. Property is located in Torrance school district. Property is in the Torrance hillside overlay zone. Check with city on building restrictions.

Interior Features

Bedrooms:	3
Baths (FTHQ):	1,1,0,0
Fireplace:	Yes
Cooling:	Central
Laundry:	Yes
Rooms:	Family Room, Master Bedroom
Eating Area:	Dining El
Floor:	Wall-To-Wall Carpet
Utilities:	

Exterior Features

Pool:	
Spa:	
Patio:	
Sprinklers:	
Structure:	Fixer, Freestanding
Outdoors:	
Fence:	
Roofing:	Stone
Lot/Community:	Cul-De-Sac, Lot-Level/Flat, Lot 10000-19999 Sqft, Value In Land
Legal:	

School Information

School District:	Torrance Unified
Elementary:	RIVIERA
Junior:	RICHARDS
High School:	SOUTH

[1]

Display: Public - Customer Flyer at 10 per page.

MRMLS

lorraine@marcone.us
© 2009 MRMLS. Information is believed to be accurate, but should not be relied upon without verification. Accuracy of square footages, lot size and other information is not guaranteed..

Powered by matrix

RECEIVED
JUL 09 2012
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

PETER LATTEY
CA Licensed architect, MAIBC, LEED AP
515 Camino de Encanto, Redondo Beach CA 90277 USA Phone 310-968-3252 email: lattey@sbcglobal.net

July 6, 2012

Planning Manager,
City of Torrance,
3031 Torrance Blvd.,
Torrance CA 90503

RE: MIS 12-00085 (revised); 209 Via El Toro

Dear Greg Lodan;

I wish to register my objection to the revised development application filed by Mr. Jim Delurgio.

My objections are as follows:

1. The proposed revised application, although providing a slight improvement over the previous application, will still substantially obliterate blue water views from 515 Camino de Encanto and 523 Camino de Encanto. It is difficult for me, as an Architect, to fully assess the impact of the project without flagging the critical proposed roof ridges. For lay people, it is impossible. We have asked Mr. Delurgio, through his architect, to flag the critical roof lines in the SE corner of his property. We have had no response to this request. We conclude that he would prefer not to do this as the flags would clearly show the significant impact of the proposed development on our views.
2. The revised plan, although lowering the roof ridge slightly, changes the roof line on the eastern portion of the addition from a slope to a horizontal line. The change significantly increases the blockage of our view.
3. The revised elevations show a massive chimney. This element will significantly impact the views from 515, 513 and 523 Camino de Encanto. As the actual vents are quite small, this large element could be easily reduced. We have requested that this be done. Mr. Delurgio has apparently decided that he does not wish to make this change.
4. Mr. Delurgio has publicly stated that it is his intention to grow trees and other foliage to block the views of the uphill properties. He has grown trees and foliage with the sole purpose of obstructing his neighbor's view. The plans as submitted do not contain any landscape plans so it is not possible to determine what his intentions are in this regards.
5. The proposed development will restrict the views from 513 Camino de Encanto.
6. Mr. Delurgio has previously had a development approved for this property which entailed the erection of a second story onto the existing structure. This was approved by City Council, with restrictions on the height of landscaping. After the Council meeting that approved this previous

application, Mr. Delurgio publicly stated that he had no intention of constructing the two story addition but would instead build a single story addition that would, "eliminate the ocean view" from 515 Camino de Encanto. Based on Mr. Delurgio's statement, the proposed development is essentially a, "spite" development and should not be approved.

7. The proposed extension of the house to the north by 8' will impact the views from 513 Camino de Encanto.
8. Mr. Delurgio has previously put his neighbors and the city through considerable aggravation and expense in order to obtain development approval for a two story addition to his home. It is unreasonable to put his neighbors through the same process again for another scheme that he may or may not build.

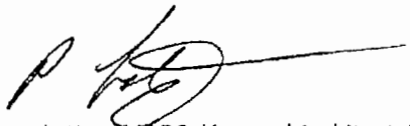
I realize that Mr. Delurgio does have the right to develop his property. However, per the Hillside Overlay Ordinance, any development should be done in a manner that takes into consideration the light, air and views of his neighbors. The negative effects of Mr. Delurgio's current proposal could be mitigated if several revisions were made to it. These are:

1. The floor of the addition in the rear yard should remain at the same level as the existing house.
2. The roof of the addition in the rear yard should be changed from a pitched roof to a flat roof with a height roughly equal to the existing house. Silhouettes of this development should be erected in order that the Planning staff and neighbors can fully assess the impact of the proposed development.
3. The restriction on planting of trees, bushes etc. that was applied to his previous application should be likewise applied to the current proposal and any future proposals that he makes. This restriction limits the height of foliage to the height of the existing adjacent property wall or fence.

I request that Mr. Delurgio be required to flag the critical roof lines adjacent to the SE corner of his property. The cost of these should be nominal, especially considering the costs Mr. Delurgio has entailed by having a completely new design prepared after having the previous one approved.

Thank you for your consideration of my opinions and comments.

Yours truly,



Peter Lattey, MABC, Licensed Architect, LEED AP, NCARB

Martinez, Oscar

From: Lodan, Gregg
Sent: Monday, April 09, 2012 8:53 AM
To: Martinez, Oscar
Subject: FW: RE MIS 12-00085: 209 Via El Toro - letters of objection
Attachments: 209 Via El Toro Ted Objection.pdf; 209 Via El Toro Linda Objection.pdf

---

From: gohata@aol.com [mailto:gohata@aol.com]
Sent: Friday, April 06, 2012 2:16 PM
To: Lodan, Gregg
Subject: RE MIS 12-00085: 209 Via El Toro - letters of objection

Mr. Lodan - Please find attached 2 letters of opposition to the subject transaction - one from Ted Gohata, and the other from Linda Gohata.

Thank you for your consideration of our remarks.

Ted and Linda Gohata
516 Camino de Encanto
310-375-2641

April 5, 2012

City of Torrance
Community Development Department
Development Review Division
3031 Torrance Blvd.
Torrance, CA 90503

Attn: Gregg D. Lodan, AICP
Planning Manager

Subject MIS 12-00085; 209 Via El Toro
James Delurgio, Applicant

Dear Mr. Lodan:

I am writing to oppose the Applicant's request for another plan approval at 209 Via El Toro.

When Mr. Delurgio requested approval for a two-story addition on his property, I was opposed to the project because my view of the ocean would be completely destroyed. It seems Mr. Delurgio's neighbors worked to make adjustments here and there and to be sure the neighbors' views wouldn't be totally lost.

The City Council said a two-story remodel would have less of an impact than a one-story remodel for the neighbors closest to 209 Via El Toro. I reluctantly agreed with the City Council, even though I would completely lose my view. But because they had more to lose, I agreed our neighbors should be able to preserve some of their views.

Mr. Delurgio won approval by the City Council for his two-story remodel. The plan greatly increased and improved Mr. Delurgio's views, while the rest of us completely lost our views or our views were greatly diminished. Now, the one-story plan will most certainly destroy the neighbors' views.

Why should the neighbors completely lose their views and thousands of dollars of home values, while Mr. Delurgio expects to increase his view and home value?

Mr. Delurgio has already won his battle. Despite the neighbors' numerous protests, Mr. Delurgio won approval for a two-story remodel – not an easy feat in the Hillside Overlay area. He should leave well enough alone. In addition to destroying our views, he is single-handedly destroying the neighborliness of the Hollywood Riviera and the spirit of the Hillside Overlay ordinance.

The request for a one-story construction should be denied.

Ted K. Gohata

Ted Gohata
516 Camino de Encanto

April 5, 2012

City of Torrance
Community Development Department
Development Review Division
3031 Torrance Blvd.
Torrance, CA 90503

Attn: Gregg D. Lodan, AICP
Planning Manager

Re: MIS 12-00085, 209 Via El Toro
Mr. James Delurgio, Applicant

Dear Mr. Lodan:

I reside at 516 Camino de Encanto. I have argued against the two-story development on 209 Via El Toro both verbally and in writing over the several-year period Mr. Delurgio exercised his right to be heard by the Planning Commission and the City Council. While my husband and I were very disappointed with the ultimate outcome which allowed Mr. Delurgio to build a second story, even as I fully believed he and others had twisted both the intent and letter of the Hillside Overlay ordinance, I respectfully accepted the City Council's decision. I did so as a taxpayer and citizen of this City.

I have learned Mr. Delurgio submitted new plans to the City which no longer depict a two-story structure, but rather a greatly expanded one-story structure. I must vehemently oppose any further City resources being expended in this matter for the following reasons:

1. The Hillside Overlay ordinance places burden of proof on Mr. Delurgio in **SECTION 91.41.4.** Mr. Delurgio presented no public evidence proving his inability to meet the letter of the ordinance as required in **SECTION 91.41.10.** (LIMITATION ON INCREASES IN HEIGHT). Despite this lack of evidence, Mr. Delurgio was granted approval of his two-story structure (his "dream house").

2. Per Mr. Delurgio's own testimony before the Planning Commission and the City Council, a one-story structure would have obliterated the ocean and beach views of his surrounding neighbors. He therefore presented his two-story structure as being "the best" for his neighbors. While clearly struggling with his final ruling, the Mayor himself agreed with Mr. Delurgio on this point.

3. The Planning Commission and the City Council members have been witness to the flip-flopping of Mr. Delurgio's stated intentions and actions. In addition, his consistent defiance of matters appropriately adjudicated by the Planning Commission and City Council have already caused an egregrious misuse and waste of City employees' time and resources, and of taxpayer dollars.

4. Mr. Delurgio's submission of a completely new plan at 209 Via El Toro seems to be a "second bite at the apple" – generally unallowable in most administrative and legal matters. As evidence of the inappropriateness of his recent submittal, please consider this. The proposed plan for the

one-story structure is being submitted after Mr. Delurgio installed a large swimming pool and related structures on that property. His piecemeal approach to planning now significantly reduces the many options he would have had in the placement of the one-story structure, if he had submitted a comprehensive plan to the Planning Commission in the beginning of this process.

5. As the Planning Commission and City Council members have noted in the several hearings related to this matter, my husband and I suffered the greatest loss as a result of the approved two-story structure – 100% view blockage – from our vantage point at 516 Camino de Encanto. Although a one-story structure would maintain our ocean view, I feel strongly Mr. Delurgio should not be allowed to continue his misuse of City resources (my taxes) in an inappropriate or frivolous manner. Mr. Delurgio has effectively received free architectural advice and research by using the City of Torrance's Planning Department personnel to help determine setbacks, construction options, feasibility of subterranean garage and driveway angles, etc. He has even used City personnel as the conduit for his communications with his own neighbors.

While we may not have the longevity of residency enjoyed by our neighbors, my husband and I have greatly enjoyed being part of the Torrance community for almost 20 years. We are proud supporters of the many activities sponsored by the City's Cultural Services Division, including being performers with the Torrance Civic Chorale and being a Donor Family of the Torrance Symphony Association. I understand that building a city is more than building structures – I believe in building relationships, supporting the Arts, and creating a balanced approach in City government.

I also understand that by inviting our friends and families from other neighborhoods to enjoy the City of Torrance's cultural and recreational activities we are, in our small way, supporting the City's ability to continue to create a family-oriented environment in Torrance. Our friends and families always comment on the relaxed and beautiful environment in the Hollywood Riviera section, which includes our ocean view, the "perfect" year-'round weather, and friendly neighbors. This is most certainly reflective of the years of decisions handed down with regard to the Hillside Overlay ordinance. Good citizenship requires residents who support the City's decisions in an effort to continue goodwill among neighbors, which in turns allows good governance of the City's administrative proceedings.

Thank you for your full attention and consideration of this matter.

Linda N. Gohata
516 Camino de Encanto
310-375-2641

Martinez, Oscar

From: Dr Vicki Radel [drvictoriaradel@cs.com]
Sent: Tuesday, September 25, 2012 11:11 AM
To: Martinez, Oscar; Gibson, Jeff; Lodan, Gregg
Subject: Respectful Request for hearing date change of MIS12-00085

Gentlemen:
The annual family vacation is scheduled for us to be away on Oct 3, 2012.
Since my home is most impacted of all in the Hillside Overlay area by MIS12-00085 at 209 Via El Toro,
I am respectfully requesting that the hearing of this matter be delayed to October 17, 2012.
Please get back to me at your earliest convenience on the date change request.
Thank You Very Much for the Consideration,
Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277
Dr Vicki Radel
drvictoriaradel@cs.com

RECOMMENDED CONDITIONS, IF APPROVED:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in MIS12-00085 (Revised) 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 Planning Commission relied in granting approval;

2. That if this MIS12-00085 (Revised) 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 patio cover shall conform to the required setbacks to the satisfaction of the Community Development Director; (Development Review)

4. That the maximum height of the additions shall not exceed 13-feet 10½-inches; (Development Review)

5. That automatic garage roll-up doors shall be provided; (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 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)

EXCERPT OF MINUTES ☑ Minutes Approved

July 26, 2011

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:30 p.m. on Tuesday, July 26, 2011 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

13. HEARINGS

13A. MOD11-00006 (PRE09-00007): 209 VIA EL TORO – JIM & BETSY DELURGIO

Recommendation

Recommendation of the Community Development Director that City Council:1) Deny the Modification to previously approved Precise Plan of Development - City Council Resolution No. 2010-92 (PRE09-00007) to remove Condition #14 relating to permanent structures and Condition #15 relating to vegetation; and 2) Adopt a Resolution denying the Modification and retaining all conditions of approval of City Council Resolution No. 2010-92 for Precise Plan of Development approving first and second story additions to an existing single family residence on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro.

MOD11-00006 (PRE09-00007): Jim & Betsy Delurgio Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Planning Manager Lodan reported that the applicant has requested the removal of the following conditions of approval that were imposed when the Council approved PRE09-00007 on July 20, 2010 allowing first and second story additions to the residence at 209 Via El Toro: Condition No. 14 – That no additional permanent structures over 6 feet in height shall be constructed in the rear yard; and Condition No. 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.

Mayor Scotto disclosed that he and Councilmember Brewer visited 515 Camino de Encanto yesterday to observe the view from the backyard, but they did not engage in discussion with anyone about this project.

Councilmember Sutherland reported that he has not been to the property since last July and has not spoken to the applicant or any of the neighbors since that time.

Councilmember Furey stated that he had not driven by the property as he did before the earlier hearing, and has not spoken with neighbors, the applicant or his representatives.

Jim Delurgio, 209 Via El Toro, applicant, provided background information about his residency and community involvement, noting that he has been a Riviera resident for 40 years, coaches AYSO soccer and youth volleyball, and volunteers at Riviera Elementary School. He contended that Conditions No. 14 and No. 15 lack legal foundation and are contrary to General Plan Objective LU 1.2; Hillside Overlay Ordinance Section 91.41.5; and Torrance Municipal Code, City Charter Article 7, Section 725. Additionally, he stated the following:

- That the project (PRE09-00007) was designed to comply with the Code and findings in Resolution No. 2010-92 confirm that it is in compliance;
- That the Hillside Ordinance requires approval of any structure over three feet in height, making Condition No. 14 redundant and unnecessary;
- That his property has been vandalized and his family has been harassed by neighbors since he purchased the property in 2005 as evidenced by police incident and crime reports on file;
- That the conditions are not clearly defined and expose him to arbitrary enforcement and costly litigation;
- That Condition No. 14 restricts 7,213 square feet (approximately 55%) of his 13,185 square-foot property;
- That an appraiser has estimated that Conditions 14 & 15 devalue his property by approximately $500,000;
- That Los Angeles Superior Court determined in Youngern v. City of Torrance that there is no vested right to a view in the Hillside Overlay;
- That police powers of the City extend only so far as to protect private property rights and cannot be used to take them away without just compensation;
- That Conditions No. 14 & 15 are more restrictive than express provisions of the Code; and
- That these conditions impose land use restrictions that prevent him from restoring privacy to protect his family from ongoing harassment from neighbors.

Mr. Delurgio expressed concerns that inconsistent application of the laws has cost him $51,505 in unforeseen legal expenses and his property has been damaged by repeat vandalism by neighbors, but the City Attorney has chosen not to prosecute them. He maintained that everything he has done to his property has only improved neighbors' views and expressed his willingness to work with neighbors to define their needs since some neighbors want vegetation retained for purposes of privacy, while others want it removed to improve views. He stated that he is ready to proceed with the project if his property rights are restored by removing Conditions 14 & 15 and hopes to proceed in a manner that's a win-win solution for everyone involved.

In response to Mayor Scotto's inquiry, Mr. Delurgio provided clarification regarding the appraisal submitted to support the claim that his property would be devalued if Conditions 14 & 15 were retained.

Mr. Delurgio reported that he was able to reach an agreement with his neighbor Cindy Constantino at 513 Camino de Encanto regarding the trimming of vegetation that was

blocking her view and noted that Ms. Constantino had suggested he construct a pergola to address privacy impact, but he is unable to do this because of Condition 14.

Nagy Bakhoum, project architect, expressed concerns that Conditions 14 and 15 make it impossible for Mr. Delurgio to work out mutually agreeable solutions to privacy impacts with his neighbors and will only add to the acrimony in the neighborhood.

Councilmember Sutherland recalled that Mr. Delurgio agreed to Conditions 14 and 15 at the time the project was approved last year. Mr. Delurgio stated that the conditions were only discussed after the public hearing was closed when he was not allowed to comment and he was not aware that conditions involving vegetation could be imposed because the Hillside Ordinance does not address vegetation and only deals with structures.

Councilmember Sutherland asked that staff research whether or not Mr. Delurgio had agreed to Conditions 14 and 15 at the prior hearing.

Mayor Scotto invited public comment.

Gene Kusion, 523 Camino de Encanto, voiced his opinion that Mr. Delurgio should have been ecstatic that his two-story project was approved rather than seeking to eliminate the conditions imposed by the City Council to protect the views of surrounding properties, which were reasonable and the result of much deliberation. He noted that the Delurgios filed a lawsuit against the City in an attempt to have Conditions 14 and 15 removed using the same arguments made this evening and the case was dismissed with prejudice because the arguments were found to be without merit. He asserted that neighbors' views will be obliterated if the conditions are removed since Mr. Delurgio has a history of attempting to block views using vegetation.

Councilmember Brewer noted that Mr. Delurgio submitted correspondence from Mr. Kusion dated July 15, 2011 threatening a lawsuit due to the height of his trees.

Mr. Kusion clarified that the letter was in response to Mr. Delurgio's failure to comply with a court-ordered settlement agreement from an earlier lawsuit involving poplar trees he planted on the south side of his property in 2008.

In response to Councilmember Brewer's inquiry, Planning Manager Lodan advised that the applicant is not required to comply with Conditions 14 and 15 until he commences construction on the project and enforcement of the conditions would be on a complaint basis.

Cindy Constantino, 513 Camino de Encanto, voiced her opinion that the Council was more than generous in approving the Delurgios' large second-story addition and the conditions the Council added to protect neighbors' views should remain in place. She expressed concerns about the City's ability to enforce the conditions, noting that she had to resort to litigation to recover her ocean view after the Delurgios failed to respond to three registered letters asking them to trim vegetation.

In response to Councilmember Sutherland's inquiry, Ms. Constantino reported that Mr. Delurgio's comments about reaching an agreement with her were inaccurate.

Peter Lattey, 515 Camino de Encanto, urged the Council to retain Conditions 14 and 15, relating his belief that the Council reached a fair decision when approving the project in July 2010.

Ramzi Ghaby, 509 Camino de Encanto, stated that he supports the Council's decision to impose Conditions 14 and 15 because he believes it's a reasonable compromise that balances the significant second-story view gained by the Delurgios with the preservation of the view corridors for surrounding neighbors. He reported that contrary to the Delurgios' written statement submitted to the Council, he did not agree to any shrubbery that violates these conditions and while he had expressed concerns in the past about privacy loss associated with the second-story addition, he was against any solution that impacts his or neighbors' views.

Linda Gahada, 516 Camino de Encanto, thanked the Council for preserving what little view is left for neighbors.

Vicki Radel, 515 Camino de Encanto, noted that she purchased her property 35 years ago and urged the Council to retain Conditions 14 and 15, which were imposed to address view and light issues associated with this project. She stated that she informed Mr. Delurgio before he purchased his property that she would oppose any remodel that impacted her ocean view and she felt the Council's decision to allow him to build a second story was a huge compromise.

Noting that she has lived at 214 Calle de Sirenas for 45 years, Deloris Becker, reported that the subject property used to be a jungle of vegetation, but neighbors never complained until the Delurgios purchased it. She stated there is a need for additional vegetation along both sides of the property line fence she shares with the Delurgios in order to enhance privacy since they have added a pool and she was surprised to learn that the Council had limited the height of vegetation as she was not aware they had the authority to do this. She related her experience that Mr. Delurgio is an honest and upstanding man, whose character has been unfairly attacked.

Returning to the podium, Mr. Delurgio stated that he would like to move forward with the project but he cannot do so at the expense of his property rights. He reported that he and his family have been subjected to harassment and verbal abuse from neighbors opposed to this project and they have been litigious and uncooperative.

Mr. Bakhoum expressed concerns that neither Condition 14 nor Condition 15 includes a mechanism that allows for an exception if neighbors agree and there would be no impact to views.

Councilmember Numark questioned whether Conditions 14 and 15 could be waived by mutual agreement of neighbors and the property owner.

Assistant City Attorney Sullivan advised that if the applicant could reach an agreement with neighbors, he could apply for a Modification.

Mayor Scotto noted that the City will not be actively monitoring the property and enforcement will be on a complaint basis so the property owner could conceivably reach an agreement with neighbors without having to apply for a Modification.

Councilmember Furey stated that he would have hoped that the applicant would have made more of an effort to reach an agreement with neighbors in the months since the project was approved if he wanted these conditions removed and it was clear from this hearing that the problems that led to the imposition of the conditions still exist and if anything, have been exacerbated. He noted that the conditions could be modified at any time by this owner or any future owner via approval of a Precise Plan application.

Councilmember Rhilinger indicated that she was not swayed by Mr. Delurgio's argument that he did not agree to the conditions and did not have an opportunity to comment on them because the minutes from the July 20, 2010 Council meeting clearly show that there was discussion of limiting the height of vegetation before the public hearing was closed and in addition, Mr. Delurgio raised no objections to the conditions in the days and weeks following the hearing.

Mr. Delurgio stated that while there was discussion of limiting vegetation height, he did not anticipate that such a condition would be imposed because Assistant City Attorney Sullivan had noted that the Hillside Ordinance does not address vegetation.

Assistant City Attorney Sullivan pointed out that Mr. Delurgio could have raised objections to the conditions when Resolution No. 2010-92 was adopted by the City Council on September 21, 2010.

In response to Councilmember Furey's inquiry, Assistant City Attorney Sullivan confirmed that the Council had the authority to impose Conditions 14 and 15 to address specific concerns about this project's impact on view, light, air and privacy; that this does not constitute "spot zoning" as Mr. Delurgio has claimed because the property continues to be zoned R-1; and that there has been no taking of his property. He advised that Mr. Delurgio mischaracterized the decision in Youngern v. City of Torrance, recalling that the court concurred with the City's interpretation that the term "adverse impact" as used in the Hillside Ordinance, means "substantial adverse impact." He also confirmed that the lawsuit Mr. Delurgio brought against the City using the same arguments as presented in support of this Modification was adjudicated in the City's favor.

Councilmember Barnett noted that his intention in supporting Conditions 14 and 15 was to provide some level of comfort for neighbors that the view that remains after the two-story addition is built would be protected and questioned whether Mr. Delurgio's claim that the conditions were unprecedented was accurate.

Assistant City Sullivan advised that the Planning Commission and the City Council have often added special conditions to address specific concerns regarding view, light, air and privacy, including such requirements as reducing plate heights, changing roof pitch, and using frosted glass, and all of these items, like vegetation, are not mentioned in the Hillside Ordinance. He noted that the ordinance was specifically designed to allow flexibility so that the Planning Commission and/or City Council could add conditions to mitigate a project's impact as much as possible.

Councilmember Barnett and Councilmember Numark disclosed that they had not visited the subject property since the July 2010 hearing or spoken with any of the people involved.

Mayor Scotto disputed the appraiser's report submitted by Mr. Delurgio indicated a significant loss in the value of his property.

Mr. Delurgio voiced his opinion that he would lose more than he would gain by going forward with this project.

Mr. Bakhoum pointed out that Mr. Delurgio is unable to comply with Ms. Becker's request that he plant vegetation that extends above their shared fence for purposes of privacy even though this would have no view impact.

Mayor Scotto asked if Mr. Delurgio would only plant vegetation that exceeds the height of the perimeter fence in that specific area if Condition 15 was eliminated, and Mr. Delurgio responded that he would also like to plant shade trees in other areas of the yard that would not obstruct views.

MOTION: Councilmember Brewer moved to close the public hearing. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

MOTION: Councilmember Furey moved to concur with the staff recommendation to deny the Modification of a previously approved Precise Plan of Development. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

RESOLUTION NO. 2011-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING A MODIFICATION OF A PREVIOUSLY APPROVED PRECISE PLAN OF DEVELOPMENT (PRE09-00007) AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE DELETION OF CONDITION NUMBER 14 AND CONDITION NUMBER 15 OF CITY COUNCIL RESOLUTION NO. 2010-92 ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO

MOD11-00006 (PRE09-00007): JIM & BETSY DELURGIO

MOTION: Councilmember Sutherland moved to adopt Resolution No. 2011-82. The motion was seconded by Councilmember Numark and passed by unanimous vote.

###

Council Meeting of
July 26, 2011

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
MOD11-00006(PRE09-00007): JIM & BETSY DELURGIO

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. Correspondence

SUPPLEMENTAL MATERIAL

13A

Martinez, Oscar

From: Sullivan, Patrick
Sent: Friday, July 22, 2011 3:36 PM
To: Lodan, Gregg; Martinez, Oscar
Subject: FW: Please Eliminate Conditions #14 and #15 from Precise Plan PRE09-00007

Gregg & Oscar

Supplemental correspondence from Betsy Delurgio.

Patrick

Patrick Q. Sullivan
Assistant City Attorney
Office of the City Attorney
City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.5817 voice | 310.618.5813 fax | PSullivan@TorranceCA.Gov | **www.TorranceCA.Gov**
This email contains material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.
-----Original Message-----
From: Scotto, Frank
Sent: Friday, July 22, 2011 3:06 PM
To: Sullivan, Patrick
Subject: FW: Please Eliminate Conditions #14 and #15 from Precise Plan PRE09-00007

From: Betsy Delurgio [mailto:betsy@delurgio.com]
Sent: Friday, July 22, 2011 12:54 PM
To: Scotto, Frank
Subject: RE: Please Eliminate Conditions #14 and #15 from Precise Plan PRE09-00007

Dear Mayor Scotto,

Thank you for taking the time to read my letter. It is much appreciated, and we have supporting documents and video of the offenses to our family and property if requested. We really did not want to go down this path in our last hearing so much because it is very negative and we were told by the Planning Department that landscaping was not included for a Precise Plan. We also understand mostly from our neighbors, the Guzmans' and the Boyds, situations that once your house is built the acrimony against your family will also settle. One of the neighbors commented to the Guzman's after their hearing, "the games are over". Mr. Guzman was furious when he heard this and at the time we didn't quite understand why this upset him so much. We now do understand because immediately after our City Council hearing ended last year, Vicki Radel walked up to Jim and said, "The games are over. I got you your second story." To hear this is quite insulting as the applicant, as this has never been a game to us, and it has been a horrible period of our life as we have been repeatedly attacked by our neighbors for simply trying to remodel our home for our family. We understand the intent of the Overlay, and we are trying our best to do remodel our home in a way that has least impact to all of our neighbors. We believe the vagueness of the Hillside Overlay creates unnecessary challenges for the applicant as

you do not know precisely what you can or cannot build, and encourages tension between neighbors, particularly when they have been as disruptive to the integrity of the process as our neighbors have been. We happen to have the same group of neighbors as the Guzmans', and a few of them with the support of the RHA president will do their best to muddle this process. Tuesday will be our 4th hearing for our remodel. Our oldest daughter was five when we moved into this house and she is now going into middle school in September. We still are unclear as to exactly what we can do to improve our property without accepting damage to our property rights.

Jim sent out an email to please come by our home at any time before our hearing on 7/26 to see for yourself how we have already improved our property and as a result our neighbors also benefit from our efforts. Our address is 209 Via el Toro. Again this has never been a game to us, and 98% of our neighbors are wonderful and supportive, and we have great relationships with them. You are not going to hear much from them as they do not want to put themselves at risk of being publicly slandered or sued by our litigious neighbors. When you mentioned in our last hearing that we will have a pool party and the neighbors won't come, we realized you don't have a full understanding of the situation, and you certainly do not know us or our character very well. This type of commentary came from other Council Members as well, and only fuels the negativity that may unfortunately and unnecessarily exist. We don't appreciate this at all as we have invested in this community, and done our best to reach out even to these few neighbors that persistently twist the truth. It is such a disturbing and trying time for us right now when it should be a positive time to improve our home. Remodeling our home will not only serve to improve the standard of living for our family, but a proper home that meets the standards of such an awesome beach community will benefit our neighborhood as well.

We do appreciate that you have taken so much time to understand the merit of our thoughtfully designed project, and we have always agreed with what we think may be the intentions of the conditions, as we clearly showed what vegetation we had planned to remove in our last hearing. The problem is the conditions are unbalanced and we cannot live with the consequences of continuous litigation and harassment which result from these conditions.

Regards,

Betsy Delurgio

From: Scotto, Frank [mailto:FScotto@TorranceCA.gov]
Sent: Thursday, July 21, 2011 11:54 AM
To: Betsy Delurgio
Subject: RE: Please Eliminate Conditions #14 and #15 from Precise Plan PRE09-00007

Mrs. Delurgio, thank you for your email and letter. I have read it. frank scotto

From: Betsy Delurgio [betsy@delurgio.com]
Sent: Thursday, July 21, 2011 11:37 AM
To: Barnett, Gene; Brewer, Tom; Furey, Pat; Numark, Cliff; Rhilinger, Susan; Sutherland, Bill; Scotto, Frank
Cc: Martinez, Oscar; Lodan, Gregg; Gibson, Jeff
Subject: Please Eliminate Conditions #14 and #15 from Precise Plan PRE09-00007

Dear Mayor Scotto and Members of the City Council,

Please take the time to read the attached letter.

Thank you for your time and consideration.

With appreciation,

Betsy Delurgio

Council Meeting of
July 26, 2011

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

PUBLIC HEARING

Members of the Council:

SUBJECT: **Consider modification of a previously approved Precise Plan of Development - City Council Resoluton No. 2010-92 (PRE09-00007) to remove Condition Number 14 relating to permanent structures and Condition Number 15 relating to vegetation of approving first and second story additions to an existing single family residence on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro.**

MOD11-00006 (PRE09-00007): Jim & Betsy Delurgio

Expenditure: None

RECOMMENDATION:

1) Deny the Modification to previously approved Precise Plan of Development – City Council Resolution No. 2010-92 (PRE09-00007) to remove Condition Number 14 relating to permanent structures and Condition Number 15 relating to vegetation; and

2) Adopt a RESOLUTION denying the Modification and preserving all conditions of approval of City Council Resolution No. 2010-92 for Precise Plan of Development approving first and second story additions to an existing single family residence on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro.

Funding: Not applicable.

BACKGROUND:

The property is located at the end of the cul-de-sac on Via El Toro and is currently developed with a one-story residence with attached two-car garage. On July 20, 2010, the City Council approved PRE09-00007 for first and second story additions to an existing one story residence. On August 24, 2010, the City Council adopted City Council Resolution No. 2010-82 reflecting approval of PRE09-00007. On September 21, 2010, the City Council repealed City Council Resolution No. 2010-82 and adopted City Council Resolution No. 2010-92. The reason that Resolution No. 2010-82 was repealed and replaced with Resolution No. 2010-92 was to include information relating to the continuance of the June 22, 2010 Hearing to the July 20, 2010 Hearing as well as correcting Condition Number 1 to reflect the City Council's approval instead of the Planning Commission's approval.

Prior Hearings and Publications:
A City Council hearing was scheduled for July 26, 2011. On July 14, 2011, 142 notices were mailed to adjacent property owners and homeowners associations in the City and the site was posted. On July 15, 2011, a legal advertisement was published in the newspaper.

Environmental Findings:
The construction of a single family residence in a residential zone is Categorically Exempted by the 2011 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15303 (a).

Analysis:
The applicants are requesting approval of a Modification to remove two conditions of approval of their Precise Plan of Development (PRE09-00007) which was originally approved on July 20, 2010. PRE09-00007 allowed first and second story additions to the existing one-story residence as well as a detached accessory structure near the south and east property lines. When approved, Conditions of Approval were incorporated relating to the height of vegetation and structures in the rear yard. Condition Number 14 states "That no additional permanent structures over 6-feet in height shall be constructed in the rear yard;" and Condition Number 15 states "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." The applicants request that these two conditions be removed.

These conditions of approval arose during the hearing process for PRE09-00007. At the July 20, 2010 City Council hearing, neighboring property owners along Camino de Encanto expressed concerns over the proposed 2nd story addition as these properties have view corridors through the rear of 209 Via el Toro. In order to preserve these view corridors, additional conditions were adopted which dealt with the placement of the detached accessory structure, the sill height of windows in the house, roof pitch, placement of additional permanent structures over 6 feet in height in the rear and height of vegetation.

In the past, Planning Commission and City Council have added special conditions to Precise Plan projects to address concerns regarding views, light, air and privacy. These conditions have included such requirements as reducing interior plate heights, changing roof pitch, the use of frosted glass, raising windowsill heights, modifying grading, the inclusion of solid railings or screening walls on balconies, and other requirements to protect views, light, air and privacy. Additionally, conditions relating to existing or planned foliage have also been added when deemed appropriate to protect view, light, air and privacy. Because Condition Numbers. 14 and 15 are specifically designed to address view and light issues, staff recommends that this Modification be denied and these conditions remain in place.

The City of Torrance has received three items of correspondence from Betsy and Jim Delurgio regarding the removal of Condition Numbers 14 and 15, which are attached as

Attachments H, I, and J. There are a few items in these letters that staff wish to address.

Mrs. Delurgio states that "we do not understand why the final two conditions, #14 and #15, that are not related to our plan of development were included." (Paragraph 3, Line 1-2 of the letter from Betsy Delurgio). However, trees and shrubs were shown on the site plan submitted by the Delurgios. The vegetation was part and parcel of the plan the applicants presented for City Council approval. Additionally, the proposed two-story structure has massing that affects views and privacy of the surrounding neighbors. Compared to the existing condition, the proposed plan will increase the building mass on the property. As the Council considers increases in building mass, it is appropriate to consider ways to reduce the additional massing effect that foliage may have if it reaches certain heights at specified locations.

Mrs. Delurgio states that "these conditions were arbitrarily created against our property during the closed session of the hearing." (Paragraph 3, lines 2-3 of the letter from Betsy Delurgio, Attachment H). It should be noted that there was no closed session conducted during the consideration of the item. Condition Number 14 and Condition Number 15 were added by the City Council in public session after the hearing was closed.

The bulk of Mrs. Delurgio's letter describes alleged conduct of her neighbors that has no bearing on the two conditions at issue.

Mr. Delurgio's letter raises several legal arguments. (Attachment I.) The Delurgios previously filed a lawsuit against the City of Torrance challenging these same two conditions of approval on the factual grounds stated in the letter. The Delurgios filed a dismissal with prejudice on May 13, 2011. A dismissal with prejudice is equivalent to a judgment in favor of the City of Torrance on the merits of the claim. Therefore, Mr. Delurgio's legal arguments are barred because those claims have been adjudicated in the City's favor.

Even putting aside the impact of the prior litigation, the claims have no merit.

His first claim is that the imposition of the two conditions constitutes "spot zoning." The imposition of the conditions does not affect the zoning of the property, which remains single family residential. Moreover, many other properties in the Hillside Overlay Zone have been subject to similar special conditions in order to protect views, light, air and privacy.

Mr. Delurgio's second claim is that the conditions render construction on their lot impossible. This is obviously not the case. An existing one story structure already exists on the property, and a two story structure has been approved. That the applicants cannot have additional permanent structures or foliage of a desired height in a portion of their lot does not render construction "impossible."

Mr. Delurgio next suggests that an ordinance was required to impose Condition Numbers 14 and 15. The conditions are not legislative in nature, but rather are

administrative, applying to the particular facts and circumstances of a specific application. The conditions are imposed pursuant to a legislative regulation that was itself adopted by ordinance, namely, the Hillside Overlay Zone regulations.

Next, Mr. Delurgio indicates that the conditions conflict with the General Plan. However, he has not identified any portion of the General Plan that gives rise to the alleged conflict.

Finally, Mr. Delurgio raises a variety of constitutional issues. The provisions he raises have no bearing on the request to eliminate the two subject conditions. There is no constitutionally protected right to build a two-story home in a hillside area without conditions designed to protect views, light, air and privacy. Nor has the property been taken for any public use. These claims, like the others, simply have no merit.

Staff has attached all of the material from the July 20, 2010, August 24, 2010 and September 21, 2010 City Council hearings as limited distribution as it consists of nearly 300 pages. A copy of the material is available to the public upon request.

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. Resolution
B. Location and Zoning Map
C. Proofs of Publication and Notification
D. Minutes from the 7/20/10, 8/24/10 and 9/21/10 City Council Hearings
E. Plot Plan, Floor Plan and Elevations
F. Previous City Council Staff Reports and Items Submitted at Hearings (Limited Distribution)
G. Mayor's Script (Limited Distribution)
H. Email and attached letter from Betsy Delurgio dated 7/21/2011 at 11:38 a.m.
I. Email and attached letter from Jim Delurgio dated 7/21/2011 at 11:49 a.m.
J. Email from Jim Delurgio dated 7/21/2011 at 3:07 p.m.

ATTACHMENT A

RESOLUTION NO. 2011-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING A MODIFICATION OF A PREVIOUSLY APPROVED PRECISE PLAN OF DEVELOPMENT (PRE09-00007) AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE DELETION OF CONDITION NUMBER 14 AND CONDITION NUMBER 15 OF CITY COUNCIL RESOLUTION NO. 2010-92 ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 209 VIA EL TORO.

MOD11-00006 (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, the Delurgios filed a writ of mandate action challenging Conditions #14 and #15, and ultimately dismissed the lawsuit with prejudice in favor of the City; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on July 26, 2011, to consider a Modification of a previously approved Precise Plan of Development (PRE09-00007) filed by Jim & Betsy Delurgio to delete Condition #14 and Condition #15 of City Council Resolution No. 2010-92 on property located within the Hillside Overlay District of 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 City Council of the City of Torrance does hereby find and determine as follows:

a) That the property is located at 209 Via el Toro; and

b) 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

c) That the deletion of Condition Numbers 14 and 15 will affect the rights of adjacent property owners or tenants or otherwise would constitute an adverse impact on them as additional permanent structures and vegetation could block views of neighboring properties along Camino de Encanto; and

d) That the deletion of such conditions will make a material change in the concept or execution of the project as approved by the City Council as these conditions were placed to protect views of properties along Camino de Encanto; and

e) That there is no hardship to the applicant if the deletion is not granted as Precise Plan of Development 09-00007 (PRE09-00007) approved 1st and 2nd story additions to an existing one story residence in addition to a detached accessory structure adjacent to the south and east property lines, and the deletion of the conditions is not warranted for the reasons stated in the staff report;

NOW, THEREFORE, BE IT RESOLVED that MOD11-00006 (PRE09-00007) filed by Jim and Betsy Delurgio to delete Condition Number 14 and Condition Number 15 of City Council Resolution No. 2010-92 on property located within the Hillside Overlay District of the R-1 Zone at 209 Via el Toro is hereby DENIED.

INTRODUCED, APPROVED and ADOPTED this 26th day of July, 2011.

_____

MAYOR, of the City of Torrance

ATTEST:

_____

City Clerk of the City of Torrance

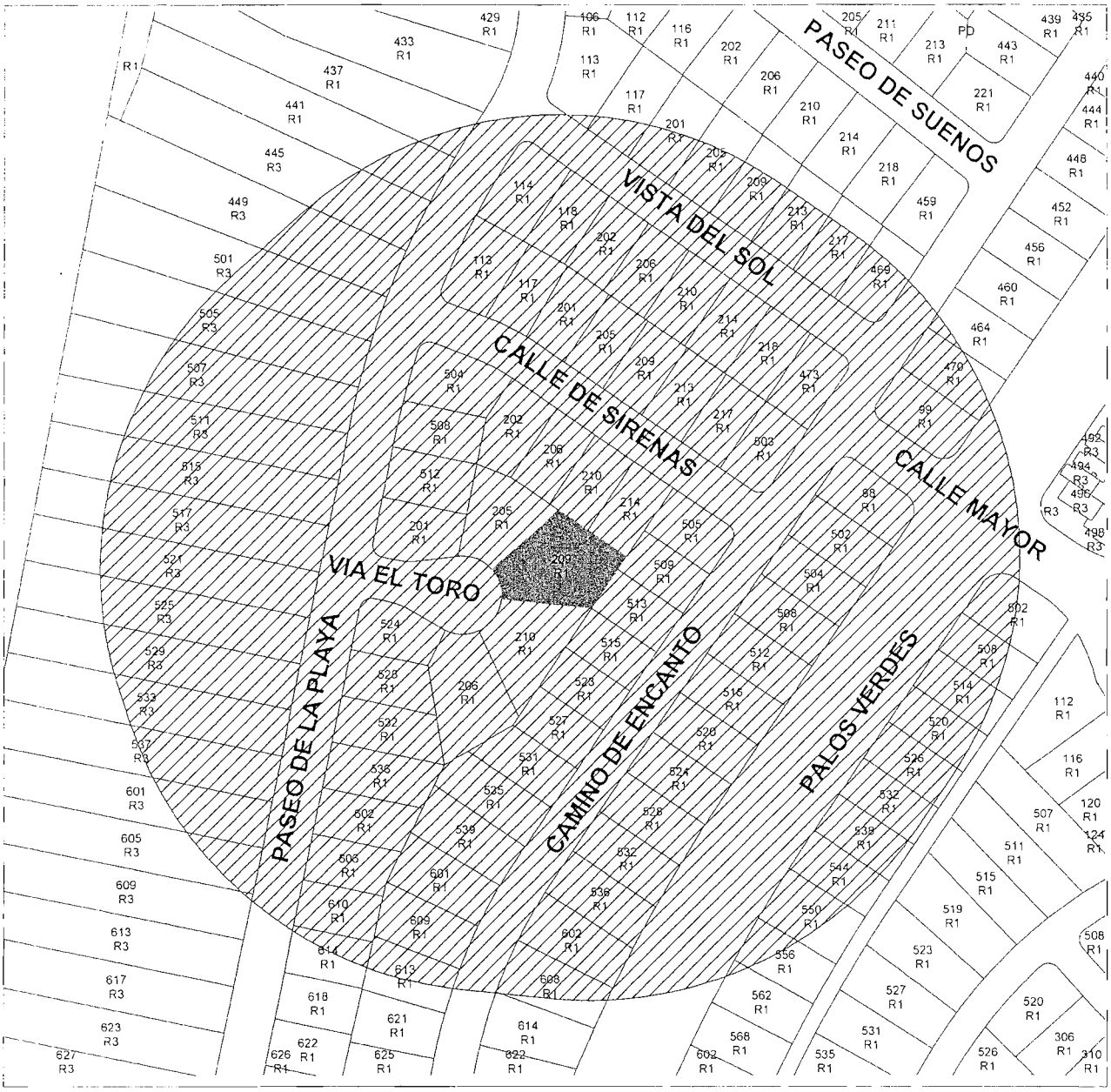
APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By_____

Patrick Q. Sullivan, Assistant City Attorney

ATTACHMENT B



LOCATION AND ZONING MAP

209 Via el Toro
MOD11-00006 (PRE09-00007)

TORRANCE COMMUNITY DEVELOPMENT GIS

LEGEND

209 Via el Toro

500ft Notification Area

0 75 150 300 Feet

N W E S

Prepared using City of Torrance Community Development Geographic Information System
Jeffery W Gibson, Community Development Director

ATTACHMENT C

Daily Breeze

21250 HAWTHORNE BLVD. STE 170 * TORRANCE CALIFORNIA 90503-4077
Direct: (310) 543-6635 Fax: (310) 316-6827

PROOF OF PUBLICATION

(201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance*
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

July 15,

all in the year 2011

the foregoing is true and correct.
Dated at Torrance

California, this 15 July 2011

*The Daily Breeze circulation includes the following cities. Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

2011 JUL 19

Proof of Publication of

DB 7-59

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., July 26, 2011 in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

MOD11-00006 (PRE09-00007), JIM AND BETSY DELURGIO: City Council considers Modification of previously approved Precise Plan of Development (PRE09-00007) City Council Resolution No. 2010-92 relating to Condition #14 and #15 on property located in the Hillside Overlay District in the R-1 Zone at 209 Via el Toro.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

SUE HERBERS
CITY CLERK

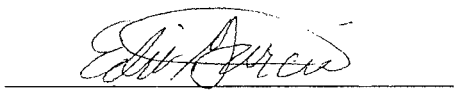
Published: July 15, 2011

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **July 14, 2011**, I caused to be mailed **142** copies of the within notification for **MOD11-00006 (PRE09-00007): JIM AND BETSY DELURGIO** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.
Executed **July 14, 2011**, at Torrance, California.



(signature)

ATTACHMENT D

EXCERPT OF MINUTES ☑ Minutes Approved

July 20, 2010

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in a joint meeting with the Commission on Aging at 5:30 p.m. on Tuesday, July 20, 2010 in the West Annex meeting room at City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

The Commission on Aging meeting was adjourned at 6:24 p.m., and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened in Council Chambers at 7:02 p.m. with all members present.

13. HEARINGS

13A. PRE09-00007: 209 VIA EL TORO – JIM AND BETSY DELURGIO

Recommendation

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located within the Hillside Overlay District, in the R-1 Zone at 209 Via El Toro:

1) Adopt a Resolution denying a Precise Plan of Development to allow construction of first and second story additions to an existing one-story single family residence in conjunction with a new accessory structure.

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located within the Hillside Overlay District, in the R-1 Zone at 209 Via El Toro:

1) Adopt a Resolution approving a Precise Plan of Development to allow construction of first and second story additions to an existing one-story single family residence in conjunction with a new accessory structure.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project and shared photographs of the silhouette taken from various vantage points in the neighborhood. He noted that the Planning Commission voted to deny the project on May 19, 2010 by a vote of 6-0 with one commissioner abstaining.

Councilmember Sutherland disclosed that he visited the site and spoke with the property owner and some of the neighbors. He noted that he had had meetings with Vicki Radel, one of the neighbors, when he served as president of the Rotary Club in 2000-2001 and she served as district governor, but since that time they have only exchanged greetings at social events.

Councilmember Brewer disclosed that the visited the subject property and neighbors on Camino de Encanto.

Councilmember Rhilinger disclosed that she drove through the area and viewed the silhouette from 513 and 515 Camino de Encanto, but made it clear to those with whom she came into contact that she could not discuss the case.

Councilmember Barnett disclosed that he visited the subject property and 513, 515 and 523 Camino de Encanto.

Councilmember Furey reported that he visited the site and viewed the silhouette from a number of vantage points, but did not speak to the proponents or any of the neighbors.

Councilmember Numark disclosed that he visited 513, 515 and 523 Camino de Encanto to assess the project's view impact.

Mayor Scotto disclosed that he discussed the project with the applicants and visited 513, 515 and 523 Camino de Encanto. He noted that he also knows Dr. Vicki Radel as a fellow Rotarian but it would not affect his ability to make an impartial decision.

Using slides to illustrate, Nagy Bakhoum, Obelisk Architects, project architect, explained that the usable area of the subject lot is fairly small due to views over and through the property and a one-story addition of the same size would have a much greater impact on ocean and city-light views than the proposed two-story project. He reviewed the revisions that were made to the original project to address neighbors' concerns, including eliminating/reconfiguring square footage, and reported that the applicant has offered to remove several large trees to open up view corridors. He noted that concerns have been expressed about privacy impact, but the second story is approximately 77 feet away from the nearest structure and second-story windows that could potentially impact privacy have a five-foot minimum sill height. He indicated that the applicant was amenable to a neighbor's suggestion that the detached accessory structure/pool house be moved closer to the property line to mitigate the view impact, however a Waiver of setback requirements would be needed.

Councilmember Brewer asked about suggestions from neighbors that the project incorporate subterranean elements. Mr. Bakhoum explained that the subject lot is not conducive to a subterranean design because it is primarily flat except for the upslope at the rear of the property and drainage would be compromised if portions of the structure were below grade.

In response to Councilmember Brewer's inquiry, Mr. Bakhoum reported that the accessory structure/pool house was not connected to the house because doing so would block the view at 523 Camino de Encanto. He explained that he did not use a flat roof on the pool house because it would not fit with the architectural style of the rest of

the project and noted that the roof pitch is minimal and the interior has only an 8-foot plate height to keep the accessory structure as low as possible.

Councilmember Barnett asked if the trees currently intertwined with the silhouette will be removed. Mr. Bakhoum responded that he believed it would be impossible to build the project without removing them, noting that the trees were planted to shade the existing home which has poor insulation.

Councilmember Barnett reported that he observed that the accessory structure/pool house would impair views and stressed the importance of maintaining north and northwest view corridors. He suggested the possibility of limiting trees/shrubs and the roofline of the accessory structure to the height of the adjacent property line wall to the east.

Jim Delurgio, 209 Via El Toro, applicant, discussed his efforts to address neighbors' concerns during the design process; urged the Council to disregard photographs submitted by opponents that distort the project's impact; and related his belief that the proposed two-story project is the best design given the constraints of the lot.

Roberta Blowers, 721 Camino de Encanto, contended that the proposed project was not in harmony with the neighborhood, submitting a map of the notification area indicating that the majority of homes are one-story, with only a few two-story homes most of which are pre-Hillside Ordinance or semi-subterranean. She suggested that limiting the height of vegetation and requiring a flat roof on the accessory structure/pool house should be considered if the project is approved.

Gene Kusion, 523 Camino de Encanto, voiced his opinion that long-time residents like his family and other neighbors, who purchased their homes with unobstructed views 20-45 years ago should be protected from view blockage by newcomers like the Delurgios, who knowingly purchased a fixer-upper in a problematic location only a few years ago. Using photographs to illustrate, he reported that the project would block ocean and city-light views from his property, including the Hermosa and Manhattan Beach piers and the Santa Monica Mountains. He noted that a smaller two-story project next door to the subject property at 210 Via El Toro was previously denied due to the impact on views.

Councilmember Brewer related his observation that a one-story addition would seem to impact Mr. Kusion's view more than the proposed project. Mr. Kusion stated that he could not determine to what extent his view would be impacted without seeing actual plans and the applicant and his architect have declined to provide one-story plans so neighbors could make an objective comparison.

Armando Montano, 526 Palos Verdes Boulevard, voiced objections to the project, contending that it would impact his ocean view and devalue his property.

Andrew Filak, 514 Palos Verdes Boulevard, related his belief that the proposed project violates the California Coastal Act and the Hillside Ordinance, which limits construction to 14 feet in height, and urged the Council to deny it.

Assistant City Attorney Sullivan clarified that structures over 14 feet in height are permitted in the Hillside Overlay, but require the approval of a Precise Plan of Development.

Cindy Constantino, 513 Camino de Encanto, stated that the proposed project would diminish her privacy by 100% and would permanently block blue and white-water views that are currently obscured by poplar trees on the subject property She maintained that the architect has refused to consider alternatives that could mitigate view impact, such as lowering the grade, building subterranean, utilizing a flat roof, and moving the accessory structure to the northeast section of the lot. She noted that the Planning Commission carefully considered the project and voted unanimously to reject it.

In response to Councilmember Brewer's inquiry, Ms. Constantino confirmed that she would prefer a one-story addition on this property.

Vicki Radel, 515 Camino de Encanto, reported that she has lived in her home for over 35 years and has always maintained a good relationship with her neighbors, therefore she greatly resents Mr. Delurgio's threats and frivolous lawsuits. She stated, however, in the spirit of compromise she would like to request that the following conditions be imposed if he Council decides to approve the project: 1) That the accessory structure/pool house be relocated to the northeast corner of the lot or moved closer to the property line; 2) That both the accessory structure/pool house and the second-story of the house have flat roofs; and 3) That vegetation be limited to the height of property-line walls.

A brief discussion ensued concerning the possibility of regulating the height of the vegetation.

Assistant City Attorney Sullivan advised that the City Attorney's office has grave concerns about imposing a condition restricting the height of vegetation due to the difficulty of enforcing such a condition and stressed the need to narrowly define the parameters if the Council chooses to do so because fence heights can change

Peter Lattey, 515 Camino de Encanto, stated that the applicant has repeatedly claimed that a one-story project would have a greater impact on views, but has never provided actual plans to prove that would be the case. He noted his opposition to the project and proposed the following conditions if it is approved: 1) That vegetation be limited to a specific height, except for areas where it does not impact views; 2) That east and south facing windows be obscured or have a minimum sill height of 5'6"; 3) That no other structures, such as a gazebo or play structure, be allowed in any location that would obstruct a neighbor's view; 4) That the second-story of the house and the accessory structure/pool house have flat roofs and utilize only flat solar panels; and 5) That the accessory structure be moved to within two feet of the property line or relocated to the northeast corner.

Judy Brunetti, 4815 Greenmeadows Avenue, requested clarification of the approval process should the applicant propose a one-story home under 14 feet in height.

Ruth Vogel, 114 Via la Soledad, offered clarification of her comments at the May 19, 2010 Planning Commission meeting. She explained that she mentioned that

the Council had denied a project in July 2008 to protect a neighbor's blue sky view, however, she did not state that the Council had set a precedent by doing so.

Mr. Bakhoum requested an opportunity to review the information submitted at this hearing.

The Council briefly recessed from 10:03 p.m. to 10:16 p.m.

Responding to audience members' comments, Mr. Bakhoum disputed the claim that there are only a few two-story homes within the notification area, reporting that 38% of the homes are two-story according to his research. Submitting photographs to illustrate, he stated that Mr. Kusion is well aware that a one-story addition would block his view as evidenced by the fact that he has requested that trees in that view corridor be trimmed to no taller than six feet. With regard to 513, 515 and 523 Camino de Encanto, he noted that it was staff's impartial judgment that the proposed project has been designed to minimize the impact on these properties. He submitted information regarding illegal tree trimming that took place on the subject property.

Betsy Delurgio, 209 Via El Toro, applicant, stated that she and her husband have done everything possible to communicate with neighbors; noted that this is the project's third revision and staff has objectively confirmed that this design would have the least impact on neighbors; and pointed out that the FAR (floor area ratio) is well below the maximum allowed. She contended that the project maintains all significant views and urged the Council to approve it, either as proposed or imposing reasonable conditions, so that the project can finally go forward.

Councilmember Numark noted that Torrance Municipal Code §91.41.10 requires that the applicant demonstrate that denial of the application would constitute an unreasonable hardship in order to exceed the height of the existing home.

Mr. Bakhoum stated that he believed it would be unfair not to allow the Delurgios to develop their property in a way that is consistent with other homes in this neighborhood, noting that the majority of homes have an FAR of around 0.35, which is slightly above the project's FAR of 0.34. Additionally, he noted that the Delurgios need more space to accommodate their growing family.

Mr. Delurgio noted that the detached accessory structure was a compromise in order to preserve view corridors for neighbors as he would have preferred to have this space as part of the house.

Councilmember Numark asked for staff's assessment of the project's impact on views to the south from residences on Camino de Encanto and Planning Manager Lodan reported that the blockage in this direction is primarily blue sky views.

In response to Councilmember Sutherland's inquiry, Mr. Delurgio confirmed that his real estate agent explained the Hillside Ordinance prior to purchase and he understood that there are difficulties associated with developing property in this area. He stated, however, that he also understood that his property rights would be upheld and the City would not execute a regulatory taking of his property.

Councilmember Sutherland related his understanding that the City may not restrict solar panels due to view impact, and Assistant City Attorney Sullivan confirmed

that the Solar Rights Act protects solar panel installations and supersedes the Hillside Ordinance

Mayor Scotto asked about the possibility of moving the accessory structure/pool house to the northeast corner of the property.

Mr. Bakhoum explained that moving the accessory structure to this area of the lot would drastically impact the adjacent property, which is approximately 4 feet lower than the subject property.

Mr. Delurgio reported that this property owner now supports the project, but would be opposed if the accessory structure is relocated because it would block sunlight from her property.

At Councilmember Numark's request, Mr. Lattey provided clarification regarding the conditions he earlier proposed. With regard to vegetation, he proposed limiting the height of vegetation within ten feet of property boundaries to the height of the adjacent wall, which is approximately 4 feet, and limiting vegetation adjacent to the house or in areas that do not obstruct views to no more than 10 feet.

In response to Councilmember Brewer's inquiry, Mr. Bakhoum provided clarification regarding sill heights. He reported that changing to a flat roof would result in an 18-24 inch height reduction, but he was not in favor of this for aesthetic reasons, and that modifying the roof pitch from 4-in-12 to 3-in-12 would result in a height reduction of approximately 10.75 inches. He expressed his clients' willingness to work with neighbors on vegetation issues.

MOTION: Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

Councilmember Sutherland indicated that he was generally opposed to allowing second stories in the Hillside Overlay area and didn't see how the Council could approve this project after denying a two-story project next door, however, he feared that a one-story addition would have a greater impact on views and neighbors could come to regret their opposition to this project. He expressed the hope that real estate agents would do a better job of emphasizing the near impossibility of obtaining approval for a second story in the Hillside Overlay area.

Councilmember Brewer expressed concerns that severely limiting property owners' ability to improve their homes could ultimately impact property values throughout the Hillside area.

Councilmember Barnett noted that if the Council denies this project, it would be tantamount to saying that the applicant may only build a one-story addition and he was concerned that a one-story addition might also be denied and the applicant would be left with no project.

Assistant City Attorney Sullivan conceded that there could be property rights issues if both a two-story project and a one-story project were denied. He clarified that whereas the Hillside Ordinance §91.41.6(a) states that a proposed development shall not have an adverse impact on the view, light, air and privacy of other properties in the vicinity, "adverse impact" has been consistently interpreted by this Council, previous Councils and the Court to mean "substantial adverse impact."

Councilmember Barnett stated that while neighbors have clearly indicated they do not want a two-story project, he was concerned that the "cure was worse than the disease," since they might find a one-story project even more objectionable

Assistant City Attorney Sullivan noted that §91.41.6 (b) states that a proposed development must be located, planned and designed so as to cause the least intrusion on views, and this is something Councilmembers should also consider because they may find based on the testimony and evidence presented along with their own observations that the proposed two-story design would cause the least intrusion.

Councilmember Rhilinger stated that she also generally does not favor allowing second stories in the Hillside Overlay, but it was evident from Mr. Bakhoum's presentation that this lot is unusual due to the various view corridors through the property and that is why Hillside cases are considered on an individual basis. She related her belief that a one-story project would be more intrusive and that the proposed two-story design does the best job of preserving the views of all the neighbors involved, including those not present at this hearing. She expressed support for moving the accessory structure closer to the property line since both sides agree this would be an improvement and changing the roof pitch to 3-in-12, but indicated that she did not favor changing to a flat roof because it would detract from the home's appearance.

Councilmember Furey commended Mr. Bakhoum for his presentation showing the various view corridors, noting that it was very helpful and demonstrated that an effort was made to preserve neighbors' views. He commented on the acrimony the proposed project has created in the neighborhood and stated that he would have preferred that the applicants had removed the trees that obscured the silhouette, some of which appeared to have been deliberately planted for this purpose. He echoed Councilmember Rhilinger's comments about moving the accessory structure and changing the roof pitch.

Councilmember Brewer stated that by denying this project, the Council would essentially be saying that it must be redesigned as a one-story home and according to the diagram of sight lines submitted by Mr. Bakhoum, this would drastically impact the view at 515 Camino de Encanto and could also block views of neighbors who are currently not affected by the project. He related his belief that the proposed two-story project has been designed to minimize view impact and indicated that he was inclined to support it with the additional conditions proposed by Councilmember Rhilinger.

Councilmember Numark noted that there is no inherent right to build in the Hillside Overlay area as all construction must comply with the Code. With respect to this case, he explained that it was a difficult decision because there is some impact, however, he has concluded that the project complies with the Hillside Ordinance because he believes it would not have a substantial impact on views, light, air or privacy; it was located, planned and designed to cause the least intrusion on other properties in the vicinity; it was not feasible to increase the size of or rearrange the space within the existing building or structure except by increasing the height; and denial of the project would be an unreasonable hardship because the applicants would be denied the opportunity to develop their property in compliance with the Code. He indicated that he favored including the additional conditions discussed to ensure that the project would have the least possible impact.

Mayor Scotto commented that he enjoys a view from his home and is very conscious of the need to protect them. He stated that he saw no way to build a one-story addition on this property without affecting several neighbors' views, with the home at 523 Camino de Encanto being the most affected, and he believes the proposed two-story project is the best solution. He proposed a condition limiting vegetation to the height of existing property line walls to ensure that views are protected in the future and indicated that he also favored changing the roof pitch and moving the accessory structure closer to the property line.

Councilmember Rhilinger expressed concerns about imposing a condition restricting vegetation that applies to this applicant only and the possibility that it could bind the Council in future decisions. She related her preference that any restrictions on vegetation be a private agreement between the parties involved.

Mayor Scotto asked about the Council's ability to specify that the condition concerning vegetation applies to this project and this project only.

Assistant City Attorney Sullivan advised that while the Council can specify that the condition applies to this project only, the public tends to view such action as precedent setting. He noted that even though the protection of blue-sky views was mentioned at only one City Council hearing a few years ago, this issue is now brought up on a regular basis at Planning Commission hearings. He reiterated staff's position that imposing this type of condition would be setting a dangerous precedent. He noted that the City does not have a tree ordinance and the Hillside Ordinance does not address vegetation.

Voicing support for imposing a condition restricting vegetation, Councilmember Numark noted that the Council has the authority to impose conditions as part of the Precise Plan approval process and related his belief that tree and shrubbery issues were an integral part of this case. He recognized that people may bring this up in the future, however each Hillside case is fact specific.

Councilmember Brewer expressed concerns about creating a de facto tree ordinance that applies to this property only, noting that there would be nothing to prevent downhill neighbors from planting "spite trees" to block the Delurgios' view. He voiced his opinion that it would be better for the parties involved to reach a private agreement as a step toward healing the rift in this neighborhood.

Mayor Scotto pointed out that should the Delurgios sell the property, any private agreement would go away, therefore, he favored imposing a condition that runs with the land thereby protecting views no matter who owns the property.

Councilmember Rhilinger acknowledged that it would be very helpful to the neighbors to permanently restrict vegetation on this property, but saw no reason why it should be done in this case when it has never been done in the past. She expressed concerns that such a condition could lead to a tree ordinance, which is something that she does not support.

Councilmember Furey stated that he would not support the project without some restriction on vegetation to protect neighbors' views.

Councilmember Brewer reiterated his opposition to creating a de facto tree ordinance that applies to this property only and related his belief that it would only lead to more animosity in this neighborhood and encourage others to seek the same protection.

MOTION: Councilmember Rhilinger moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.

The motion was seconded by Councilmember Brewer and Councilmember Numark offered a substitute motion.

MOTION: Councilmember Numark moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.
4) That no additional permanent structures over six feet high shall be added to the property
5) That no vegetation on the south, east or north sides of the property shall exceed the height of the existing walls.

The motion was seconded by Councilmember Furey, and discussion continued.

Councilmember Brewer noted that there is currently play equipment in the backyard and questioned whether that would be deemed a permanent structure and therefore have to be removed.

Community Development Director Gibson advised that staff does not view play equipment as a permanent structure and would interpret "permanent structure" to mean something that requires a building permit. He noted that conditions of this nature tend to be contentious because people can disagree as to exactly what they mean.

Councilmember Numark commented that this process has been contentious for everyone involved and he believed the proposed restrictions were reasonable.

In response to Assistant City Attorney Sullivan's inquiry, Councilmember Numark clarified that it was not his intention to require that play equipment be removed

Mayor Scotto called for a vote on the substitute motion.

MOTION: Councilmember Numark moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.
4) That no additional permanent structures over six feet high shall be added to the property.
5) That no vegetation on the south, east or north sides of the property shall exceed the height of the existing walls.

The motion was seconded by Councilmember Furey and passed by as reflected in the following vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

Community Development Director Gibson noted that Resolutions reflecting the Council's decision would be brought back for approval at later date.

####

EXCERPT OF MINUTES

☑ Minutes Approved

August 24, 2010

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, August 24, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

*

10D. RESOLUTION APPROVING PRECISE PLAN OF DEVELOPMENT AT 209 VIA EL TORO

Recommendation

Recommendation of the Community Development Director that City Council adopt a Resolution reflecting City Council decision at the July 20, 2010 meeting to approve an appeal of a Planning Commission decision and approve 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.

PRE09-00007: Jim & Betsy Delurgio

Community Development Director Gibson reported that the Resolution reflects the Council's decision to approve an appeal and approve the project at 209 Via El Toro. He noted supplemental material amending Condition No. 13 to more accurately reflect the Council's intent as discussed at the July 20, 2010 meeting.

Gene Kusion, Camino de Encanto, requested confirmation that Condition No. 15 means that no vegetation on this lot shall be taller than the height of the existing perimeter walls except for along the front of the house, and Mayor Scotto confirmed that was the intent of the condition.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Furey and passed as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

RESOLUTION NO. 2010-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE 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 AND BETSY DELURGIO

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-82 as amended. The motion was seconded by Councilmember Barnett and passed as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

###

EXCERPT OF MINUTES ☑ Minutes Approved

September 21, 2010

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in a joint meeting with the Library Commission at 5:35 p.m. on Tuesday, September 21, 2010 in the Katy Geissert Civic Center Library meeting room.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

The Library Commission meeting was adjourned at 6:49 p.m., and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened in Council Chambers at 7:05 p.m. with all members present.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTION APPROVING PRE09-00007 AT 209 VIA EL TORO

Recommendation

Recommendation of the Community Development Director that 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. PRE09-00007: Jim & Betsy Delurgio

Planning Manager Lodan reported that the proposed Resolution corrects errors that were discovered in Resolution No. 2010-82 adopted on August 24, 2010.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Barnett and passed by a 5-2 roll call vote, with Councilmembers Rhilinger and Sutherland dissenting.

RESOLUTION NO. 2010-92

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 AND BETSY DELURGIO

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-92. The motion was seconded by Councilmember Barnett and passed by a 5-2 roll call vote, with Councilmembers Rhilinger and Sutherland dissenting.

###

ATTACHMENT E

187
25

Delurgio Residence

ABBREVIATIONS

ARCH	Architectural	EXT	Exterior	PLYWD	Plywood		
BTWN	Between	F.A.U.	Forced Air Unit	RDS, RGD	Rdwd, Rough Sawn		
BLDG	Building	Fin. FLR	Finish Finished Floor	RAF	Roof Rafters		
BLK	Block	F.F.U.	Floor Joist Framing	REINF	Reinforce		
BM	Beam	FRZ	Freezer	REFR	Refrigerator		
CABINET	Cabinet	GALV	Galvanized	REQ'D	Required		
CLG	Ceiling	G.I.	Ground Fault Interrupt	SHT. SL	Sheet Slope		
CLG	Clear	GND	Grade	SIM. STL	Similar Steel		
C.J.	Ceiling Joist	GYP. BD	Gypsum Board	STRUCT	Structural		
COL	Column	HDR.	Header	TEMP	Tempered		
CONC	Concrete	HOT W.T.	Hot Water Heater	TH	Treads		
CONT	Continuous	MAX	Maximum	T & G	Tongue & Groove		
DBY	Dryer	MIN	Minimum	T.O.	Top of		
DIA	Diameter	MECH	Mechanical	TYP	Typical		
DIM	Dimensions	MT.LR	Mezzanine	U.N.O	Unless Noted Otherwise		
DWN	Downspout	MICRO	Microwave	V.I.F.	Verify In Field		
ENGRS	Engineer	MTL	Metal	WASH	Washer		
ELEV	Elevation	NAT. GAS	Natural Gas	W/H	Water Heater		
EQUIP	Equipment	NO. O/C	Number On Center	WD	Wood		

LEGEND

- Concrete
- Masonry Wall
- New Wall
- Framed Ceiling / Arch
- Shearwall
- Door
- Window
- Detail
- Interior Elevations
- Section
- Dimension to center line
- Dimension to face of framing/masonry (unless noted otherwise)
- Slope
- Elevation Heights

LIST OF BEST MANAGEMENT PRACTICES:

1 CA1 DEWATERING OPERATIONS - REMOVE SEDIMENTS FROM GROUND WATER
2 CA2 PAVING OPERATIONS - REDUCE DISCHARGE OF POLLUTANTS FROM PAVING OPERATIONS
3 CA3 STRUCTURE CONSTRUCTION AND PAINTING - PREVENT AND REDUCE DISCHARGE FROM CONSTRUCTION SITES AND PAINTING PROJECTS
4 CA4 MATERIAL DELIVERY AND STORAGE - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM MATERIAL DELIVERY AND STORAGE
5 CA5 MATERIAL USE - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM MATERIAL USE
6 CA6 SPILL PREVENTION AND CONTROL - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER SYSTEMS WITH GOOD HOUSEKEEPING
7 CA7A SOLID WASTE MANAGEMENT - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER SYSTEMS FROM SOLID WASTE OR CONSTRUCTION
8 CA7B HAZARDOUS WASTE MANAGEMENT - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM TOXIC MATERIALS
9 CA7C CONTAMINATED SOIL MANAGEMENT - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM CONTAMINATED SOIL
10 CA7D CONCRETE WASTE MANAGEMENT - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM CONCRETE WASTE
11 CA8A SANITARY/SEPTIC WASTE MANAGEMENT - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM SANITARY AND SEPTIC SYSTEMS
12 CA9A VEHICLE AND EQUIPMENT CLEANING - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM VEHICLE AND EQUIPMENT WASHING
13 CA9B VEHICLE AND EQUIPMENT FUELING - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM FUELING OF VEHICLES AND EQUIPMENT
14 CA9C VEHICLE AND EQUIPMENT MAINTENANCE - PREVENT AND REDUCE DISCHARGE OF POLLUTANTS TO STORM WATER FROM MAINTENANCE OF VEHICLES AND EQUIPMENT
15 CA10 EMPLOYEE/SUBCONTRACTOR TRAINING - SWPPP STORM WATER POLLUTION PREVENTION PLAN
16 ESC1 SCHEDULING - SEQUENCING THE CONSTRUCTION PROJECT TO REDUCE THE AMOUNT OF SOIL EXPOSED TO EROSION
17 ESC2 PRESERVATION OF EXISTING VEGETATION - MINIMIZE DAMAGE AND EROSION BY PRESERVING THE EXISTING VEGETATION
18 ESC10 REGOING AND PLANTING - MINIMIZE EROSION WITH SEEDING AND PLANTING
19 ESC11 MULCHING - FOR STABILIZING CLEARED AND FRESHLY SEEDED AREAS
20 ESC16 GEOTEXTILES AND MATS - FOR STABILIZATION OF SOILS
21 ESC17 DUST CONTROLS - REDUCE DUST AND SILT EROSION
22 ESC22 TEMPORARY STREAM CROSSING - RECOMMENDATIONS FOR INSTALLING A TEMPORARY CULVERT FORD OR BRIDGE
23 ESC23 CONSTRUCTION ROAD STABILIZATION - RECOMMENDATIONS FOR DUST AND EROSION CONTROL
24 ESC24 STABILIZED CONSTRUCTION ENTRANCE - RECOMMENDATIONS FOR DUST, SEDIMENT AND EROSION CONTROL FOR PUBLIC STREETS
25 ESC26 BANK FILTERS - TEMPORARY BERM OR MOUND OF LOOSE RIP-RAP PLACED SUB
26 ESC31 TEMPORARY DRAINS AND SWALES - TO DIVERT OFF-SITE RUNOFF AROUND A CONSTRUCTION SITE
27 ESC32 PIPE SLOPE DRAIN - TEMPORARY PIPE TO DIVERT RUNOFF FROM THE TOP OF A SLOPE TO THE BOTTOM WITHOUT CAUSING EROSION
28 ESC43 OUTLET PROTECTION - INSTALL RIP-RAP TO REDUCE SEDIMENT IN THE SOIL
29 ESC44 CHECK DAMS - REDUCE VELOCITY OF CONCENTRATED STORM WATER FLOWS AND REDUCE EROSION
30 SA1 SLOPE ROUGHENING TERRACING - AREAS ES. VEGETATION - FOR ESTABLISHING VEGETATION
31 ESC50 SILT FENCE - FOR SEDIMENTATION CONTROL
32 ESC51 STRAW BALE BARRIERS - FOR SEDIMENTATION CONTROL
33 ESC52 SAND BAG BARRIER - FOR SEDIMENTATION CONTROL
34 ESC53 BERM - ON SLOPES, ETC. - FOR SEDIMENTATION CONTROL AND VELOCITY REDUCTION
35 ESC54 STORM DRAIN INLET PROTECTION - DEVICES WHICH RETAIN SEDIMENT LADEN RUNOFF
36 ESC55 SEDIMENT TRAP - SMALL EXCAVATED OR BERMED AREA FOR SEDIMENTATION
37 ESC56 SEDIMENT BASIN - POND CREATED TO ALLOW EXCESSIVE SEDIMENT TO SETTLE

AREA BREAKDOWN

LOT SIZE: 13185.12 square feet

EXISTING LOT COVERAGE:

2023 sq. ft.	15.34	% BUILDING
1733 sq. ft.	13.14	% HARDSCAPE
3756 sq. ft.	28.48	% TOTAL

PROPOSED LOT COVERAGE

3432.90 sq. ft.	26.41	% BUILDING
2955.63 sq. ft.	22	% HARDSCAPE
7454.34 sq. ft.	56.30	% LANDSCAPE

1st FLOOR HABITABLE SPACE

2274.04 sq. ft. (including wall thickness)

1st FLOOR NON-HABITABLE SPACE

GARAGE	515.08	sq. ft.
PORCH	60.11	sq. ft.
PATIO	661.10	sq. ft.
POOL BLDG	670.35	sq. ft.

2nd FLOOR HABITABLE AREA

964.73 sq. ft. (including wall thickness)

2nd FLOOR NON-HABITABLE SPACE

BALCONY	184.24	sq. ft.

FAR CALCULATION

HABITABLE AREA

2274.04 1ST FLOOR HABITABLE AREA
964.73 2ND FLOOR HABITABLE AREA
3238.87 / 13185.12 = 24.57% F.A.R.

HABITABLE & NON-HABITABLE AREA

3238.87 HABITABLE AREA
515.08 GARAGE AREA
670.35 POOL BUILDING
4424.30 / 13185.12 = 33.55% F.A.R.

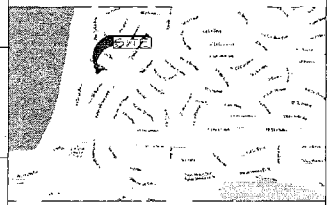
PROJECT CONTACTS

OWNER:	Jim & Betsy Delurgio	209 Via El Toro Redondo Beach, CA 90277
ARCHITECT	Obelisk Architects	3800 Pacific Coast Highway Torrance, CA 90505 Contact: Peggy Bahroom Phone: 1.310.373.0810
STRUCTURAL		
CIVIL ENGINEER:		
SURVEYOR	Centerpoint Inc.	3014 Del Amo Blvd. Torrance, Ca. 90503 Contact: Gary J. Rudd Phone: 1.310.staff.9433

PROJECT SUMMARY

PROJECT ADDRESS	209 Via El Toro Redondo Beach, CA 90277
PROJECT DESCRIPTION	Remodel of existing residence with existing attached 2 car garage and proposed new pool house, pool w/spa, and bar & enclosed pool equipment structure
ZONE	Residential
BUILDING TYPE	2-story single family residence with 2-car garage
OCCUPANCY GROUP	(R-1) Residence (U-1) Garage
CONSTRUCTION TYPE	Type VA/ V - no fire sprinklers
APPLICABLE CODES:	2007 CBC, 2007 CMC, 2007 CPC 2007 CEC with State of California and City of Torrance
LEGAL DESCRIPTION	Lot 126, Tract 18376 M.B. 383/8-14 APN: 7512-007-029

VICINITY MAP



SHEET INDEX

G-001	COVER SHEET
C-001	CIVIL SURVEY
A-001	SITE PLAN
A-003	SITE SECTION
A-100	EXISTING FLOOR PLAN
A-101	FIRST FLOOR PLAN
A-102	SECOND FLOOR PLAN
A-103	ROOF PLAN
A-104	POOL BDG. FLOOR PLAN + ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-202	EXTERIOR ELEVATIONS
A-203	POOL BDG EXTERIOR ELEVATIONS

OBELISK ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310 373.3558 tel

PROJECT
Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS
Date Description

PROJECT NUMBER
1003 DEL TOR TOR

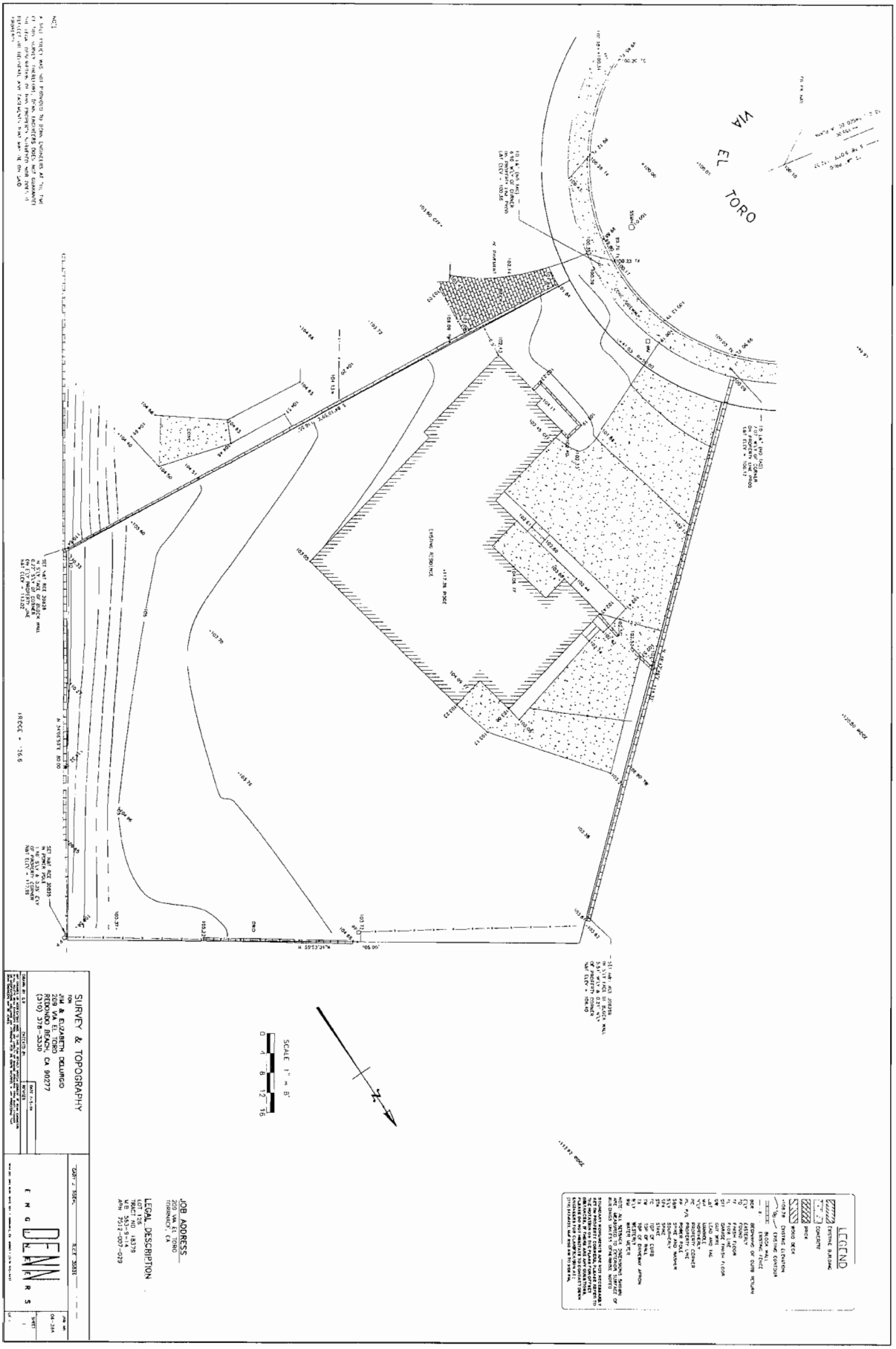
DATE
May 4, 2010

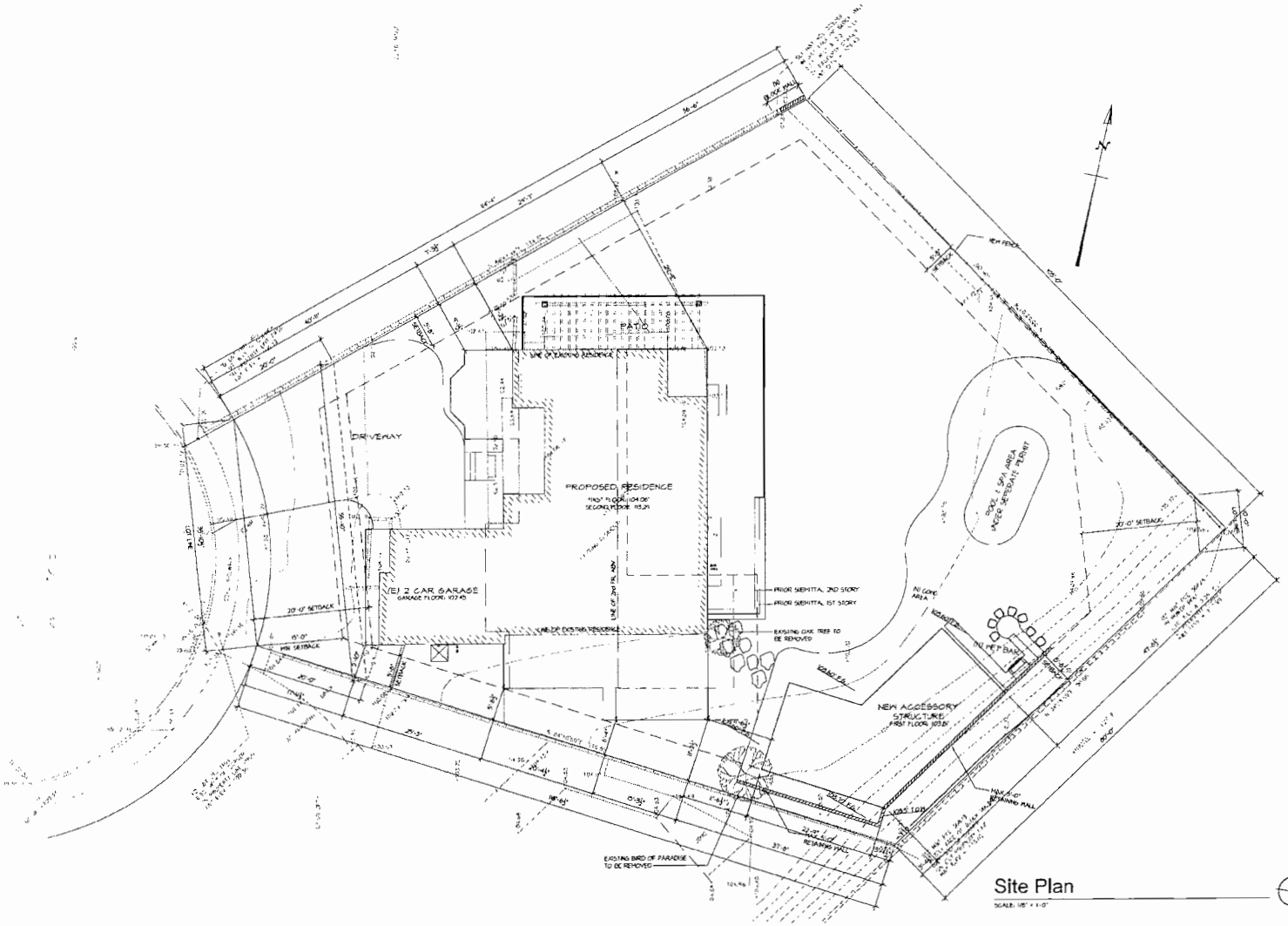
STAMP

SHEET TITLE
COVER SHEET

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS. ALL RIGHTS RESERVED (C) 1997-2010

SHEET
G-001


VIA EL TORO
LEGEND
SURVEY & TOPOGRAPHY
for
JOB ADDRESS
LEGAL DESCRIPTION
SCALE 1" = 8'



Site Plan

SCALE: 1/8" = 1'-0"

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Vln El Toro
Redondo Beach
California 90277

REVISIONS
Date Description

PROJECT NUMBER
1003 DEL TOR TOR

DATE
May 4, 2010

STAMP

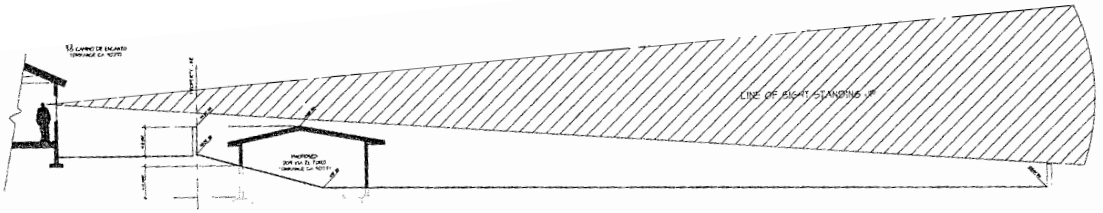
SHEET TITLE

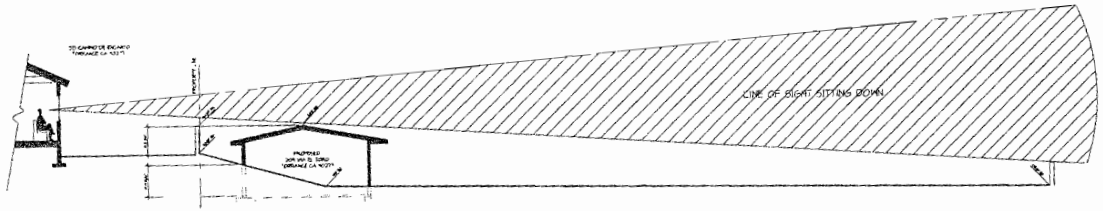
Site Plan

THIS DRAWING IS PURCHASED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DRAWING AND ITS CONCEPTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE DISCLOSED OR COPIED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS.
ALL RIGHTS RESERVED (C) 1997-2010.

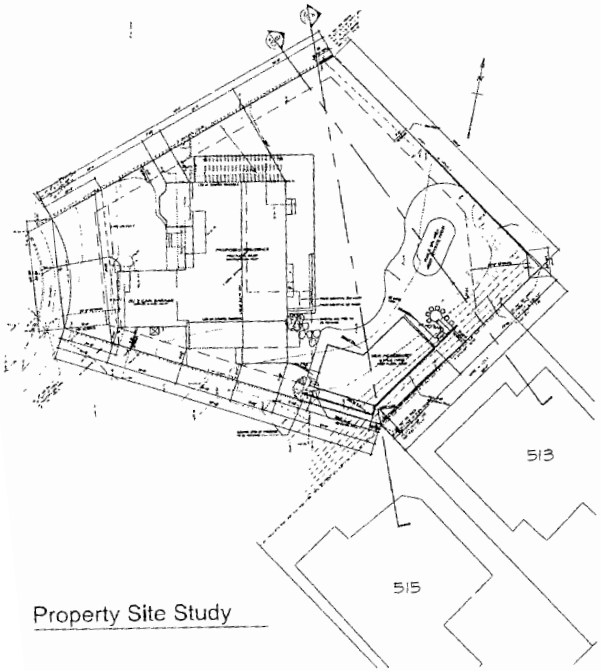
SHEET

A-001

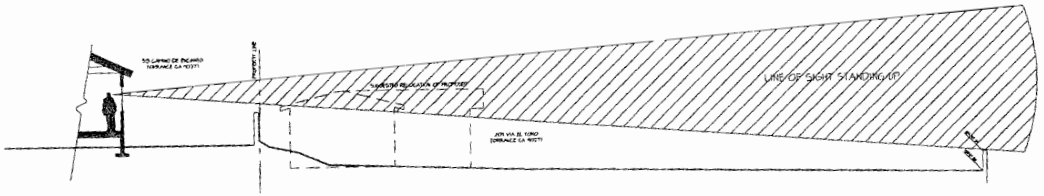


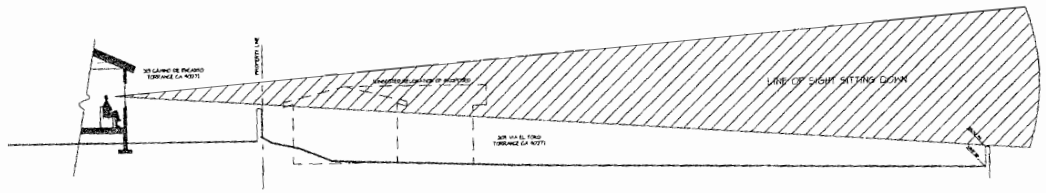


Property Site Section Study A



Property Site Study





Property Site Section Study B

OBELISK
ARCHITECTS
3805 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3566 tel

PROJECT
Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS
Date Description

PROJECT NUMBER
1003 DEL TOR TOR

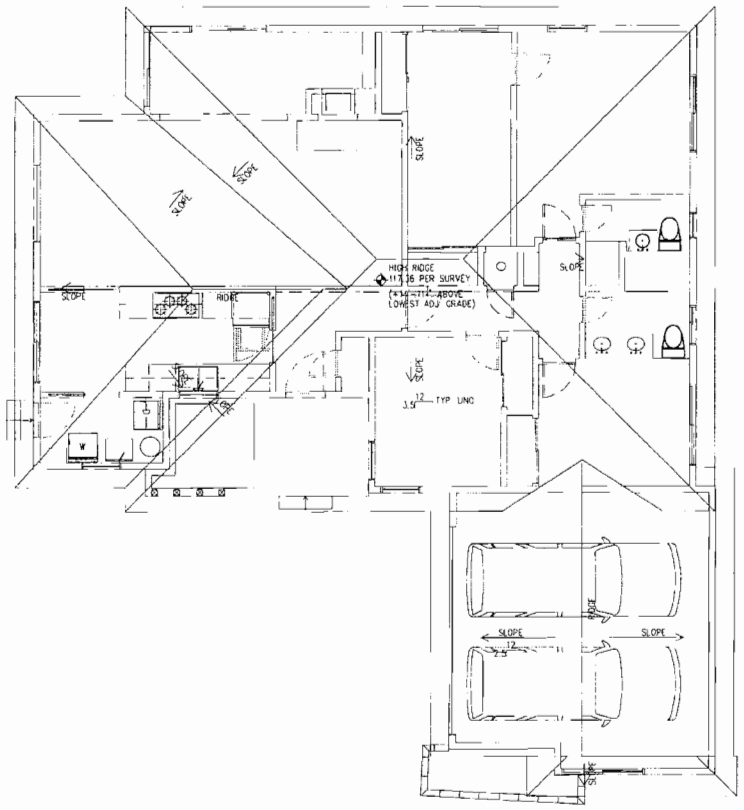
DATE
May 4, 2010

STAMP

SHEET TITLE
Site Section

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, REVIEW OR REVISION. THIS DOCUMENT AND ITS CONTENTS SHALL NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF OBELISK ARCHITECTS. COPYRIGHT 2010 ALL RIGHTS RESERVED (C) 1997-2010

SHEET
A-003



Existing Floor Plan

SCALE: 1/4" = 1'-0"

SQ. FT

N

OBELISK
ARCHITECTS

3600 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER

1003 DEL TOR TOR

DATE

May 4, 2010

STAMP

SHEET TITLE

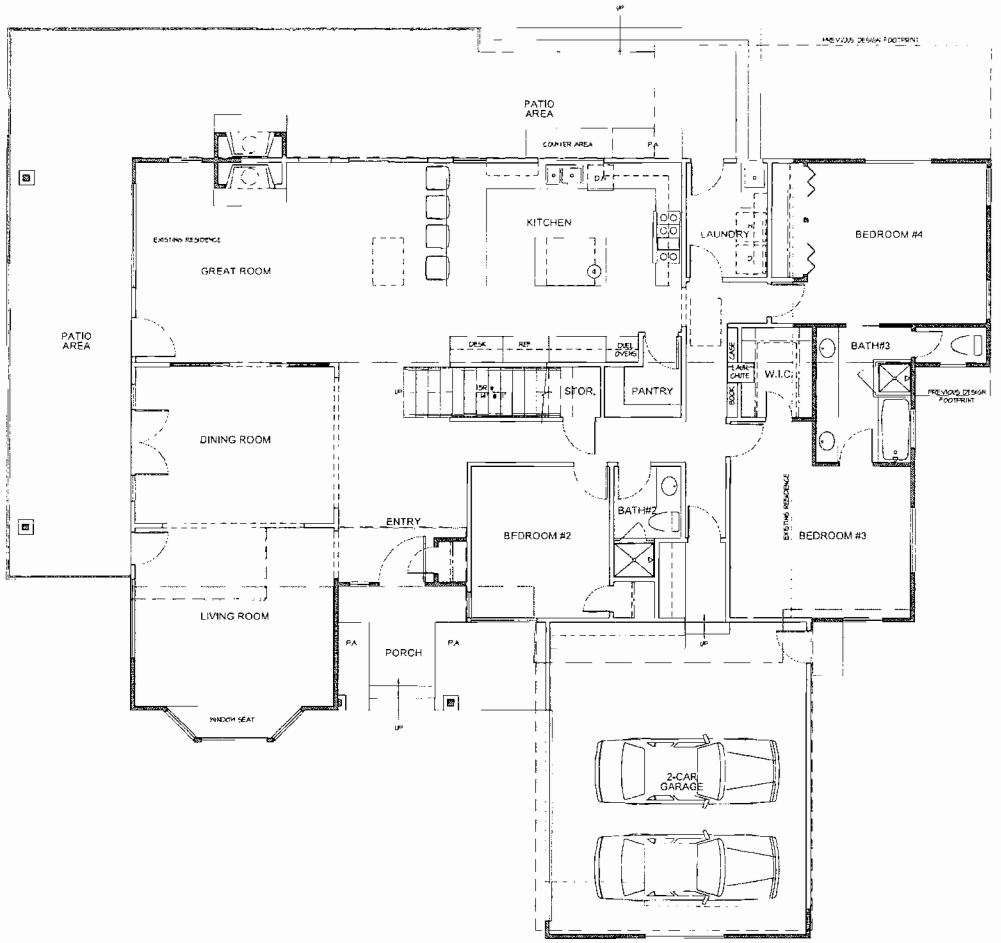
Existing Floor Plan

THIS DOCUMENT IS FURNISHED AS CONFIDENTIAL FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR OWNER. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS
ALL RIGHTS RESERVED (C) 1991-2010

SHEET

A-100

192
30



First Floor Plan

SCALE: 1/4" = 1'-0"

N

SQ. FT.

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3588 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER
1003 DEL TOR TOR

DATE
May 4, 2010

STAMP

SHEET TITLE

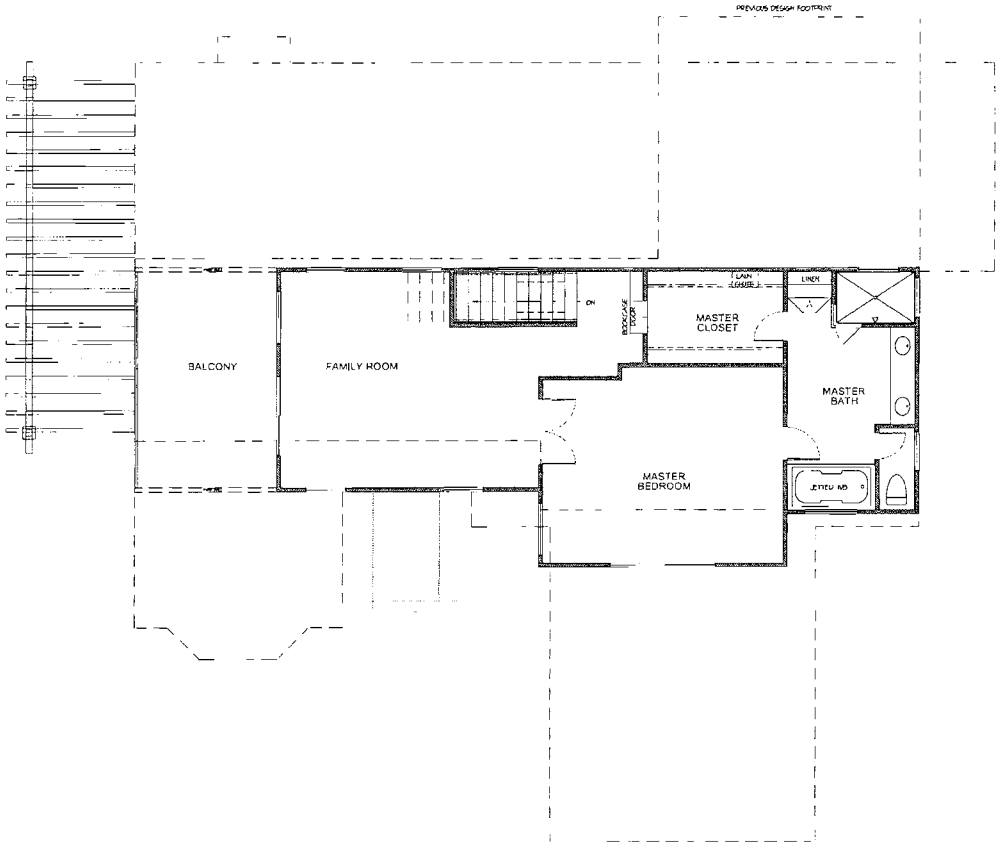
First Floor Plan

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS.
ALL RIGHTS RESERVED (c) 1990-2010.

SHEET

A-101

193
31



Second Floor Plan

SCALE: 1/4" = 1'-0"

50 FT

N

OBELISK
ARCHITECTS

1800 PACIFIC COAST HIGHWAY
TORRANCE CALIFORNIA 90503
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER

1003 DEL TOR TOR

DATE

May 4, 2010

STAMP

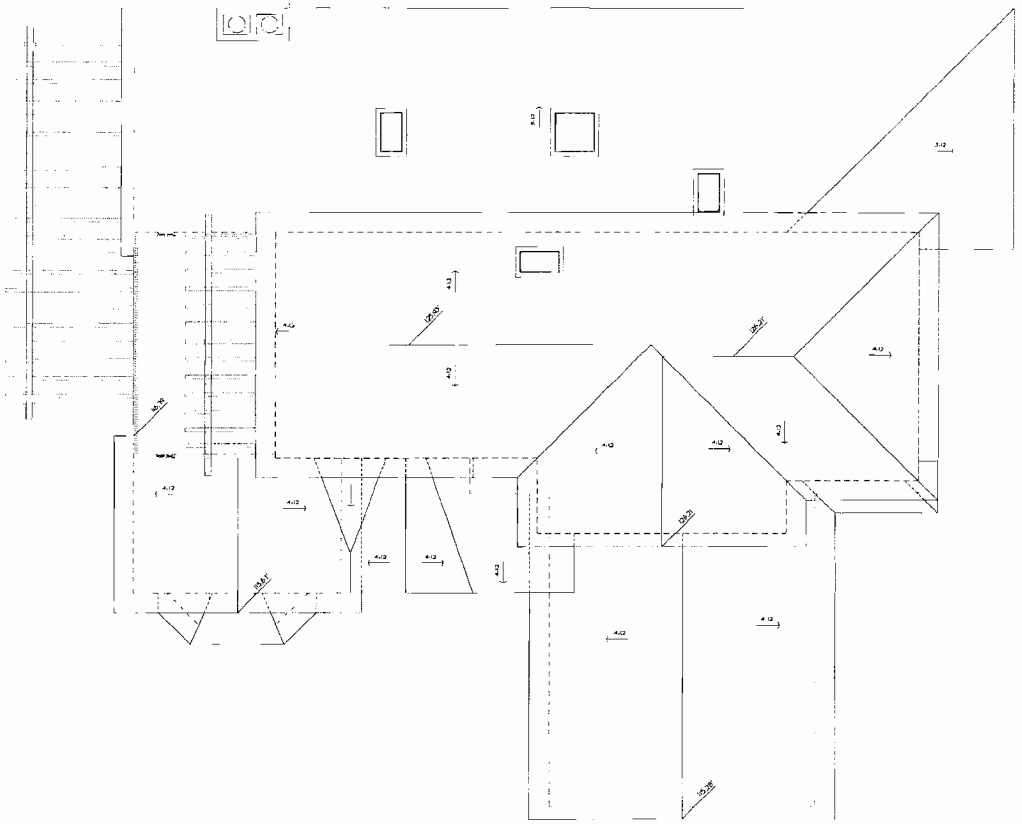
SHEET TITLE

Second Floor Plan

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS. ALL RIGHTS RESERVED (C) 1997-2010

SHEET

A-102



Roof Plan

SCALE: 1/4" = 1'-0"

SQ FT

N

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER

1003 DEL TOR TOR

DATE

May 4, 2010

STAMP

SHEET TITLE

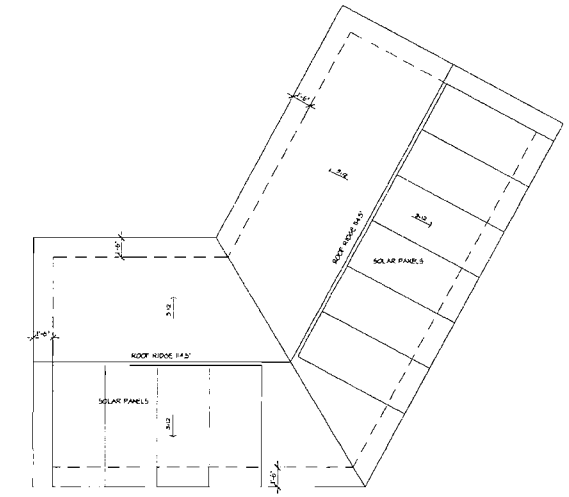
Roof Plan

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS ALL RIGHTS RESERVED (C) 1997-2010.

SHEET

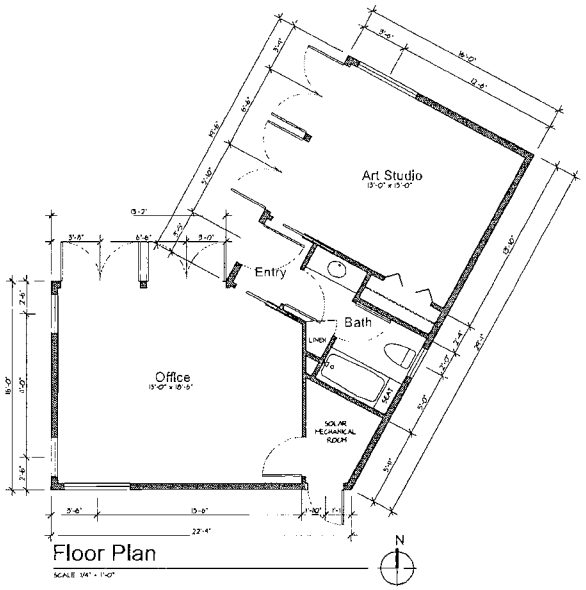
A-103

195
33



Roof Plan

SCALE: 1/4" = 1'-0"



Floor Plan

SCALE: 1/4" = 1'-0"

OBELISK
ARCHITECTS

3809 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0610 fax
310.373.3568 tel

PROJECT

Delfurglo Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER
1003 DFL TOR TOR

DATE
May 4, 2010

STAMP

SHEET TITLE

Pool Bldg. Floor Plan/ Roof Plan

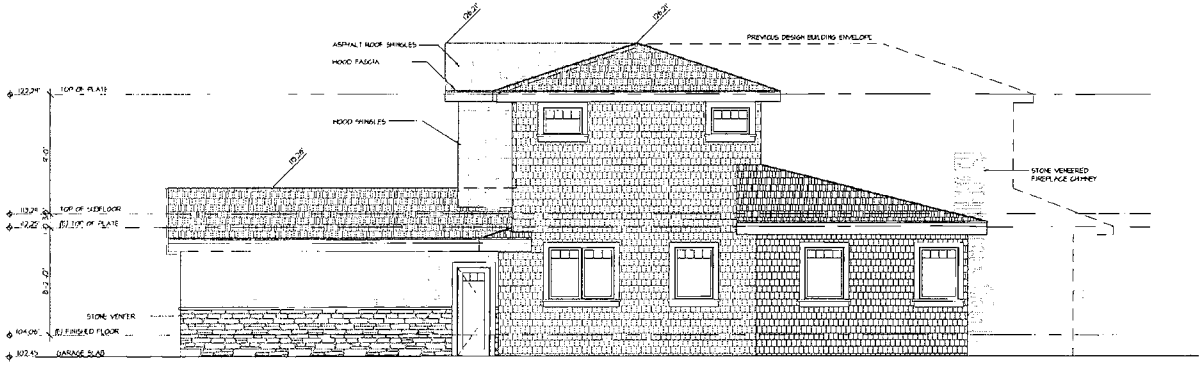
THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE DISCLOSED OR COPIED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS
ALL RIGHTS RESERVED (C) 1981-2010

SHEET

A-104

West Elevation

SCALE: 1/4" = 1'-0"



South Elevation

SCALE: 1/4" = 1'-0"

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS
Date Description

PROJECT NUMBER
1003 DEL TOR TOR

DATE
May 4, 2010

STAMP

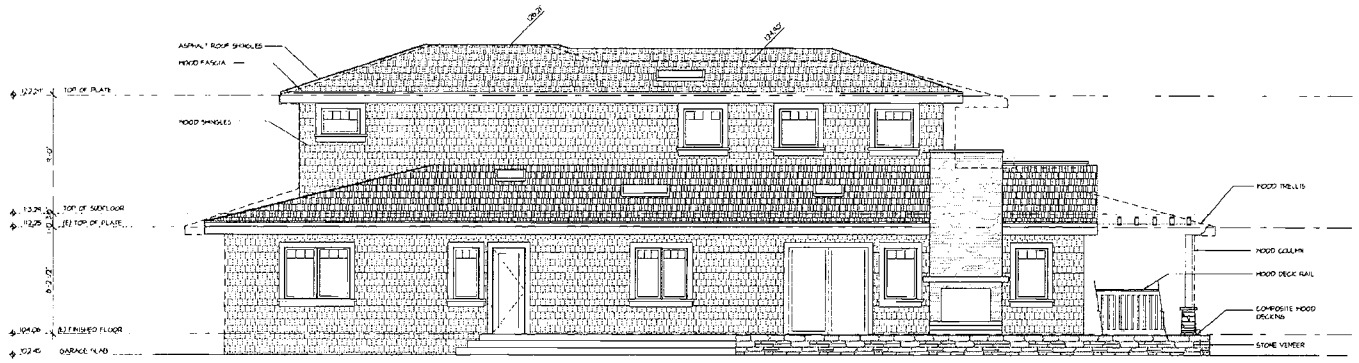
SHEET TITLE

Exterior Elevations

THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS. ALL RIGHTS RESERVED (C) 1987-2010

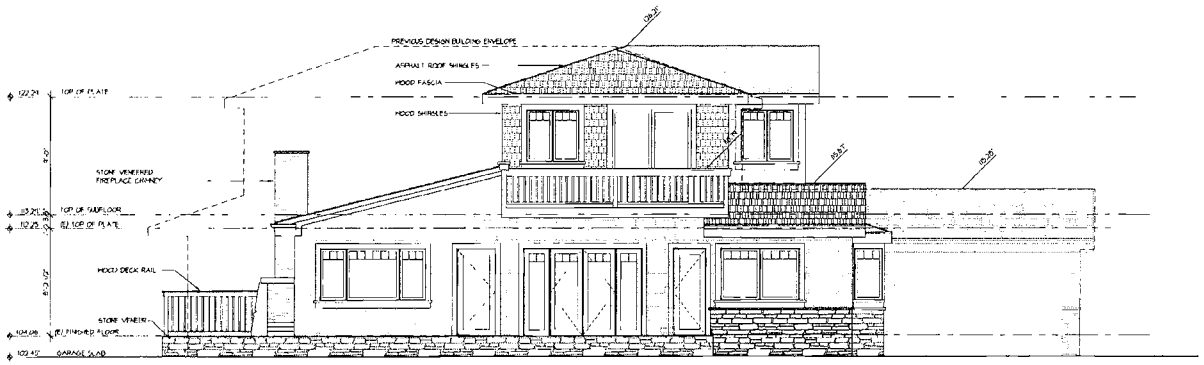
SHEET

A-201



East Elevation

SCALE: 1/4" = 1'-0"



North Elevation

SCALE: 1/4" = 1'-0"

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurgio Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS

Date Description

PROJECT NUMBER

1003 DEL TOR TOR

DATE

May 4, 2010

STAMP

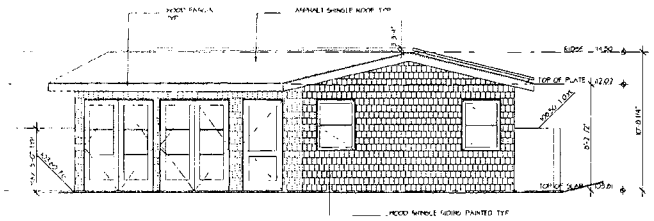
SHEET TITLE

Exterior Elevations

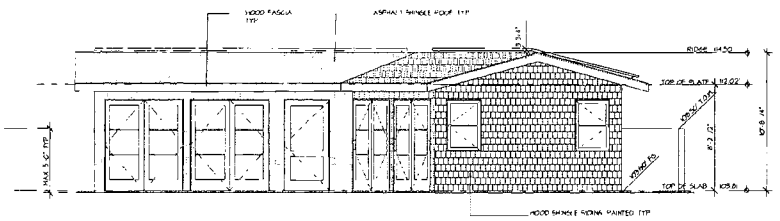
THIS DOCUMENT IS FURNISHED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION, BIDDING OR REVIEW. THIS DOCUMENT AND ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR WRITTEN AUTHORIZED CONSENT OF OBELISK ARCHITECTS. ALL RIGHTS RESERVED (C) 1997-2010

SHEET

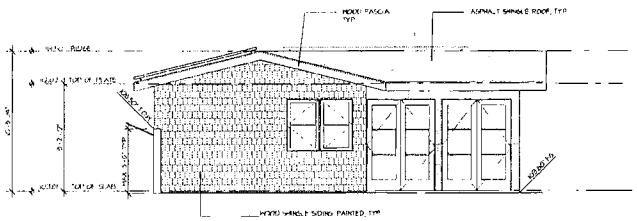
A-202



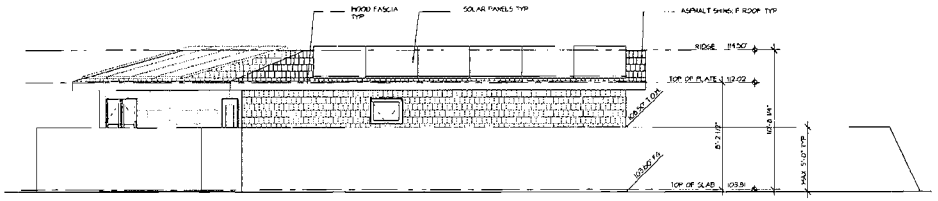
West Elevations



North Elevations



East Elevations



South Elevations

OBELISK
ARCHITECTS

3800 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505
obeliskarchitects.com
310.373.0810 fax
310.373.3568 tel

PROJECT

Delurglo Residence

209 Via El Toro
Redondo Beach
California 90277

REVISIONS
Date Description

PROJECT NUMBER
1003 DEL TOR TOR

DATE
May 4, 2010

STAMP

SHEET TITLE

Pool Bldg. Exterior Elevations

THIS DOCUMENT IS SUBMITTED IN CONFIDENCE FOR THE LIMITED PURPOSE OF EVALUATION WITHIN THE CITY OF REDONDO BEACH. ITS CONTENTS MAY NOT BE USED FOR ANY OTHER PURPOSE AND MAY NOT BE REPRODUCED OR DISCLOSED TO OTHERS WITHOUT THE PRIOR AND EXPRESS AUTHORIZED CONSENT OF OBELISK ARCHITECTS
ALL RIGHTS RESERVED (C) 1971-2010

DATE

A-203

sq. feet of our backyard is not for our neighbors to have a permanent and unnecessarily expanded view corridor that was previously non-existent, and we should never have been subjected to these highly restrictive conditions.

Since taking ownership in 2005, we have spent several thousand dollars to remove over 75% of the vegetation on our property. Our neighbors don't mention the amount of vegetation we have removed, or the views which have been greatly expanded since we took ownership. Our poplar trees were planted prior to Mr. Kusion taking residency in his mother's rental home. There was no view of our poplar trees from the Kusion residence until he cut down our neighbors' trees without permission. After he cut these trees, he (and his mother) proceeded to sue us for all trees on our property. They requested via certified letters that we cut everything down in our backyard, and even requested we cut foliage in the yard of our neighbor to the north. They continually refused our repeated offers to observe and discuss their concerns regarding vegetation which had existed on our property for decades. Despite the aggression shown to us by these neighbors, we have agreed to trim certain trees. Our agreement arrived unnecessarily in court after Mr. Kusion walked out of court ordered mediation. It should have and could have been reached without court, and between neighbors if only Mr. Kusion (the attorney) or his mother (the homeowner), had ever been willing to speak with us regarding their concerns.

The Mayor stated in our hearing last year that our neighbors now may "act as police and go to The City if the trees go over the wall height". This was his message to the very same neighbors who have harassed us, frivolously sued us, trespassed on our property, vandalized vegetation on our property and other properties during the Precise Plan process; and whom the City has failed to prosecute.

We have been told by many people, including City Officials, that we should plant Bamboo along the perimeter of our property to shield out our threatening neighbors. Other property owners have taken this tactic. We have not done so, and never intend to do this. We have always understood and respected that there are view corridors through our property, but again, our entire backyard should not be seen merely as a view corridor. Despite the fact that we are developing our property, we should certainly retain the same property rights as every other property in our community.

Our adjacent neighbor to the north, Mrs. Becker (214 Calle de Sirenas) would like us to plant trees to grow above our shared wall height for privacy between our homes. Ramzi & Sheri Ghaby (509 Camino de Encanto) have also expressed that they too would like privacy between our homes and vegetation is the perfect solution. There would be no view impact to anybody in either case if we were to do so. These conditions prohibit us from doing this and put us at risk for being sued even though there would be no view impact. When we agreed to reduce the height of the vegetation that had been previously vandalized by Cindy Constantino, she then complained that she would be losing privacy as well, and suggested that we put a pergola over our proposed barbeque area so there is added privacy between our yards. Condition #14 would unnecessarily prohibit this even though it would not impair any views, and would provide much needed privacy between us and this neighbor.

The Mayor clearly stated in our hearing last year that he wants the vegetation restricted so the neighbors on Encanto can "gain more view than any structure will restrict". The Mayor states, "They will be so much better off without any plants in the back of that property." Why? We do not understand why the City Council would make up such a thoughtless condition that burdens our private property to the benefit of specific neighbors' private property. These conditions further serve to harm the property of even

These conditions lack a legal foundation, they remove important private property rights, and they significantly reduced our property value the moment they were included in this decision during a closed session of the City Council. The conditions are clearly a violation of existing land use laws as they were put into place deliberately so that we could not use our property in the same manner as every other property is allowed. The inclusion of these conditions does not provide any public benefit, and we have received no offer of compensation for our loss if we were to accept these conditions and begin to restore our old dilapidated home. The conditions violate our civil liberties by failing to provide due process or equal protection under the law.

The inclusion of these conditions in the decision immediately diminished the value of our property as well as our enjoyment of our property, and has damaged every member of our family.

Removal of these unreasonable and unnecessary conditions will allow us to improve our property in accordance with Precise Plan PRE09-00007 as approved. We ask that the resolution 2010-92 for PRE09-00007 be corrected to conform with Municipal, State and Federal Laws. Land use laws were written and enacted to protect our Rights and Liberties as private property owners.

There is no malicious intent with our request for removal of these conditions from resolution 2010-92. Despite the acrimony that has been directed toward our family over the past five years and the damage done to our property by a few of our neighbors and some leaders of the Hollywood Riviera Homeowners Association, we harbor no bad intentions and only seek to move forward with our project.

In order to restore balance to this process and to restore value to our property, we must be allowed to use our property in the same manner as all other properties within our community have been allowed.

We have every expectation that approval of our request for removal of these conditions will restore order to our property and to our community.

I have included some of our legal research of which you are probably aware, but I wanted to share this with you so that you can understand the basis of our concerns as you prepare your staff recommendation regarding our request for removal of conditions #14 and #15 from PRE09-00007. Please let me know if we can be of further assistance in understating the need for removal of conditions #14 and #15.

Torrance General Plan Land Use and Zoning Compatibility Objectives and Policies

The Law:

> *The City will work to ensure General Plan and zoning consistency by prohibiting zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, and reviewing development proposals for consistency with all applicable land use regulations.* p. LU-20
>
> *Objective LU.1*
>
> > *Policy LU.1.2: Prohibit spot zoning within residential blocks*

Our Position:

1. Conditions #14 and #15 restrict the use of our property in a manner which is inconsistent with surrounding zoning and land uses. These conditions imposed upon our property as conditions operate in the same manner as a zoning ordinance would operate. Such a zoning ordinance is inconsistent with the city's General Plan as is required by California Government Code 65000, et seq.
2. The review of our conforming development proposal PRE09-00007 is consistent with all applicable land use regulations other than the inclusion of conditions #14 and #15. Either of these conditions is considered to be spot-zoning of our property, which is prohibited.
3. These conditions were imposed individually against our property during a Precise Plan hearing required by the Hillside Overlay Ordinance, which is a zoning ordinance.

Torrance Municipal Code: Hillside Overlay Ordinance

The Law:

SECTION 91.41.5. - PRECISE PLAN.

> *c) Nothing in this Article shall be construed to authorize the Planning Commission to impose conditions more restrictive than the express provisions of this Code or the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act when so doing would render construction an any lot impossible where such construction would be possible in accordance with the Code as written.*

Our Position:

1. Conditions #14 and #15 were imposed during our appeal of a Planning Commission decision regarding PRE09-00007.
2. Condition #14 and condition #15, exceed the provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code, also known as the Hillside Overlay Ordinance.
3. Condition #14 is more restrictive than the express provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code.
    a. Condition #14 would certainly render construction on our property impossible where such construction would be possible in accordance with the code as written.
    a. Condition #14 prohibits all development over 6' in the rear portion of our yard effectively condemning 7,213 square feet of our property of all reasonable use.
4. Condition #14 is absolute, prohibitive, and prejudicial. It is also unnecessary and redundant with the existing Hillside Overlay Ordinance.
    a. Under the Hillside Overlay Ordinance, any development which meets the criteria prohibited under condition #14 would be subject to review for compliance with the Hillside Overlay Ordinance.
    b. The forms of review include Administrative Approval, Minor Hillside Exemption, and Precise Plan hearing before the planning commission.

b. The City Council imposed both condition #15 and condition #12 which stand in direct, contradiction with each other.
c. It is absolutely impossible to have a single decision which includes these two conditions and believe that we have been provided equal protection under the law.
d. The office of the City Prosecutor has failed in every manner to protect our property and our family from the vandalism which has occurred against our property.

Section 1 of the 14th Amendment to the United States Constitution

The Law:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Our Position:

2) Due Process rights: *"nor shall any state deprive any person of life, liberty, or property, without due process of law."*
    e. Condition #14 and condition #15 conflict directly with multiple existing laws regarding land use in the City of Torrance.
        i. Ref: City Charter, Article 7 , Section 725 of the Torrance Municipal Code
        ii. Ref: Division 9, Chapter 1, Article 41 of the Torrance Municipal Code
    f. There is no tree ordinance governing land use within the City of Torrance.
        i. The City has previously and repeatedly decided to not adopt a tree ordinance.
        ii. The City has had many discussions that they do not want a tree ordinance that would regulate private planting unless they became a fire hazard
    g. Tree ordinances that have worked in other cities:
        i. Have been developed through comprehensive research and public contribution.
        ii. Make every effort to strike a balance between conflicting interests on private property rather than administratively "clear cutting" all trees on a property at the whims of a neighbor.
        iii. Establish penalties for tree vandalism and trespass
        iv. Define remediation processes and protect tree owners from frivolous lawsuits.
        v. Protect tree owners from judicial abuse and frivolous lawsuits.
    h. The City Attorney and Planning Staff advised against the inclusion of these conditions during our hearing stating that vegetation is not controlled under the Hillside Overlay Ordinance.
3) Equal Protection of the Law: *"nor deny to any person within its jurisdiction the equal protection of the laws"*
    a. Condition #14 eliminates the ability to improve 209 Via el Toro in a similar way as other properties in the immediate vicinity have been allowed, and located within the same Land Use Zoning.
    b. The City Council imposed both condition #15 and condition #12 which stand in direct, contradiction with each other. This is a clear indication of the bias shown in the inclusion of these highly restrictive conditions against our property.

i. Condition #12 was imposed upon our Project during the open hearing to protect the privacy in the rear portion of the yard, living room and bedroom for neighbors at 513 and 515 Camino de Encanto.
ii. Condition #15 eliminates our own privacy in the rear portion of our yard, living room and bedroom from neighbors at 509, 513, 515, and 523 Camino de Encanto.
iii. Condition #15 reduces the privacy of other neighbors to the north and south of our home, as well as the privacy of the neighbors from Camino de Encanto.

c. During dozens of Precise Plan hearings before July 20, 2010, and in every single Precise Plan hearing since July 20, 2010 the City Council and/or Planning Commission has determined that vegetation conditions could not be imposed after they had been requested because the Hillside Overlay does not restrict vegetation.
   i. The most recent occurrence of the City refusing to include vegetation conditions occurred during a hearing before the City Council on July 19th, 2011.

d. Condition #15 prohibits us from enjoying the many benefits of vegetation on our own property in a similar way as other properties which are in the immediate vicinity, and located within the same Land Use zoning.
   i. The neighbor at 515 Camino de Encanto who requested these conditions has existing vegetation which greatly exceeds the height defined within the conditions.
   ii. The benefits of vegetation are enjoyed by all properties throughout our City, including properties throughout the Hillside Overlay District.
   iii. The City has repeatedly recognized the significant value of vegetation to private and public property throughout our City.

5th Amendment to the United States Constitution

The Law:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Our Position:

1. As stated, we believe that conditions #14 and #15 were applied to our property in error and in excess of the jurisdiction of the City Council.
2. There is no question that the conditions reduce the value of our property and if imposed upon our property we believe that just compensation is due.

Thank you for your consideration and we hope that the staff recommendation supports our request for removal of conditions #14 and #15 from resolution 2010-92 for PRE09-00007.

Sincerely,

Jim Delurgio

ATTACHMENT J

Martinez, Oscar

From: Jim Delurgio [jim@delurgio.com]
Sent: Thursday, July 21, 2011 3:07 PM
To: Scotto, Frank; Rhilinger, Susan; Tom Brewer; Barnett, Gene; Sutherland, Bill; Furey, Pat; Numark, Cliff
Cc: Betsy Delurgio; Gibson, Jeff; Martinez, Oscar; Lodan, Gregg
Subject: Request for removal of conditions

Attachments: Request for revision of Resolution 2010-92.pdf

Request for revision of Resolu...

Please review our concerns regarding the manner in which these conditions which were imposed against our property. We have never challenged the intended result of the conditions, but you are familiar with our concerns regarding the unintended consequences of such ad-hoc land use regulation being imposed individually against our property. We would certainly support a tree ordinance that applies equally to all properties in our community.

Please come by our home at any time prior to the hearing and make your own observation of how we have already improved our property. Our address is
209 Via el Toro. Upon your site visit you will find that we have moved forward in a consistent manner with what we had committed to do. Our intentions are consistent with the intended result of the conditions you have placed upon our property It is our hope that the removal of these conditions will allow us the opportunity to proceed as planned, and restore order to our community.

Jim Delurgio
(310)378-0001

209 Via el Toro
Redondo Beach, CA 90277

July 21, 2011

Dear Mayor Scotto and Members of the City Council,

Thank you for taking the time to consider our request for removal of the conditions which were imposed upon our property by the City Council during a closed session of a public hearing regarding PRE09-00007 on July 20, 2011.

We respectfully request the removal of condition #14 and condition #15 as defined in Resolution 2010 – 92. The conditions we request to be removed read as follows:

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)

We appreciate that the City Council understands the merit of our proposed project as it complies with the Hillside Overlay Ordinance. As we have indicated during prior meeting and communications regarding this matter, we feel that the City Council made an error as it proceeded by imposing highly restrictive conditions #14 and #15 as conditions of approval.

We do not have an issue with what we believe to be the intended result of these conditions. Our concerns lie entirely in the unintended consequences of such poorly developed ad-hoc land use regulation being enforced individually against our property.

It is of particular concern to us is that these conditions were defined by our neighbors. Nothing in the code establishes that one neighbor shall define the land use restrictions of neighboring property. These conditions were then considered during the closed session of the hearing thus preventing any opportunity for us to express our regarding how such conditions would impact our property.

These two conditions do not address any aspect of our Precise Plan PRE09-00007, and exceed the scope of review within a Precise Plan hearing as is required by the Hillside Overlay Ordinance. Such conditions have never been imposed on any property in Torrance, and should never have been defined or considered as a legal manner in which to restrict the use of our land.

These highly restrictive and unprecedented conditions impose a significant and unreasonable burden and hardship to our property. The conditions permanently alter our property rights and significantly damage the use and enjoyment of our property.

As you are aware from our prior discussions and communications we have been informed as to the enormous economic loss to our property if we were to accept these conditions of approval and proceed with our moderately sized remodel.

Despite the fact that we have not accepted these conditions due to the enormous economic loss associated with them, we have done everything reasonably possible to demonstrate that:

1. We will follow through with the commitments made during our presentation of PRE09-00007.
2. We understand the intended result of the conditions imposed upon our property.

These conditions remove important private property rights, and they have significantly reduced our property value at the moment they were included in this decision during a closed session of the City Council. The conditions violate existing land use laws as they were put into place deliberate intent of preventing us from using our property in the same manner as every other property is allowed.

The inclusion of these conditions does not provide any public benefit, and instead only serves to provide a private transfer of economic value away from our property to other private property. We have received no offer of compensation for our loss if we were to accept these conditions and proceed with the remodel of our old dilapidated home in conformance with all laws. The conditions as currently written violate our civil liberties by failing to provide due process or equal protection under the law.

The inclusion of these conditions has already diminished the value and enjoyment of our property.

Removal of these unreasonable and unnecessary conditions will allow us to improve our property in accordance with Precise Plan PRE09-00007 as it was approved in accordance with the findings which were made. We ask that the resolution 2010-92 for PRE09-00007 be revised to conform with all Municipal, State and Federal Laws which were written and enacted to protect our Rights and Liberties as private property owners.

There is no malicious intent with our request for removal of these unnecessary conditions from resolution 2010-92. Despite the acrimony that has been directed toward our family over the past five years and the damage done to our property by a few of our neighbors and some leaders of the Hollywood Riviera Homeowners Association, we harbor no bad intentions and only seek to move forward with our project.

In order to restore balance to this process and our community, and to restore our rights and economic value to our property, we must be allowed to use our property in the same manner as all other properties within our community have been allowed.

We have every expectation that approval of our request for removal of these conditions will restore order to our property and to our community.

I have included some of our legal research of which you are probably aware, but I wanted to share this with you so that you can understand the basis of our concerns as you prepare for our hearing regarding our request for removal of conditions #14 and #15 from PRE09-00007. Please let me know if we can be of further assistance in understating our need for removal of conditions #14 and #15.

Please come visit our property before the hearing at any time. We can be reached at (310)378-0001 to schedule a time, or just drop by and take a look. I believe you will be pleased to observe the progress which we have made in good faith and alignment with the changes that we had proposed during our hearing. We hope that you recognize the reasons why we cannot accept these conditions due to the damage caused by such individualized limitations and restrictions on the use of our property.

Would you accept such conditions on your own property?

Thank you for your consideration of our request. We hope that you will have the faith and confidence in our family that we will honor your intentions if you remove conditions #14 and #15 from resolution 2010-92 for PRE09-00007. Doing so will provide the fastest and cleanest path toward the completion of our home remodel and the restoration of order to our community.

Sincerely,

[Jim Delurgio]

Torrance General Plan Land Use and Zoning Compatibility Objectives and Policies

The Law:

> *The City will work to ensure General Plan and zoning consistency by prohibiting zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, and reviewing development proposals for consistency with all applicable land use regulations.* p. LU-20
>
> *Objective LU.1*
>
> > *Policy LU.1.2: Prohibit spot zoning within residential blocks*

Our Position:

1. Conditions #14 and #15 restrict the use of our property in a manner which is inconsistent with surrounding zoning and land uses. These conditions imposed upon our property as conditions operate in the same manner as a zoning ordinance would operate. Such a zoning ordinance is inconsistent with the city's General Plan as is required by California Government Code 65000, et seq.
2. The review of our conforming development proposal PRE09-00007 is consistent with all applicable land use regulations other than the inclusion of conditions #14 and #15. Either of these conditions is considered to be spot-zoning of our property, which is prohibited.
3. These conditions were imposed individually against our property during a Precise Plan hearing required by the Hillside Overlay Ordinance, which is a zoning ordinance.

Torrance Municipal Code: Hillside Overlay Ordinance

The Law:

SECTION 91.41.5. - PRECISE PLAN.

> *c) Nothing in this Article shall be construed to authorize the Planning Commission to impose conditions more restrictive than the express provisions of this Code or the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act when so doing would render construction on any lot impossible where such construction would be possible in accordance with the Code as written.*

Our Position:

1. Conditions #14 and #15 were imposed during our appeal of a Planning Commission decision regarding PRE09-00007.
2. Condition #14 and condition #15, exceed the provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code, also known as the Hillside Overlay Ordinance.
3. Condition #14 is more restrictive than the express provisions of Division 9, Chapter 1, Article 41 of the Torrance Municipal Code.
    a. Condition #14 would certainly render construction on our property impossible where such construction would be possible in accordance with the code as written.
    a. Condition #14 prohibits all development over 6' in the rear portion of our yard effectively condemning 7,213 square feet of our property of all reasonable use.
4. Condition #14 is absolute, prohibitive, and prejudicial. It is also unnecessary and redundant with the existing Hillside Overlay Ordinance.
    a. Under the Hillside Overlay Ordinance, any development which meets the criteria prohibited under condition #14 would be subject to review for compliance with the Hillside Overlay Ordinance.
    b. The forms of review include Administrative Approval, Minor Hillside Exemption, and Precise Plan hearing before the planning commission.

Torrance City Charter

The Law:

Torrance Municipal Code, THE CHARTER, ARTICLE 7, SECTION 725. - ORDINANCES; WHEN REQUIRED.

Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board or agency, or in any way restricting or governing the use of property, and in addition thereto, every act required by the City Charter to be done by ordinance shall be by ordinance.

Our Position:

1. Conditions #14 and #15 violate the Charter of the City of Torrance under Article 7, Section 725 of the Torrance Municipal Code:
    a. Condition #14 restricts the use of our property by prohibiting further development of our property and can only be enacted through an ordinance.
    b. Condition #15 restricts the use of our property by limiting the height of vegetation on our own property can only be enacted through an ordinance.
    c. The City Council knowingly imposed these conditions during the closed session of our public hearing, during which they were advised by the Assistant City Attorney that:
        i. the Hillside Overlay Ordinance does not address or restrict vegetation.
        ii. the City Council has previously determined to not establish such a tree ordinance.
        iii. The City Council has the authority to create a tree ordinance which would apply to all properties equally
        iv. restricting the use of an individual private property through such conditions may expose the City to a regulatory taking claim
    d. When the City Council previously decided to limit the height of its own trees on its own property located in a park within the Hillside Overlay District, it did so through the adoption of an ordinance.

California Government Code Sections 65000, et seq. Planning and Zoning Law

The Law:

California Government Code Sections 65000, et seq. requires that each county and city in the state develop and adopt a General Plan. The General Plan consists of a statement of development policies and includes a diagram or diagrams and text setting forth objectives, principles standards, and plan proposals. It is a comprehensive long-term plan for the physical development of the county or city. In this sense, a General Plan is a "blueprint" which defines the specific rules governing development.

Under this law all property must be treated in accordance with all laws governing land use under the General Plan of each City.

The actual code is very lengthy but provides additional insight into land use law in California. You can read the code at the following link:
http://ceres.ca.gov/planning/pzd/2000/pzd2000_web/

Our Position:

1. Condition #14 and #15 unreasonably restrict the use of our property in conflict with the General Plan, which is enforced for our PRE09-00007 through R-1 zoning code and the Hillside Overlay Ordinance.
2. These conditions were imposed during a hearing as required by the Hillside Overlay Ordinance. Such conditions are not supported by code as is required under the General Plan and the City Charter.

CALIFORNIA CONSTITUTION: ARTICLE 1 DECLARATION OF RIGHTS

The Law:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

SECTION 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation.

Our Position:

1) Due Process rights:
    a. Condition #14 and condition #15 conflict directly with multiple existing laws regarding land use in the City of Torrance.
        i. Ref: City Charter, Article 7 , Section 725 of the Torrance Municipal Code
        ii. Ref: Division 9, Chapter 1, Article 41 of the Torrance Municipal Code
    b. There is no tree ordinance governing land use within the City of Torrance.
        i. The City has previously and repeatedly decided to not adopt a tree ordinance.
        ii. The City has had many discussions that they do not want a tree ordinance that would regulate private planting unless they became a fire hazard
    c. Tree ordinances that have worked in other cities:
        i. Have been developed through comprehensive research and public contribution.
        ii. Make every effort to strike a balance between conflicting interests on private property rather than administratively "clear cutting" all trees on a property at the whims of a neighbor.
        iii. Establish penalties for tree vandalism and trespass
        iv. Define remediation processes and protect tree owners from frivolous lawsuits.
        v. Protect tree owners from judicial abuse and frivolous lawsuits.
    d. The City Attorney and Planning Staff advised against the inclusion of these conditions during our hearing stating that vegetation is not controlled under the Hillside Overlay Ordinance.
2) Equal Protection of the Law:
    a. Condition #14 eliminates the ability to improve 209 Via el Toro in a similar way as other properties in the immediate vicinity have been allowed, and located within the same Land Use Zoning.

b. The City Council imposed both condition #15 and condition #12 which stand in direct, contradiction with each other.
c. It is absolutely impossible to have a single decision which includes Conditions #@12 and #15 and determine that we have been provided equal protection under the law.
d. The office of the City Prosecutor has failed in every manner to protect our property and our family from the repeated acts of vandalism which has occurred against our property.

Section 1 of the 14th Amendment to the United States Constitution

The Law:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Our Position:

2) Due Process rights: *"nor shall any state deprive any person of life, liberty, or property, without due process of law."*
    e. Condition #14 and condition #15 conflict directly with multiple existing laws regarding land use in the City of Torrance.
        i. Ref: City Charter, Article 7 , Section 725 of the Torrance Municipal Code
        ii. Ref: Division 9, Chapter 1, Article 41 of the Torrance Municipal Code
    f. There is no tree ordinance governing land use within the City of Torrance.
        i. The City has previously and repeatedly decided to not adopt a tree ordinance.
        ii. The City has had many discussions that they do not want a tree ordinance that would regulate private planting unless they became a fire hazard
    g. Tree ordinances that have worked in other cities:
        i. Have been developed through comprehensive research and public contribution.
        ii. Make every effort to strike a balance between conflicting interests on private property rather than administratively "clear cutting" all trees on a property at the whims of a neighbor.
        iii. Establish penalties for tree vandalism and trespass
        iv. Define remediation processes and protect tree owners from frivolous lawsuits.
        v. Protect tree owners from judicial abuse and frivolous lawsuits.
    h. The City Attorney and Planning Staff advised against the inclusion of these conditions during our hearing stating that vegetation is not controlled under the Hillside Overlay Ordinance.
3) Equal Protection of the Law: *"nor deny to any person within its jurisdiction the equal protection of the laws"*
    a. Condition #14 eliminates the ability to improve 209 Via el Toro in a similar way as other properties in the immediate vicinity have been allowed, and located within the same Land Use Zoning.
    b. The City Council imposed both condition #15 and condition #12 which stand in direct, contradiction with each other. This is a clear indication of the bias shown in the inclusion of these highly restrictive conditions against our property.

i. Condition #12 was imposed upon our Project during the open hearing to protect the privacy in the rear portion of the yard, living room and bedroom for neighbors at 513 and 515 Camino de Encanto.
ii. Condition #15 eliminates our own privacy in the rear portion of our yard, living room and bedroom from neighbors at 509, 513, 515, and 523 Camino de Encanto.
iii. Condition #15 reduces the privacy of other neighbors to the north and south of our home, as well as the privacy of the neighbors from Camino de Encanto.

c. During dozens of Precise Plan hearings before July 20, 2010, and in every single Precise Plan hearing since July 20, 2010 the City Council and/or Planning Commission has determined that vegetation conditions could not be imposed after they had been requested because the Hillside Overlay does not restrict vegetation.
   i. The most recent occurrence of the City refusing to include vegetation conditions occurred during a hearing before the City Council on July 19th, 2011.

d. Condition #15 prohibits us from enjoying the many benefits of vegetation on our own property in a similar way as other properties which located in the same development zone and in the immediate vicinity of our property.
   i. The neighbor at 515 Camino de Encanto who requested and were allowed to define these conditions have existing vegetation which greatly exceeds the height defined within the conditions. They also enjoy vegetation which blocks the very same view corridors for themselves and their neighbors. They have chosen to not trim their own vegetation, and instead prefer that we have no shade or privacy at all on our own property.
   ii. The benefits of vegetation are enjoyed by all properties throughout our City, including properties throughout the Hillside Overlay District.
   iii. The City has repeatedly recognized the significant value of vegetation to private and public property throughout our City.

5th Amendment to the United States Constitution

The Law:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Our Position:

1. As stated, we believe that conditions #14 and #15 were applied to our property in error by the City Council.
2. There is no question that the conditions reduce the value of our property and if imposed upon our property we believe that just compensation is due.

EXCERPT OF MINUTES ☑ Minutes Approved

July 20, 2010

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in a joint meeting with the Commission on Aging at 5:30 p.m. on Tuesday, July 20, 2010 in the West Annex meeting room at City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

The Commission on Aging meeting was adjourned at 6:24 p.m., and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened in Council Chambers at 7:02 p.m. with all members present.

13. HEARINGS

13A. PRE09-00007: 209 VIA EL TORO – JIM AND BETSY DELURGIO

Recommendation

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located within the Hillside Overlay District, in the R-1 Zone at 209 Via El Toro:

1) Adopt a Resolution denying a Precise Plan of Development to allow construction of first and second story additions to an existing one-story single family residence in conjunction with a new accessory structure.

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located within the Hillside Overlay District, in the R-1 Zone at 209 Via El Toro:

1) Adopt a Resolution approving a Precise Plan of Development to allow construction of first and second story additions to an existing one-story single family residence in conjunction with a new accessory structure.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project and shared photographs of the silhouette taken from various vantage points in the neighborhood. He noted that the Planning Commission voted to deny the project on May 19, 2010 by a vote of 6-0 with one commissioner abstaining.

Councilmember Sutherland disclosed that he visited the site and spoke with the property owner and some of the neighbors. He noted that he had had meetings with Vicki Radel, one of the neighbors, when he served as president of the Rotary Club in 2000-2001 and she served as district governor, but since that time they have only exchanged greetings at social events.

Councilmember Brewer disclosed that the visited the subject property and neighbors on Camino de Encanto.

Councilmember Rhilinger disclosed that she drove through the area and viewed the silhouette from 513 and 515 Camino de Encanto, but made it clear to those with whom she came into contact that she could not discuss the case.

Councilmember Barnett disclosed that he visited the subject property and 513, 515 and 523 Camino de Encanto.

Councilmember Furey reported that he visited the site and viewed the silhouette from a number of vantage points, but did not speak to the proponents or any of the neighbors.

Councilmember Numark disclosed that he visited 513, 515 and 523 Camino de Encanto to assess the project's view impact.

Mayor Scotto disclosed that he discussed the project with the applicants and visited 513, 515 and 523 Camino de Encanto. He noted that he also knows Dr. Vicki Radel as a fellow Rotarian but it would not affect his ability to make an impartial decision.

Using slides to illustrate, Nagy Bakhoum, Obelisk Architects, project architect, explained that the usable area of the subject lot is fairly small due to views over and through the property and a one-story addition of the same size would have a much greater impact on ocean and city-light views than the proposed two-story project. He reviewed the revisions that were made to the original project to address neighbors' concerns, including eliminating/reconfiguring square footage, and reported that the applicant has offered to remove several large trees to open up view corridors. He noted that concerns have been expressed about privacy impact, but the second story is approximately 77 feet away from the nearest structure and second-story windows that could potentially impact privacy have a five-foot minimum sill height. He indicated that the applicant was amenable to a neighbor's suggestion that the detached accessory structure/pool house be moved closer to the property line to mitigate the view impact, however a Waiver of setback requirements would be needed.

Councilmember Brewer asked about suggestions from neighbors that the project incorporate subterranean elements. Mr. Bakhoum explained that the subject lot is not conducive to a subterranean design because it is primarily flat except for the upslope at the rear of the property and drainage would be compromised if portions of the structure were below grade.

In response to Councilmember Brewer's inquiry, Mr. Bakhoum reported that the accessory structure/pool house was not connected to the house because doing so would block the view at 523 Camino de Encanto. He explained that he did not use a flat roof on the pool house because it would not fit with the architectural style of the rest of

the project and noted that the roof pitch is minimal and the interior has only an 8-foot plate height to keep the accessory structure as low as possible.

Councilmember Barnett asked if the trees currently intertwined with the silhouette will be removed. Mr. Bakhoum responded that he believed it would be impossible to build the project without removing them, noting that the trees were planted to shade the existing home which has poor insulation.

Councilmember Barnett reported that he observed that the accessory structure/pool house would impair views and stressed the importance of maintaining north and northwest view corridors. He suggested the possibility of limiting trees/shrubs and the roofline of the accessory structure to the height of the adjacent property line wall to the east.

Jim Delurgio, 209 Via El Toro, applicant, discussed his efforts to address neighbors' concerns during the design process; urged the Council to disregard photographs submitted by opponents that distort the project's impact; and related his belief that the proposed two-story project is the best design given the constraints of the lot.

Roberta Blowers, 721 Camino de Encanto, contended that the proposed project was not in harmony with the neighborhood, submitting a map of the notification area indicating that the majority of homes are one-story, with only a few two-story homes most of which are pre-Hillside Ordinance or semi-subterranean. She suggested that limiting the height of vegetation and requiring a flat roof on the accessory structure/pool house should be considered if the project is approved.

Gene Kusion, 523 Camino de Encanto, voiced his opinion that long-time residents like his family and other neighbors, who purchased their homes with unobstructed views 20-45 years ago should be protected from view blockage by newcomers like the Delurgios, who knowingly purchased a fixer-upper in a problematic location only a few years ago. Using photographs to illustrate, he reported that the project would block ocean and city-light views from his property, including the Hermosa and Manhattan Beach piers and the Santa Monica Mountains. He noted that a smaller two-story project next door to the subject property at 210 Via El Toro was previously denied due to the impact on views.

Councilmember Brewer related his observation that a one-story addition would seem to impact Mr. Kusion's view more than the proposed project. Mr. Kusion stated that he could not determine to what extent his view would be impacted without seeing actual plans and the applicant and his architect have declined to provide one-story plans so neighbors could make an objective comparison.

Armando Montano, 526 Palos Verdes Boulevard, voiced objections to the project, contending that it would impact his ocean view and devalue his property.

Andrew Filak, 514 Palos Verdes Boulevard, related his belief that the proposed project violates the California Coastal Act and the Hillside Ordinance, which limits construction to 14 feet in height, and urged the Council to deny it.

Assistant City Attorney Sullivan clarified that structures over 14 feet in height are permitted in the Hillside Overlay, but require the approval of a Precise Plan of Development.

Cindy Constantino, 513 Camino de Encanto, stated that the proposed project would diminish her privacy by 100% and would permanently block blue and white-water views that are currently obscured by poplar trees on the subject property. She maintained that the architect has refused to consider alternatives that could mitigate view impact, such as lowering the grade, building subterranean, utilizing a flat roof, and moving the accessory structure to the northeast section of the lot. She noted that the Planning Commission carefully considered the project and voted unanimously to reject it.

In response to Councilmember Brewer's inquiry, Ms. Constantino confirmed that she would prefer a one-story addition on this property.

Vicki Radel, 515 Camino de Encanto, reported that she has lived in her home for over 35 years and has always maintained a good relationship with her neighbors, therefore she greatly resents Mr. Delurgio's threats and frivolous lawsuits. She stated, however, in the spirit of compromise she would like to request that the following conditions be imposed if he Council decides to approve the project: 1) That the accessory structure/pool house be relocated to the northeast corner of the lot or moved closer to the property line; 2) That both the accessory structure/pool house and the second-story of the house have flat roofs; and 3) That vegetation be limited to the height of property-line walls.

A brief discussion ensued concerning the possibility of regulating the height of the vegetation.

Assistant City Attorney Sullivan advised that the City Attorney's office has grave concerns about imposing a condition restricting the height of vegetation due to the difficulty of enforcing such a condition and stressed the need to narrowly define the parameters if the Council chooses to do so because fence heights can change.

Peter Lattey, 515 Camino de Encanto, stated that the applicant has repeatedly claimed that a one-story project would have a greater impact on views, but has never provided actual plans to prove that would be the case. He noted his opposition to the project and proposed the following conditions if it is approved: 1) That vegetation be limited to a specific height, except for areas where it does not impact views; 2) That east and south facing windows be obscured or have a minimum sill height of 5'6"; 3) That no other structures, such as a gazebo or play structure, be allowed in any location that would obstruct a neighbor's view; 4) That the second-story of the house and the accessory structure/pool house have flat roofs and utilize only flat solar panels; and 5) That the accessory structure be moved to within two feet of the property line or relocated to the northeast corner.

Judy Brunetti, 4815 Greenmeadows Avenue, requested clarification of the approval process should the applicant propose a one-story home under 14 feet in height.

Ruth Vogel, 114 Via la Soledad, offered clarification of her comments at the May 19, 2010 Planning Commission meeting. She explained that she mentioned that

the Council had denied a project in July 2008 to protect a neighbor's blue sky view, however, she did not state that the Council had set a precedent by doing so.

Mr. Bakhoum requested an opportunity to review the information submitted at this hearing.

The Council briefly recessed from 10:03 p.m. to 10:16 p.m.

Responding to audience members' comments, Mr. Bakhoum disputed the claim that there are only a few two-story homes within the notification area, reporting that 38% of the homes are two-story according to his research. Submitting photographs to illustrate, he stated that Mr. Kusion is well aware that a one-story addition would block his view as evidenced by the fact that he has requested that trees in that view corridor be trimmed to no taller than six feet. With regard to 513, 515 and 523 Camino de Encanto, he noted that it was staff's impartial judgment that the proposed project has been designed to minimize the impact on these properties. He submitted information regarding illegal tree trimming that took place on the subject property.

Betsy Delurgio, 209 Via El Toro, applicant, stated that she and her husband have done everything possible to communicate with neighbors; noted that this is the project's third revision and staff has objectively confirmed that this design would have the least impact on neighbors; and pointed out that the FAR (floor area ratio) is well below the maximum allowed. She contended that the project maintains all significant views and urged the Council to approve it, either as proposed or imposing reasonable conditions, so that the project can finally go forward.

Councilmember Numark noted that Torrance Municipal Code §91.41.10 requires that the applicant demonstrate that denial of the application would constitute an unreasonable hardship in order to exceed the height of the existing home.

Mr. Bakhoum stated that he believed it would be unfair not to allow the Delurgios to develop their property in a way that is consistent with other homes in this neighborhood, noting that the majority of homes have an FAR of around 0.35, which is slightly above the project's FAR of 0.34. Additionally, he noted that the Delurgios need more space to accommodate their growing family.

Mr. Delurgio noted that the detached accessory structure was a compromise in order to preserve view corridors for neighbors as he would have preferred to have this space as part of the house.

Councilmember Numark asked for staff's assessment of the project's impact on views to the south from residences on Camino de Encanto and Planning Manager Lodan reported that the blockage in this direction is primarily blue sky views.

In response to Councilmember Sutherland's inquiry, Mr. Delurgio confirmed that his real estate agent explained the Hillside Ordinance prior to purchase and he understood that there are difficulties associated with developing property in this area. He stated, however, that he also understood that his property rights would be upheld and the City would not execute a regulatory taking of his property.

Councilmember Sutherland related his understanding that the City may not restrict solar panels due to view impact, and Assistant City Attorney Sullivan confirmed

that the Solar Rights Act protects solar panel installations and supersedes the Hillside Ordinance.

Mayor Scotto asked about the possibility of moving the accessory structure/pool house to the northeast corner of the property.

Mr. Bakhoum explained that moving the accessory structure to this area of the lot would drastically impact the adjacent property, which is approximately 4 feet lower than the subject property.

Mr. Delurgio reported that this property owner now supports the project, but would be opposed if the accessory structure is relocated because it would block sunlight from her property.

At Councilmember Numark's request, Mr. Lattey provided clarification regarding the conditions he earlier proposed. With regard to vegetation, he proposed limiting the height of vegetation within ten feet of property boundaries to the height of the adjacent wall, which is approximately 4 feet, and limiting vegetation adjacent to the house or in areas that do not obstruct views to no more than 10 feet.

In response to Councilmember Brewer's inquiry, Mr. Bakhoum provided clarification regarding sill heights. He reported that changing to a flat roof would result in an 18-24 inch height reduction, but he was not in favor of this for aesthetic reasons, and that modifying the roof pitch from 4-in-12 to 3-in-12 would result in a height reduction of approximately 10.75 inches. He expressed his clients' willingness to work with neighbors on vegetation issues.

MOTION: Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

Councilmember Sutherland indicated that he was generally opposed to allowing second stories in the Hillside Overlay area and didn't see how the Council could approve this project after denying a two-story project next door, however, he feared that a one-story addition would have a greater impact on views and neighbors could come to regret their opposition to this project. He expressed the hope that real estate agents would do a better job of emphasizing the near impossibility of obtaining approval for a second story in the Hillside Overlay area.

Councilmember Brewer expressed concerns that severely limiting property owners' ability to improve their homes could ultimately impact property values throughout the Hillside area.

Councilmember Barnett noted that if the Council denies this project, it would be tantamount to saying that the applicant may only build a one-story addition and he was concerned that a one-story addition might also be denied and the applicant would be left with no project.

Assistant City Attorney Sullivan conceded that there could be property rights issues if both a two-story project and a one-story project were denied. He clarified that whereas the Hillside Ordinance §91.41.6(a) states that a proposed development shall not have an adverse impact on the view, light, air and privacy of other properties in the vicinity, "adverse impact" has been consistently interpreted by this Council, previous Councils and the Court to mean "substantial adverse impact."

Councilmember Barnett stated that while neighbors have clearly indicated they do not want a two-story project, he was concerned that the "cure was worse than the disease," since they might find a one-story project even more objectionable.

Assistant City Attorney Sullivan noted that §91.41.6 (b) states that a proposed development must be located, planned and designed so as to cause the least intrusion on views, and this is something Councilmembers should also consider because they may find based on the testimony and evidence presented along with their own observations that the proposed two-story design would cause the least intrusion.

Councilmember Rhilinger stated that she also generally does not favor allowing second stories in the Hillside Overlay, but it was evident from Mr. Bakhoum's presentation that this lot is unusual due to the various view corridors through the property and that is why Hillside cases are considered on an individual basis. She related her belief that a one-story project would be more intrusive and that the proposed two-story design does the best job of preserving the views of all the neighbors involved, including those not present at this hearing. She expressed support for moving the accessory structure closer to the property line since both sides agree this would be an improvement and changing the roof pitch to 3-in-12, but indicated that she did not favor changing to a flat roof because it would detract from the home's appearance.

Councilmember Furey commended Mr. Bakhoum for his presentation showing the various view corridors, noting that it was very helpful and demonstrated that an effort was made to preserve neighbors' views. He commented on the acrimony the proposed project has created in the neighborhood and stated that he would have preferred that the applicants had removed the trees that obscured the silhouette, some of which appeared to have been deliberately planted for this purpose. He echoed Councilmember Rhilinger's comments about moving the accessory structure and changing the roof pitch.

Councilmember Brewer stated that by denying this project, the Council would essentially be saying that it must be redesigned as a one-story home and according to the diagram of sight lines submitted by Mr. Bakhoum, this would drastically impact the view at 515 Camino de Encanto and could also block views of neighbors who are currently not affected by the project. He related his belief that the proposed two-story project has been designed to minimize view impact and indicated that he was inclined to support it with the additional conditions proposed by Councilmember Rhilinger.

Councilmember Numark noted that there is no inherent right to build in the Hillside Overlay area as all construction must comply with the Code. With respect to this case, he explained that it was a difficult decision because there is some impact, however, he has concluded that the project complies with the Hillside Ordinance because he believes it would not have a substantial impact on views, light, air or privacy; it was located, planned and designed to cause the least intrusion on other properties in the vicinity; it was not feasible to increase the size of or rearrange the space within the existing building or structure except by increasing the height; and denial of the project would be an unreasonable hardship because the applicants would be denied the opportunity to develop their property in compliance with the Code. He indicated that he favored including the additional conditions discussed to ensure that the project would have the least possible impact.

Mayor Scotto commented that he enjoys a view from his home and is very conscious of the need to protect them. He stated that he saw no way to build a one-story addition on this property without affecting several neighbors' views, with the home at 523 Camino de Encanto being the most affected, and he believes the proposed two-story project is the best solution. He proposed a condition limiting vegetation to the height of existing property line walls to ensure that views are protected in the future and indicated that he also favored changing the roof pitch and moving the accessory structure closer to the property line.

Councilmember Rhilinger expressed concerns about imposing a condition restricting vegetation that applies to this applicant only and the possibility that it could bind the Council in future decisions. She related her preference that any restrictions on vegetation be a private agreement between the parties involved.

Mayor Scotto asked about the Council's ability to specify that the condition concerning vegetation applies to this project and this project only.

Assistant City Attorney Sullivan advised that while the Council can specify that the condition applies to this project only, the public tends to view such action as precedent setting. He noted that even though the protection of blue-sky views was mentioned at only one City Council hearing a few years ago, this issue is now brought up on a regular basis at Planning Commission hearings. He reiterated staff's position that imposing this type of condition would be setting a dangerous precedent. He noted that the City does not have a tree ordinance and the Hillside Ordinance does not address vegetation.

Voicing support for imposing a condition restricting vegetation, Councilmember Numark noted that the Council has the authority to impose conditions as part of the Precise Plan approval process and related his belief that tree and shrubbery issues were an integral part of this case. He recognized that people may bring this up in the future, however each Hillside case is fact specific.

Councilmember Brewer expressed concerns about creating a de facto tree ordinance that applies to this property only, noting that there would be nothing to prevent downhill neighbors from planting "spite trees" to block the Delurgios' view. He voiced his opinion that it would be better for the parties involved to reach a private agreement as a step toward healing the rift in this neighborhood.

Mayor Scotto pointed out that should the Delurgios sell the property, any private agreement would go away, therefore, he favored imposing a condition that runs with the land thereby protecting views no matter who owns the property.

Councilmember Rhilinger acknowledged that it would be very helpful to the neighbors to permanently restrict vegetation on this property, but saw no reason why it should be done in this case when it has never been done in the past. She expressed concerns that such a condition could lead to a tree ordinance, which is something that she does not support.

Councilmember Furey stated that he would not support the project without some restriction on vegetation to protect neighbors' views.

Councilmember Brewer reiterated his opposition to creating a de facto tree ordinance that applies to this property only and related his belief that it would only lead to more animosity in this neighborhood and encourage others to seek the same protection.

MOTION: Councilmember Rhilinger moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.

The motion was seconded by Councilmember Brewer and Councilmember Numark offered a substitute motion.

MOTION: Councilmember Numark moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.
4) That no additional permanent structures over six feet high shall be added to the property.
5) That no vegetation on the south, east or north sides of the property shall exceed the height of the existing walls.

The motion was seconded by Councilmember Furey, and discussion continued.

Councilmember Brewer noted that there is currently play equipment in the backyard and questioned whether that would be deemed a permanent structure and therefore have to be removed.

Community Development Director Gibson advised that staff does not view play equipment as a permanent structure and would interpret "permanent structure" to mean something that requires a building permit. He noted that conditions of this nature tend to be contentious because people can disagree as to exactly what they mean.

Councilmember Numark commented that this process has been contentious for everyone involved and he believed the proposed restrictions were reasonable.

In response to Assistant City Attorney Sullivan's inquiry, Councilmember Numark clarified that it was not his intention to require that play equipment be removed.

Mayor Scotto called for a vote on the substitute motion.

MOTION: Councilmember Numark moved to uphold the appeal and approve PRE09-00007, adding the following conditions:

1) That the accessory structure/pool house shall be moved as close to the southeast property line as possible.
2) That east and south-facing windows shall have a minimum sill height of 5'6" or be constructed of obscured glass.
3) That the second-story roof pitch shall be changed to 3-in-12.
4) That no additional permanent structures over six feet high shall be added to the property.
5) That no vegetation on the south, east or north sides of the property shall exceed the height of the existing walls.

The motion was seconded by Councilmember Furey and passed by as reflected in the following vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

Community Development Director Gibson noted that Resolutions reflecting the Council's decision would be brought back for approval at later date.

####

EXCERPT OF MINUTES ☑ Minutes Approved

August 24, 2010

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, August 24, 2010 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

*

10D. RESOLUTION APPROVING PRECISE PLAN OF DEVELOPMENT AT 209 VIA EL TORO

Recommendation

Recommendation of the Community Development Director that City Council adopt a Resolution reflecting City Council decision at the July 20, 2010 meeting to approve an appeal of a Planning Commission decision and approve 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.

PRE09-00007: Jim & Betsy Delurgio

Community Development Director Gibson reported that the Resolution reflects the Council's decision to approve an appeal and approve the project at 209 Via El Toro. He noted supplemental material amending Condition No. 13 to more accurately reflect the Council's intent as discussed at the July 20, 2010 meeting.

Gene Kusion, Camino de Encanto, requested confirmation that Condition No. 15 means that no vegetation on this lot shall be taller than the height of the existing perimeter walls except for along the front of the house, and Mayor Scotto confirmed that was the intent of the condition.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Furey and passed as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

RESOLUTION NO. 2010-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE 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 AND BETSY DELURGIO

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-82 as amended. The motion was seconded by Councilmember Barnett and passed as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Furey, Numark and Mayor Scotto
NOES: Councilmembers Brewer, Rhilinger and Sutherland

###

EXCERPT OF MINUTES ☑ Minutes Approved

September 21, 2010

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in a joint meeting with the Library Commission at 5:35 p.m. on Tuesday, September 21, 2010 in the Katy Geissert Civic Center Library meeting room.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

The Library Commission meeting was adjourned at 6:49 p.m., and the City Council recessed to Council Chambers to conduct regular business.

The City Council reconvened in Council Chambers at 7:05 p.m. with all members present.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTION APPROVING PRE09-00007 AT 209 VIA EL TORO

Recommendation

Recommendation of the Community Development Director that 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. PRE09-00007: Jim & Betsy Delurgio

Planning Manager Lodan reported that the proposed Resolution corrects errors that were discovered in Resolution No. 2010-82 adopted on August 24, 2010.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Barnett and passed by a 5-2 roll call vote, with Councilmembers Rhilinger and Sutherland dissenting.

RESOLUTION NO. 2010-92

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 AND BETSY DELURGIO

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-92. The motion was seconded by Councilmember Barnett and passed by a 5-2 roll call vote, with Councilmembers Rhilinger and Sutherland dissenting.

###

Council Meeting of
September 21, 2010

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

By _____
Gregg D. Lodan, AICP
Planning Manager

CONCUR:

_____
Jeffery W. Gibson
Community Development Director

NOTED:

_____
LeRoy J. Jackson
City Manager

Attachment: A. Resolution

10A

ATTACHMENT A

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 Delurgio 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

Council Meeting of
August 24, 2010

SUPPLEMENTAL #1 TO ITEM 10D

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

Members of the Council:

SUBJECT: SUPPLEMENTAL #1 TO COUNCIL AGENDA ITEM 10D
PRE09-00007: JIM & BETSY DELURGIO

Recommendation of the Community Development Director that Condition #13 of the City Council Resolution should read as follows:

13. That the applicant shall shift the accessory structure to the south and east to be between 1-3 feet from adjacent property lines;

This modification ensures that the accessory structure can be built adjacent to existing property line walls according to current building codes.

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

10D

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 approve an appeal of a Planning Commission denial 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.**

PRE09-00007: Jim & Betsy Delurgio

Expenditure: None

RECOMMENDATION

Recommendation of the Community Development Director that the City Council adopt a Resolution reflecting their decision to approve an appeal of a Planning Commission denial 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 at 209 Via El Toro.

Funding: Not applicable

BACKGROUND

On July 20, 2010, the City Council considered 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. The City Council voted 4-3 to approve the project and directed staff to provide findings and conditions of approval. The resolution has 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

Attachment:
A. Resolution

10D

ATTACHMENT A

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, 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, 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, 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 Planning Commission of the City of Torrance does hereby find and determine as follows:

a) That the property is located at 209 Via el Toro; and

b) 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

c) 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

d) 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

e) 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

f) 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

g) 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

h) 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

i) 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

j) 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

k) 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

l) 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

m) 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

n) 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

o) 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 Delurgio 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 Planning Commission 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 1-foot from the 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 24 day of August, 2010.

_____
Mayor of the City of Torrance

ATTEST:

_____
City Clerk of the City of Torrance

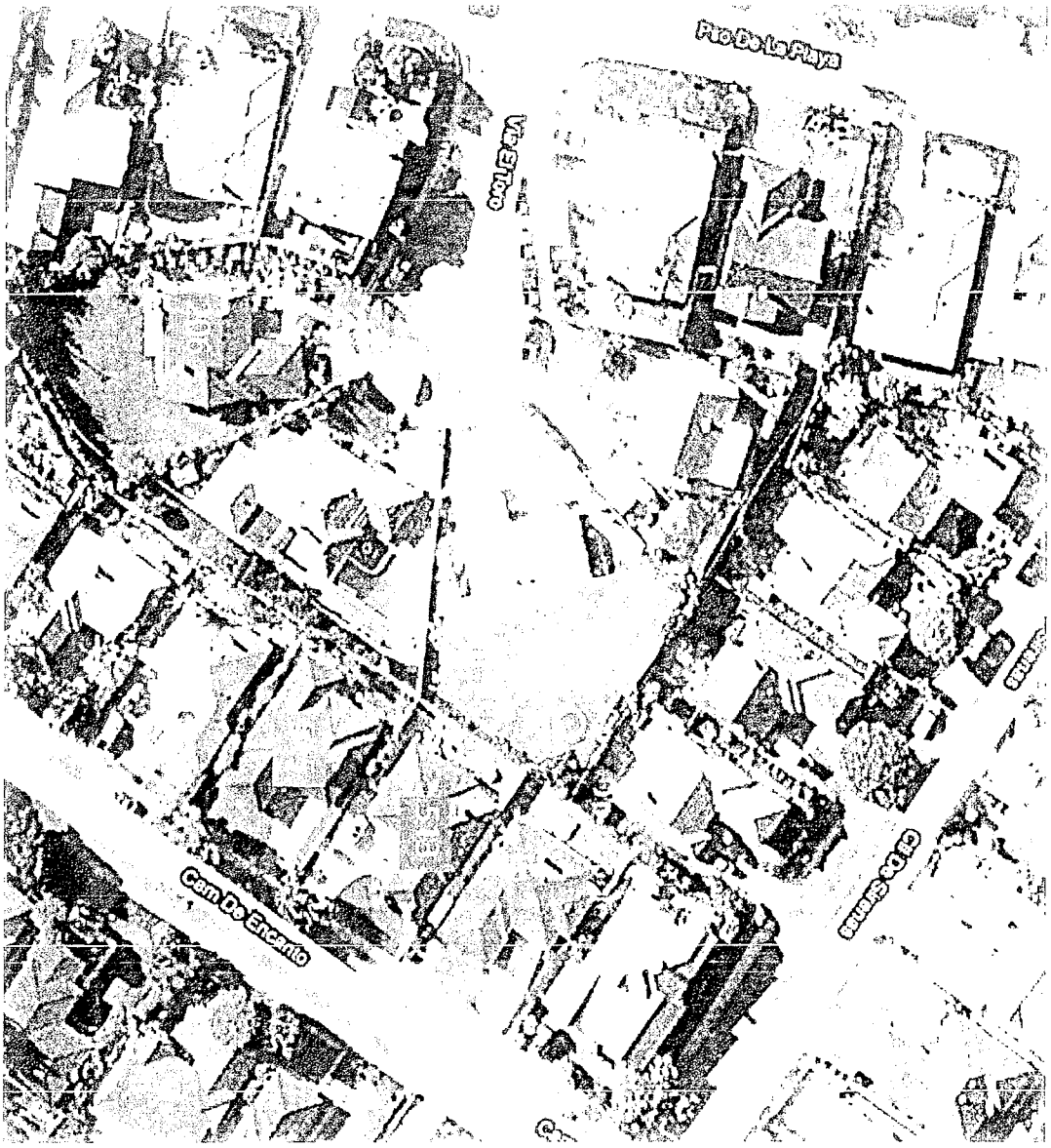
APPROVED AS TO FORM:

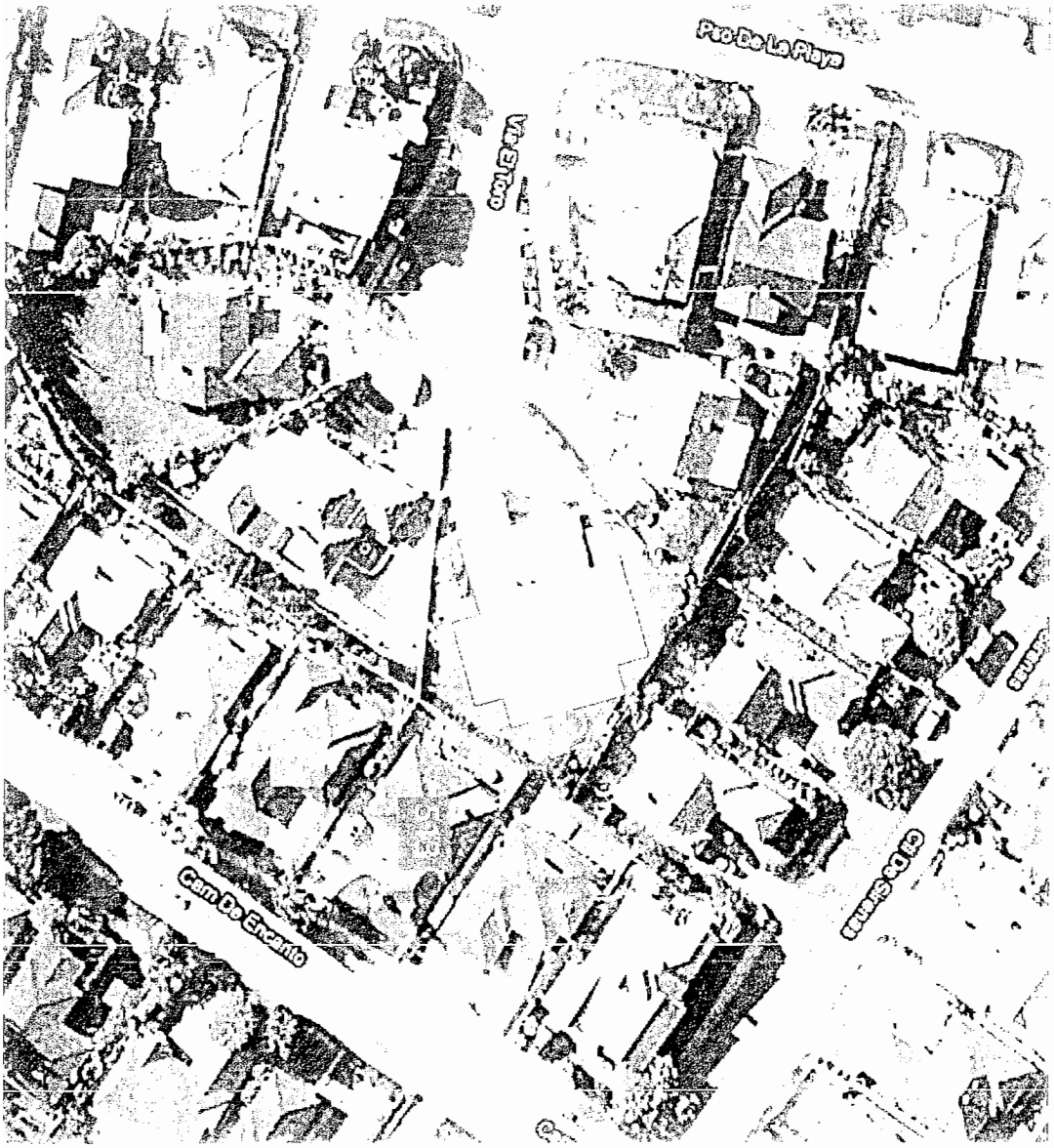
JOHN L. FELLOWS III, City Attorney

By:_____
Patrick Q. Sullivan, Assistant City Attorney

[52871_2.DOC]

Submitted to the
City Council
at the
Public Hearing

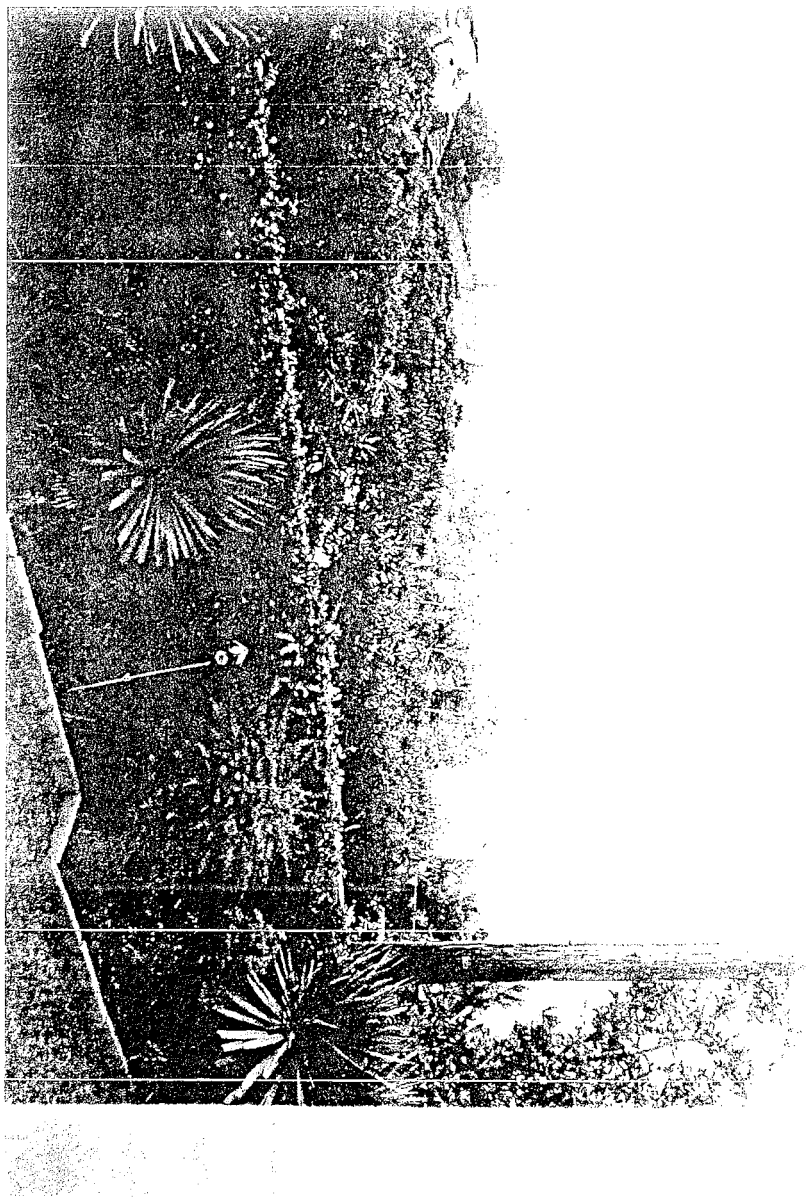

Camino Del Encanto

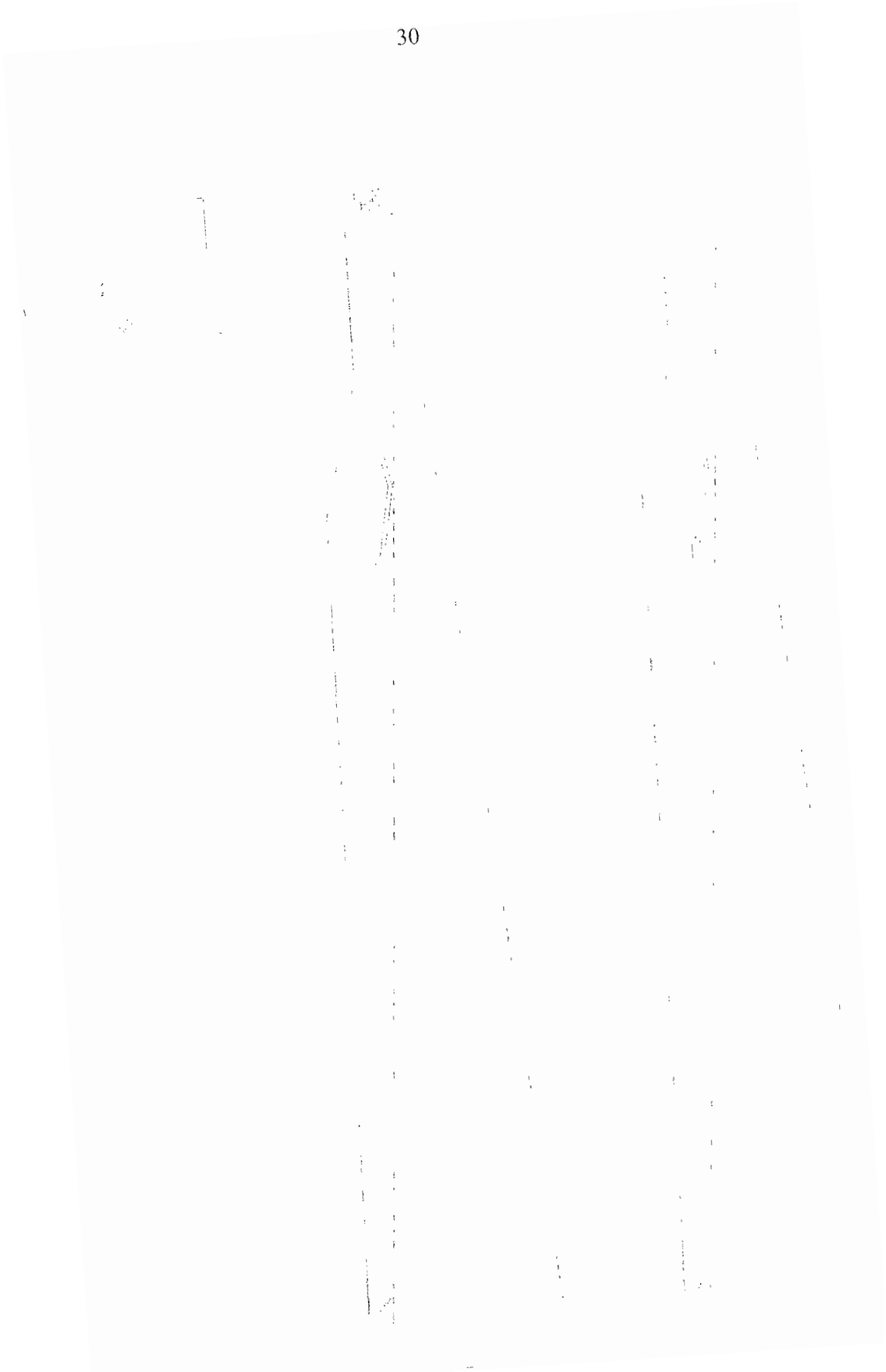

Rio De La Plata
Camino Del Encanto

Pso De La Playa
Cam De Encanto

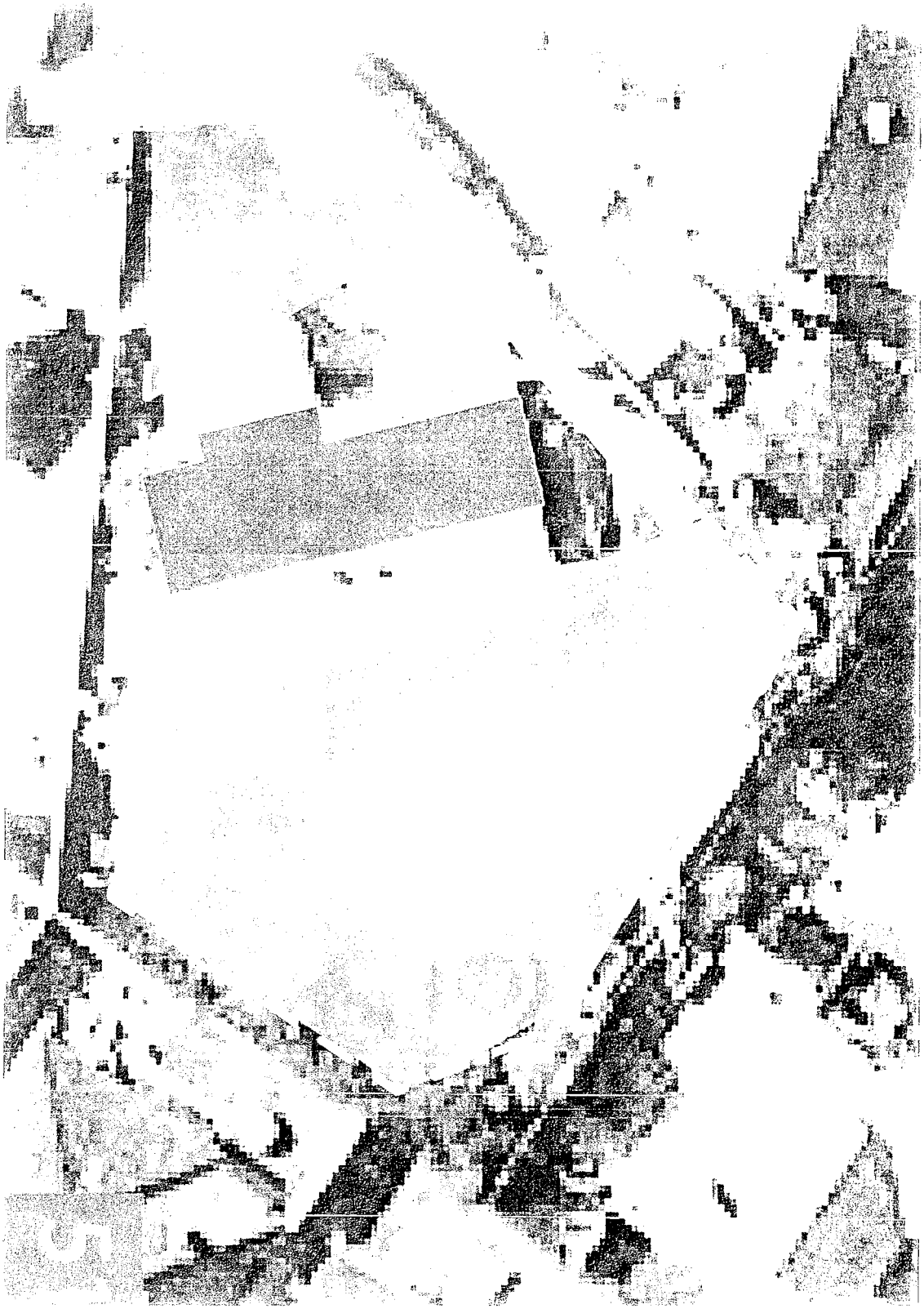
Paz De La Playa
Vía El Toro
Cam De Encanto
Cl De Sirenas

Pco De La Playa
Vía El Lago
Cam De Encanto
Sucre





31



Council Meeting of
July 20, 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
PRE09-00007: JIM & BETSY DELURGIO

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. Correspondence

13A

ATTACHMENT A

Martinez, Oscar

From: Herbers, Sue
Sent: Thursday, July 15, 2010 3:40 PM
To: Martinez, Oscar
Subject: FW: 209 Via El Toro

For the Record:

Sue Herbers
City Clerk
City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

---

From: Sutherland, Bill
Sent: Thursday, July 15, 2010 3:25 PM
To: Herbers, Sue
Subject: FW: 209 Via El Toro

Regards Bill Sutherland Torrance City Councilman

From: Chuck Hammer <ballpien99@hotmail.com>
Sent: Thursday, July 15, 2010 3:21 PM
To: Brewer, Tom <TBrewer@TorranceCA.gov>; Rhilinger, Susan <SRhilinger@TorranceCA.gov>; Sutherland, Bill <BSutherland@TorranceCA.gov>; Numark, Cliff <CNumark@TorranceCA.gov>; Barnett, Gene <GBARNETT@TorranceCA.gov>; Scotto, Frank <FScotto@TorranceCA.gov>; Furey, Pat <PFurey@TorranceCA.gov>
Subject: 209 Via El Toro

Torrance City Council Members and Major:

I am writing to voice my objection to the proposed project at 209 Via El Toro. This project is in violation of the Hillside Overlay Ordinance in both view and privacy. Mr. Delurgio most likely will present a scenario where his second story project will cause a lesser impact on view than a one story project would. Well, Duh. The ordinance doesn't say that if two stories has a lesser impact on view than a one story, then it's OK. It says that one cannot impact view, period. The second story windows of the project would allow someone to peer directly down into the back yards of several of the neighbors. this is also banned by the ordinance, as you well know.

For the above reasons the plans for this project are worthless, and should be throw in the trash. Better yet, put them in the recycle bin.

I am asking that you as city council members vote against this project. You should not reward someone who so blatantly violates the ordinance, calls his neighbors criminals, plants fast growing trees to block his neighbors views, refuses to trim them, and brings so much angst to the neighborhood.

Mr. Delurgio would be well served to heed the advice given by one of the planning commissioners just prior to the 6 to 0 vote against this controversial project to move somewhere else that doesn't have the much coveted Hillside Overlay Ordinance.

Thank you for your time, and I hope you have the time to check on this proposed project.

Sincerely,

Charles Hammer
221 Paseo De Suenos
Redondo Beach, CA 90277
310-378-4590

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Martinez, Oscar

From: Roberta Blowers [drbertab@yahoo.com]
Sent: Monday, July 19, 2010 7:04 PM
To: Sutherland, Bill; Numark, Cliff; Barnett, Gene; Rhilinger, Susan; Furey, Pat; Brewer, Tom; Scotto, Frank
Subject: Regarding the July 20th Hearing: 209 Via El Toro 2nd Story Proposed Project
Attachments: 209 Via El Toro Project- July 20th City Council Hearing.doc

To: Torrance City Council Members 7/19/2010

I object to the second story addition that is proposed for 209 Via El Toro as I believe it violates the Hillside Ordinance because it impacts views and privacy of many of the neighbors; it is not designed to cause the least intrusion on neighboring properties; and its two story design is not in harmony with the neighborhood.

Many neighbors including an architect, have offered good suggestions as to how the project's impact might be mitigated, including some of the square footage below grade (not to include the garage portion when designed) as was done at 410 Paseo de la Playa with a really nice court yard out to one side that brings in lots of light. A petition opposing a second story was signed by 70+ neighbors, of which at least 70% live within the notification circle.

There are many other projects that were built in this area that built below grade (subterranean) and kept within inches of their original existing rooflines such as 443 Camino de Encanto, 440 Camino de Encanto, 410 Paseo de la Playa and more. Why should this project be any different and be allowed to build a second story without maintaining the existing roofline and roof height? Mr. Delurgio has said on numerous occasions when meeting with the neighbors that the only two reasons that he does not want to build below grade is because of the expense and that he does not want to live underground. There is no hardship that exists in this case.

In addition, this is a project that the existing 40+ foot poplar trees that Mr. Delurgio planted recently in anticipation of asking for this second story **should be considered transparent**. I believe these trees should be considered transparent because Mr. Delurgio has entered into an agreement before a judge at his spite tree hearing in Torrance this year that he will be trimming and maintaining the poplar trees to no higher than 14 feet.

Thank you for your time and consideration,
Roberta Blowers
621 Camino de Encanto

Below I have copied some important excerpts from the minutes of the 5/19/2010 Planning Commission hearing in support of denial of this project for you to review:

- Commissioner Busch noted that the applicant has proposed cutting down some tree to open up a view corridor for neighbors in conjunction with the project and suggested that doing this

now rather than waiting would have given neighbors a better idea of how this would improve their views.

- Commissioner Browning reported that he observed that the project would block a shoreline view at 513 Camino de Encanto; noted that Mayor Scotto has stated that he thinks even a 10% reduction in view has too much; and explained that he would have a difficult time approving this project because he judged the view blockage to be more than 10%. (See Page 121-Letter in opposition from Ted and Linda Gohata dated October 19, 2009: "When Mayor Scotto addressed the residents of the Hollywood Riviera recently, we were pleased to hear the Mayor explain the importance of the Hillside Ordinance for people who have paid a premium for their views. He also explained when he is evaluating requests to build 2nd stories even a 10% reduction in the view of surrounding neighbors was too much of a loss.")

- Commissioner Browning reported that he observed a white water view from Mr. Constantino's that was blocked by the silhouette. He pointed out that the staff report states that privacy impacts have been reduced at 513 Camino de Encanto, but it does not say that they have been eliminated.

- Commissioner Browning voiced his opinion that the proposed project does not work on this particular lot and suggested that the Delurgios may need to find another location for their dream house.

- Commissioner Busch stated that he could not support the project because he believes it violates the Hillside Ordinance in terms of 513 and 515 Camino de Encanto and felt there were changes that could be made to mitigate the project's impact.

- Commissioner Uchima reported that he viewed the project earlier this afternoon from 515 Camino de Encanto and observed a readily apparent loss of ocean view, therefore he could not support it.

- Commissioner Weideman stated that after hearing all the testimony, re-reading the case and reviewing the revisions to the plans, he believed the project would have a significant impact on the views of neighbors, therefore he would be voting against it.

- Commissioner Busch noted that commissioners and staff sometimes have differing opinions on a project and the Commission is charged with making the final decision, which can be appealed to the City Council. He voiced his opinion that a project violates the Hillside Ordinance if it blocks a significant view of even one homeowner and reiterated his position that there was a violation in this case.

- Commissioner Busch asked about staff's judgment (staff report-page 3) that the proposed project does not impact views at 513 Camino de Encanto. Ms. Constantino responded that contrary to the staff report, her view of the ocean would be impacted by the project.

- Ted Gohata, 516 Camino de Encanto, maintained that he would lose his entire blue water view if the applicant is allowed to build a second story.

- Responding the questions from the Commission, Mr. Kusion estimated his view loss to be approximately 50% (from 523 Camino de Encanto). He noted that Mr. Delurgio has a spectacular ocean view from his existing home so it would be no hardship for him to build a single-story addition.

- Ruth Vogel, 114 Via la Soledad.....She suggested that had this project been designed to cause the least intrusion on neighbors, it would have included a flat roof and subterranean elements.

From: Herbers, Sue
Sent: Tuesday, July 20, 2010 8:57 AM
To: Martinez, Oscar
Subject: FW: The Guzman house after the flags go down and wood goes up the view is gone

For the record.

Sue Herbers
City Clerk
City of Torrance | 3031 Torrance Blvd. | Torrance CA 90503 |
310.618.2864 voice | 310.618.2931 fax | SHerbers@TorranceCA.gov | www.TorranceCA.gov

From: Sutherland, Bill
Sent: Monday, July 19, 2010 9:44 PM
To: Herbers, Sue
Subject: FW: The Guzman house after the flags go down and wood goes up the view is gone

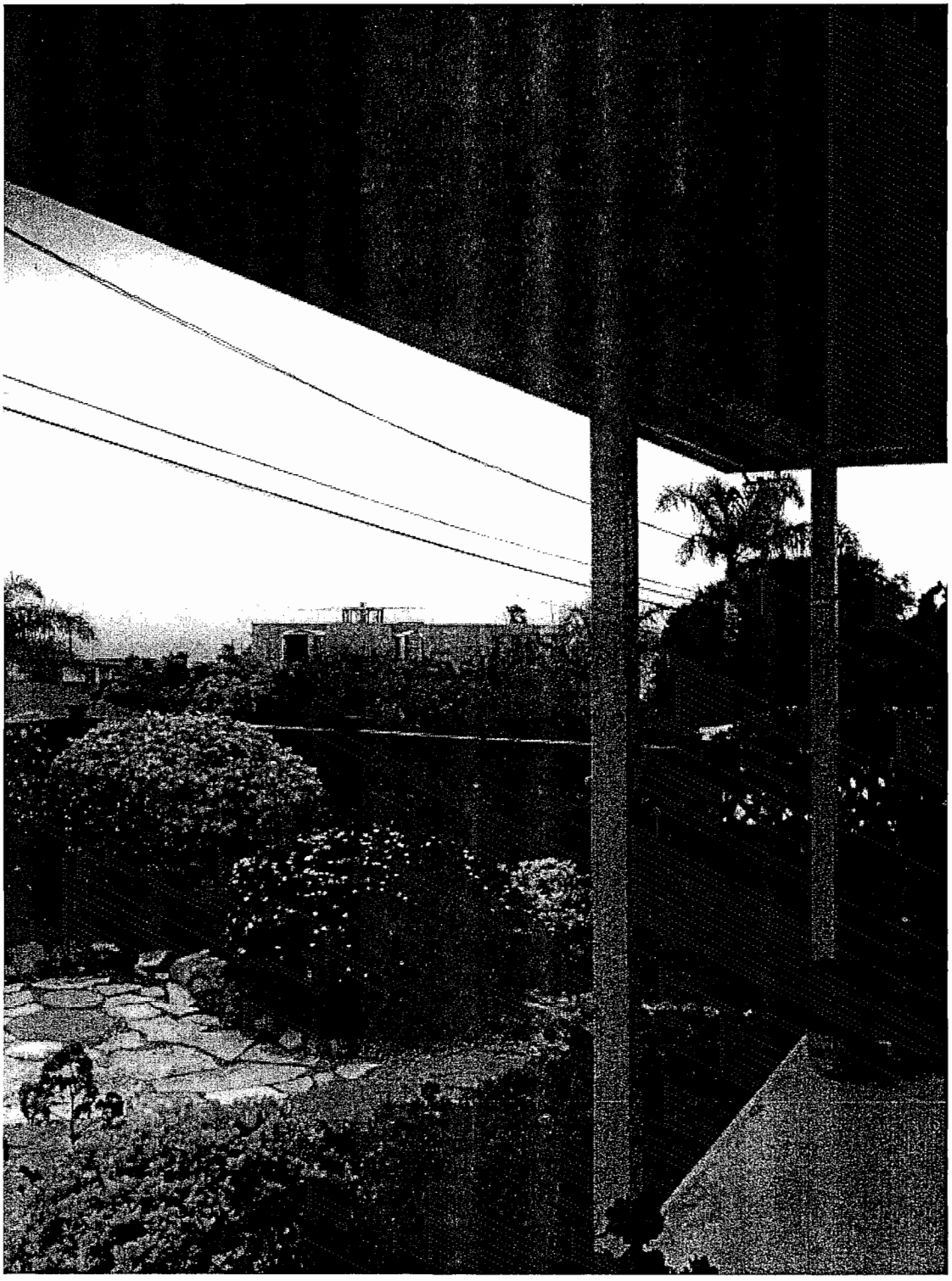
Regards Bill Sutherland Torrance City Councilman

From: PeggyKay@aol.com <PeggyKay@aol.com>
Sent: Sunday, July 18, 2010 10:50 PM
To: PeggyKay@aol.com <PeggyKay@aol.com>
Subject: The Guzman house after the flags go down and wood goes up the view is gone

The photo below was taken from the living room of Charlotte Ferris on Camino De Encanto. Charlotte is 89 years old and original owner of her home. She was never notified of the building of the Guzman home . She had lived here near 45 years and is unable to come out to civic meetings due to age and health reasons. . However her view is gone. She is so upset. Councilmen BREWER did visit her home at election time and she showed her lack of view and said "she has been wiped out" She is more than upset with her total view being taken. Would you like this to happen to you? She had a view and this is her new 'acquired view" PLEASE DON'T LET THIS HAPPEN AGAIN WITH THE HOME ON ELTORO. We'll be there on July 20 to stand by and support our neighbors trying to hold down the oversizing of the neighborhood.

Thank you for considering this and reviewing photos taken on a y iphone with no enhancements or flashes or zoom lenses. Peggy Maddox (627 Camino De Encanto, for Charlotte Ferris) 310-375-6062

From: peggykay@aol.com
To: peggykay@aol.com
Sent: 7/17/2010 6:02:16 P.M. Pacific Daylight Time
Subj: (no subject)



gbarnett@torranceca.gov

Gibson, Jeff

From: drvictoriaradel@cs.com

Sent: Tuesday, July 20, 2010 12:51 PM

To: Gibson, Jeff; Lodan, Gregg; Martinez, Oscar; Barnett, Gene; Brewer, Tom; Scotto, Frank; Sutherland, Bill; Furey, Pat; Rhilinger, Susan; cnumark@torrance.ca.gov

Subject: Request for continuance as attempt consensus on 209 El Toro approval with stipulations

Gentlemen and Councilwoman
I am working very hard to achieve a consensus for the approval of the Delurgio 2 story remodel at 209 Via El Toro.
Last night was the first conversation wherein the 3 of us (Kusion, Constantino and myself) gathered to discuss the potential downsides of not allowing the 2 story in our back yards. We need more time as I am working desperately toward consensus and sincerely feel that if the case goes forward tonight there will be even more bad feelings among neighbors than if we are given time to contemplate the realities which some were not willing to consider until just last night.
Would you kindly grant the continuance?
Respectfully,
Dr Vicki Radel
310-713-2260

Council Meeting of
July 20, 2010

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

PUBLIC HEARING

Members of the Council:

SUBJECT: **Community Development - Consider an appeal of a Planning Commission denial without prejudice 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.**

PRE09-00007: JIM & BETSY DELURGIO

Expenditure: None

RECOMMENDATION

Recommendation of the Planning Commission that the City Council deny the appeal and take the following action on property located at 209 Via El Toro:

1. Adopt a Resolution denying PRE09-00007

Recommendation of the Community Development Director that the City Council uphold the appeal and take the following action on property located at 209 Via El Toro:

1. Adopt a Resolution approving PRE09-00007

Funding: Not applicable

BACKGROUND

The property is located at the end of the cul-de-sac on Via El Toro and is currently developed with a one-story residence with attached two-car garage. The project was first heard by the Planning Commission on November 4, 2009 and was continued indefinitely. The project was brought back to the Planning Commission on May 19, 2010 and was denied without prejudice by a vote of 6 to 0 with one Commissioner abstaining. On May 24, 2010, the applicant filed an appeal with the City Clerk.

Prior Hearings and Publications

A Planning Commission Hearing was scheduled for November 4, 2009. On October 22, 2009, 103 notices were mailed to adjacent property owners. A notice of public review period was published in the newspaper on October 23, 2009. A second Planning Commission Hearing was scheduled for May 19, 2010. On May 6, 2010, 78 notices were mailed to adjacent property owners. A notice of public review period was published in the newspaper on May 7, 2010. A City Council Hearing was scheduled for June 22, 2010. On June 11, 2010, 138 notices were mailed to adjacent property owners and Homeowner Associations in the City, the site was posted and a legal advertisement was published in the newspaper. At the June 22, 2010 City Council Hearing, the City Council continued the matter to the July 20, 2010 City Council Hearing. On July 9, 2010, the site was posted with a Notice of Public Hearing.

Environmental Findings

The construction of a 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).

ANALYSIS

The applicant requests approval to allow first and second story additions in conjunction with an accessory structure in the rear. The current plans have been modified from the original proposal to address impacts to view, privacy and massing. The plans propose a great room, dining room, living room, kitchen, three bedrooms, two bathrooms and a laundry area on the first floor. The second floor proposes a master suite, a family room and a balcony. The plans also show a detached accessory structure in the rear with an office, art studio, bathroom and solar mechanical room. The plans indicate a pool area to be done under separate permits and also indicate solar panels on the roof of the accessory structure but are not subject to Hillside Review. The project complies with all height and setback requirements of the R-1 Zone.

A project summary follows:

Statistical Information	Current Residence	Original Proposal	Revised Proposal
♦ Lot Area	13,185 sq. ft.	13,185 sq. ft.	13,185 sq. ft.
♦ First Floor Living Area	1,608 sq. ft.	2,315 sq. ft.	2,275 sq. ft.
♦ Second Floor Living Area	N/A	1,213 sq. ft.	965 sq. ft.
♦ Total Living	1,608 sq. ft.	3,528 sq. ft.	3,240 sq. ft.
♦ Garage	418 sq. ft.	498 sq. ft.	515 sq. ft.
♦ Accessory Structure	N/A	634 sq. ft.	677 sq. ft.
♦ Total Floor Area (Inc. Gar/Acc)	2,026 sq. ft.	4,660 sq. ft.	4,432 sq. ft.
♦ Floor Area Ratio	0.15	0.35	0.34
♦ Lot Coverage	15.3%	25%	26%
♦ Maximum 1-story residence allowed at 0.5 FAR:		6,592 sq. ft.	
♦ Maximum 2-story residence allowed at 0.6 FAR:		7,911 sq. ft.	

Prior to the Planning Commission Meeting of May 19, 2010, staff received correspondence from 505, 508, 513, 515, 516, 520, 523, 621 and 627 Camino de Encanto, 206 Calle de Sirenas and 526 Palos Verdes Blvd expressing concerns ranging from privacy and view impacts to the increase of second stories and the precedence being set by approving this application. Staff visited the surrounding properties to view the silhouette of the proposed residence. The properties which had the most potential for impact are 513, 515 and 523 Camino de Encanto.

At 513 Camino de Encanto staff viewed the silhouette from the living room, dining room, bedroom and rear yard area where the owner expressed privacy concerns from the second story windows of the proposed residence to the living and bedroom areas and rear yard areas and impacts to views of the sky. Staff observed ocean and city light views to the north and northwest which are not impacted by the proposed residence and accessory structure. Historically the Hillside Overlay Ordinance has been interpreted by City Council and Planning Commission to be most protective of views afforded by the unique topography and location of the Hillside Overlay District. More protection has been afforded to views of ocean, shoreline,

city lights, white water, etc. Views of the sky are not unique to the Hillside Overlay District and have not generally been afforded the same level of protection. In the judgment of staff, the proposal does not impact views from 513 Camino de Encanto. Staff notes that the windows on the second floor that face the north and east are not large picture windows; one is located within a bathroom, a stairway and two in the family room. These windows all have sill heights five feet or higher. The second floor setback has also been increased from 81-feet 6-inches to 100-feet 6-inches and, in the judgment of staff, the redesigned residence has reduced privacy impacts to 513 Camino de Encanto.

At 515 Camino de Encanto staff viewed the silhouette from the living room, office, bedroom and rear yard area where the owner has expressed concerns with the impacts to ocean views from the living room from the proposed accessory structure. Staff observed ocean, whitewater, city light and mountain views to the north and northwest from the residence. While standing in certain areas of the living room area of the home, a small portion of ocean view to the northwest will be blocked by the accessory structure. In the judgment of staff, 515 Camino de Encanto has the greatest potential for impacts from the development of the subject parcel rendering significant portions of the rear yard unable to be developed without significant impact to views. However staff notes that the proposed plan was designed in such a way as to preserve view corridors over the majority of the lot towards the ocean and whitewater views.

At 523 Camino de Encanto staff viewed the silhouette from the living room area, office area and bedroom where the owner has expressed concerns about ocean and city light views. Staff observed ocean and mountain views to the west and ocean and city light views to the north. The owner provided photographs taken with binoculars of ocean and city light views through the rooftops of 209 Via El Toro and 205 Via El Toro. Based on staff's observations, a small portion of ocean and city light views in this corridor between rooftops as viewed from the office area at 523 Camino de Encanto would be impacted by the proposed addition. The revised project lessened impacts to the north of ocean, whitewater and city light views created by the second story as the proposed structure increased the rear yard setback on both the first and second story. Staff notes that while standing in the living and dining areas and looking west, the silhouette of the project is not visible and does not block views to the horizon of ocean and mountains.

Although the plan introduces a second story element, it appears based on staff observations that this plan is the least impactful to the surrounding neighborhood. Staff's recommendation of approval gives greater weight to the protection of views over the sense of openness that a one-story plan would provide. In the judgment of staff, a one-story plan would likely cause greater view impacts to more surrounding properties.

The applicant has redesigned the proposed project to minimize potential impacts to surrounding neighbors. The project has been reduced in scale to provide less square footage overall, has addressed potential privacy impacts to the neighbors at 513 and 515 Camino de Encanto as window sill heights along the east and south elevations of second floor are at 5-feet or higher and has reduced the second floor massing to preserve view corridors to 513, 515 and 523 Camino de Encanto. Staff determines that if additions to the residence were on the ground to the rear, a greater number of properties would experience loss of views of ocean and city lights as the rear of the property is a primary view corridor for residences to the rear. Additions to the front of the residence are restricted by the shape of the lot as it narrows towards the street and the desire of the applicants to maintain as much off-street parking available.

The applicant has submitted revised plans for a project that complies with the R-1 standards. It maintains height requirements, exceeds the open space requirements, is within the maximum lot coverage and floor area ratio limits and is of moderate size for this property. Staff determines that the subject request will not have a harmful effect on surrounding properties and does not appear to result in adverse impacts on view, light, air or privacy. For these reasons staff recommends approval of this appeal and approval of this project.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the current proposal at the May 19, 2010 hearing. The applicant's architect gave a presentation on the project and discussed the changes from the original proposal. Various neighbors voiced their opposition to the project due to impacts to view and privacy and also explained that no major changes were done to the design. The applicant's architect addressed some concerns that were brought up by neighbors and also explained that a one-story residence could have greater impacts to views of adjacent neighbors to the east. At the meeting in addition to the previously mentioned properties, additional property owners spoke and mentioned impacts to views. The Planning Commission closed the public hearing and discussion followed. A Commissioner indicated that sky views are not considered as protected views and another Commissioner indicated impacts to ocean views. A motion to deny the project without prejudice passed with a vote of 6 to 0 with Commissioner Horwich abstaining. Should the Council consider approval of the subject request, a set of recommended conditions is included as Attachment I.

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
B. Location and Zoning Map
C. Silhouette Certification
D. Letter of Appeal
E. Previous City Council Items
F. Planning Commission hearing Minute Excerpts from 5/19/10
G. Previous Planning Commission Staff Reports and Supplemental
H. Proofs of Publication and Notification
I. Recommended Conditions if Approved
J. Items submitted at the 5/19/10 Planning Commission Hearing
K. Correspondence
L. Plot Plan and Elevations (Limited Distribution)
M. Mayor's Script (Limited Distribution)

ATTACHMENT A

RESOLUTION NO. 2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ONE AND TWO-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.

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, 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, 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) That the property is located at 209 Via el Toro; and

b) 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

c) That the proposed residence will have an adverse impact upon the view, light, air and privacy of other properties in the vicinity; and

d) That the proposed residence has not 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 of impacts to views of 515 Camino de Encanto and privacy of 513 Camino de Encanto; and

NOW, THEREFORE, BE IT RESOLVED that PRE09-00007, 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 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 denied without prejudice.

Introduced, approved and adopted this 22nd day of June, 2010.

_____

MAYOR, of the City of Torrance

ATTEST:

_____

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By_____

ATTACHMENT B

LOCATION AND ZONING MAP

209 Via el Toro
PRE09-00007

TORRANCE COMMUNITY DEVELOPMENT GIS

LEGEND

Proposed Site

Notification Area

Feet
0 105 210 420

N
W E
S

Prepared using City of Torrance Community Development Geographic Information System
Jeffery W. Gibson, Community Development Director

ATTACHMENT C

City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 Fax: (310) 618-5829

Height and Location Certification

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 209 Via El Toro (address)

_____ on 5/2/10 (date), based on plans submitted to the City of Torrance

by Obelisk Architects (applicant/architect) on _____ (date). The survey was taken

from a bench mark located at 209 Via El Toro (address)

(attached map) which established a base elevation of 100.0 on lid of exist. SMH.

The ridge line/highest point of the roof was determined to have an elevation of 126.2.

The plans indicate that the elevation should be 126.21.

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Community Development Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of ***height, building envelope, location on the site, and all setbacks.***

OFFICIAL STAMP
LICENSED LAND SURVEYOR
CHI MING GONG
No. 7243
Exp 12-31-10
STATE OF CALIFORNIA

Chi Ming Gong
Name (please print)

7243
LS/RCE#

SIGNATURE

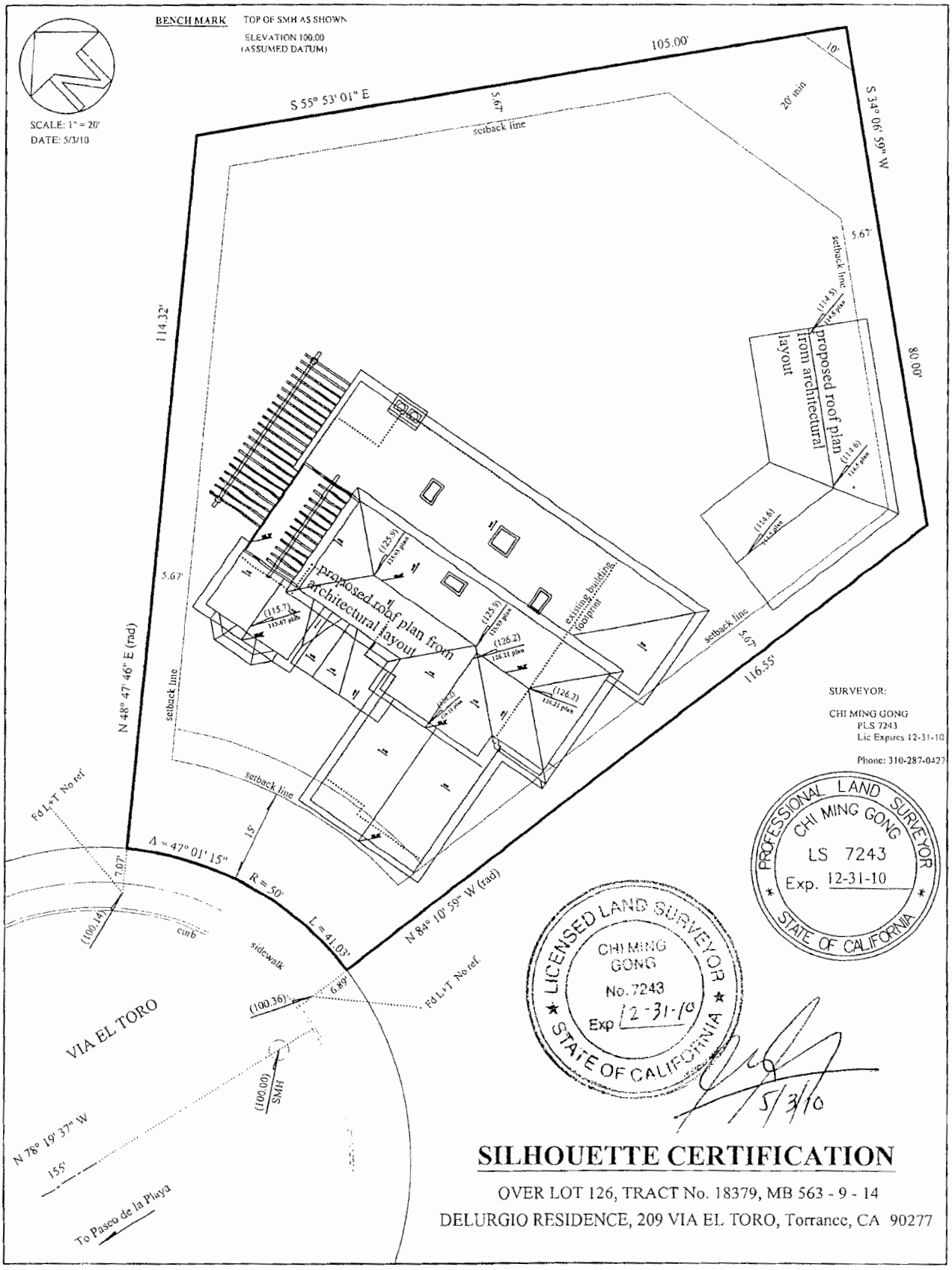
(310) 779 5402
PHONE

5/4/10
DATE

Notes: _____

RECEIVED
MAY 04 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT

09/02



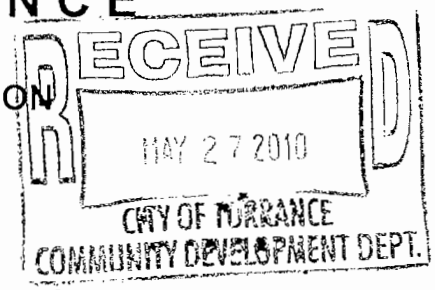
SILHOUETTE CERTIFICATION

OVER LOT 126, TRACT No. 18379, MB 563 - 9 - 14

DELURGIO RESIDENCE, 209 VIA EL TORO, Torrance, CA 90277

Attachment D

CITY OF TORRANCE



INTEROFFICE COMMUNICATION

DATE: May 24, 2010

TO: **Jeffery Gibson, Community Development**

FROM: City Clerk's Office

SUBJECT: **Appeal 2010-06**

Attached is Appeal 2010-06 received in this office on May 24, 2010 from Jim Delurgio, 209 Via El Toro, Torrance, CA 90503. This appeal is of the Planning Commission's denial on May 19, 2010 citing proposal design complies with the Hillside Overlay Ordinance as cited in planning staff recommendations for approval.

The appeal fee of $250.00, paid by check, was accepted by the City Clerk.

SECTION 11.5.3. PROCEDURE AFTER FILING.

a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.

b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

Sue Herbers
City Clerk

cc: City Council
City Manager
City Attorney

CITY OF TORRANCE

APPEAL FORM

2010 MAY 24 AM 10:09

CITY CLERK'S OFFICE

AN APPEAL TO:
- ☒ City Council
- ☐ Planning Commission
- ☐ _____

RETURN TO:
Office of the City Clerk
3031 Torrance Boulevard
Torrance CA 90509-2970
310/618-2870

RE: PRE09-00007 Jim & Betsy Delurgio
(Case Number and Name)

Address/Location of Subject Property 209 Via el Toro
(If applicable)

Decision of:
- ☐ Administrative Hearing Board
- ☐ Airport Commission
- ☐ Civil Service Commission
- ☐ Environmental Quality & Energy Conservation Commission
- ☐ License Review Board
- ☒ Planning Commission
- ☐ Community Development Director
- ☐ Special Development Permit
- ☐ Other _____

Date of decision: 5/19/2010 **Appealing:** ☐ APPROVAL ☒ DENIAL

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.)*

Proposed design complies with the Hillside Overlay Ordinance, as cited in planning staff recommendations for approval.

Name of Appellant Jim Delurgio

Address of Appellant 209 Via el Toro

Telephone Number (310) 378-0001

Signature _____

For office use only:
Appeal Fee paid $ 250.00 Date 5/24/10 Received by MB

Notice to: Community Development Department: ☒ Planning ☒ Building & Safety
☒ City Council ☒ City Manager ☐ City Attorney ☐ Other Department(s) _____

Council Meeting of
June 22, 2010

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

PUBLIC HEARING

Members of the Council:

SUBJECT: **Community Development - Consider an appeal of a Planning Commission denial without prejudice 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.**

PRE09-00007: JIM & BETSY DELURGIO

Expenditure: None

RECOMMENDATION

Recommendation of the Community Development Director that the above mentioned case be continued to the July 20, 2010 City Council meeting as requested by the applicant.

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. Correspondence from Applicant

Martinez, Oscar

From: Jim Delurgio [jdelurgio@socal.rr.com]
Sent: Wednesday, June 16, 2010 10:23 AM
To: Martinez, Oscar
Cc: Nagy Bakhoum; Betsy Delurgio
Subject: 209 Via el Toro

We would like to request a continuance of our City Council hearing due to the sudden passing of my brother, and a conflict with his funeral which was scheduled for June 22nd.

The next available date of July 20th would work fine for us and our architect. Thank you for your understanding of our situation.

Jim Delurgio

(310)378-0001

Attachment F

EXCERPT OF MINUTES

✓ Minutes Approved
☐ Minutes Subject to Approval

May 19, 2010

MINUTES OF A REGULAR MEETING OF THE TORRANCE PLANNING COMMISSION

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, May 19, 2010 in the Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Busch, Browning, Gibson, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Fire Marshal Kazandjian, and Civil Engineer Symons.

9. CONTINUED HEARINGS

9A. PRE09-00007: JIM DELURGIO

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence in conjunction with a new accessory structure located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation

Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Commissioner Browning stated that it has been brought to his attention that there is a court order pertaining to this property that the applicant has failed to comply with and he was not comfortable proceeding with this hearing without additional information.

Assistant City Attorney Sullivan advised that it was his position that this legal action was irrelevant because the role of Commissioners was limited to evaluating the project before them and any civil dispute was up to the parties involved to resolve through the court system.

Assistant City Attorney Sullivan disclosed that he had a conversation with the applicants, Mr. and Mrs. Delurgio, within the past 2-3 months in his role as supervisor of the criminal prosecution division of the City Attorney's office concerning a matter involving the unauthorized trimming of the Delurgios' trees; that the case was rejected for prosecution and he explained the rationale for this decision; and that he did not

discuss the project with them other than acknowledging that he knew it was coming forward.

Commissioner Browning disclosed that Mr. Delurgio had invited him to view the project approximately two weeks ago, but he declined to do so because he had not received that agenda packet and after reviewing the packet, he decided not to meet with Mr. Delurgio because he felt it was unnecessary. He reported that he did view the silhouette from the living room of 513 Camino de Encanto and observed some view blockage but he has not made a decision on the project.

Commissioner Busch asked about the applicant's claim (Precise Plan Application, Item 2b) that many of the neighbors who claim view and privacy impairment have altered the view and privacy issues in their favor through illegal tree vandalism.

Deputy City Attorney Sullivan advised that Commissioners may give the applicant's statement in the application whatever weight they deem appropriate, noting that neighbors have the ability to comment on this claim during tonight's hearing.

Commissioner Busch asked if there has been legal action filed concerning the trees on this property, and Deputy City Attorney Sullivan reported that there is a videotape of a neighbor and a gardener trimming trees, but no charges were filed due to statute of limitation issues.

Nagy Bakhoum, Obelisk Architects, 3800 Pacific Coast Highway, project architect, voiced his agreement with the recommended conditions of approval. He reported on outreach efforts, noting that two open houses were held since the last hearing and there is an extensive log of communications with neighbors included in the staff report.

With the aid of slides, Mr. Bakhoum explained that despite the large lot, the usable area is fairly small due to views over and through the property and contended that a single-story residence would have a much greater impact on the views of neighbors. He reviewed the revisions that were made to project to address neighbors' concerns, including eliminating square footage and enlarging the rear yard setback.

Commissioner Busch noted that the applicant has proposed cutting down some trees to open up a view corridor for neighbors in conjunction with the project and suggested that doing this now rather than waiting would have given neighbors a better idea of how this would improve their views.

Mr. Bakhoum doubted that cutting down the trees would make any difference as neighbors are fundamentally opposed to a two-story addition on this property.

Commissioner Browning reported that he observed that the project would block a shoreline view at 513 Camino de Encanto; noted that Mayor Scotto has stated that he thinks even a 10% reduction in view was too much; and explained that he would have a difficult time approving this project because he judged the view blockage to be more than 10%.

Mr. Bakhoum declined to estimate the view blockage, but related his belief that the view blockage would be closer to 90% with a single-story addition.

Vice-Chair Horwich invited public comment.

Peter Lattey, 515 Camino de Encanto, contended that the revisions to the plans were not particularly significant and urged the Commission to delay the hearing until trees obstructing the view of the silhouette have been removed or trimmed. Noting that he is a licensed architect with over 30 years' experience, he also urged the Commission

to require that the applicant provide conceptual plans for a one-story project because that's the only way to determine the best way to develop the property.

Roberta Blowers, 621 Camino de Encanto, stated that Mr. Delurgio entered into an agreement before a judge to trim the poplar trees to a height of 14 feet but has not complied, therefore she believes the trees should be considered transparent, as if they were not there. She reported that neighbors discussed their concerns about a potential addition even before the applicant purchased the property so he was well aware of their concerns. She noted that at the last open house, the architect expressed a willingness to draft simple plans for a subterranean option, but the applicant has not allowed him to do so. She related her belief that there was another way to provide the space the applicant desires without impacting surrounding neighbors.

Cindy Constantino, 513 Camino de Encanto, contended that the proposed project clearly violates the Hillside Overlay Ordinance because it would have a drastic impact on her privacy and reported that a licensed appraiser has estimated that the project would decrease the value of her property between $60,000-150,000. She stated that the Delurgios have ignored neighbors' requests that they consider a split-level or partially subterranean addition and shift the pool house/accessory structure to the northeast corner of the lot to preserve views.

Commissioner Busch asked about staff's judgment (staff report – page 3) that the proposed project does not impact views at 513 Camino de Encanto. Ms. Constantino responded that contrary to the staff report, her view of the ocean would be impacted by the project.

Commissioner Browning reported that he observed a white water view from Ms. Constantino's home that was blocked by the silhouette. He pointed out that the staff report states that privacy impacts have been reduced at 513 Camino de Encanto, but it does not say that they have been eliminated.

Gene Kusion, 523 Camino de Encanto, noted that his family has owned this property since 1964. Submitting photographs to illustrate, he stated that the project would block views of the ocean, shoreline, mountains and city lights and it would also intrude on his privacy because the proposed second story would have a direct line of sight into his home. He maintained that the redesigned project was not significantly different from the earlier project submitted in November 2009; noted that the City Council denied a two-story project next door at 210 Via El Toro due to view impact; and voiced his opinion that the project was not designed to cause the least intrusion on neighbors.

Responding to questions from the Commission, Mr. Kusion estimated his view loss to be approximately 50%. He noted that Mr. Delurgio has a spectacular ocean view from his existing home so it would be no hardship for him to build a single-story addition.

The Commission briefly recessed from 8:30 p.m. to 8:45 p.m.

Linda Gohata, 516 Camino de Encanto, stated that while Commissioners have indicated that they give more weight to ocean views, the Hillside Ordinance does not make this distinction. Urging that the project be denied, she related her understanding that the Hillside Ordinance provides that a second story can only be added if a one-story addition is not feasible and there can be no adverse impact to neighbors. She voiced her opinion that the Hillside Ordinance strikes the right balance between cities that have no view protection and cities with ordinances that are overly restrictive.

Commissioner Busch noted that the staff report mentions that historically the Hillside Ordinance has been interpreted by the Planning Commission and the City

Council to afford more protection to views that are unique to the Hillside area and views of the sky have generally not been afforded the same level of protection.

Assistant City Attorney Sullivan advised that both the Planning Commission and the City Council have typically afforded more protection to ocean, mountain and city-light views and impact to blue-sky views has only become an issue within the last couple of years.

Armando Montano, 526 Palos Verdes Boulevard, voiced objections to the project, citing the impact on ocean views. He expressed the hope that Torrance would adopt an ordinance regulating trees, contending that trees on the subject property were only put there to hide the silhouette.

Vicki Radel, 515 Camino de Encanto, stated that she has lived at this address for 38 years and is strongly opposed to the project. She reported that the modifications have resulted in a slight improvement, which she appreciates, but the project would still block more than 10% of her view. She explained that the detached accessory structure will block ocean views from her living room, which can be remedied by using a flat roof, however the applicant has rejected this idea. She stated that the proposed two-story addition is much taller than anything else in the neighborhood and living next to it will be like living next to a cruise ship that never leaves port. She noted that she informed Mr. Delurgio before he purchased the property that she would oppose any addition that blocks her ocean view. She contended that there was no hardship involved to justify the project and that it would have an adverse cumulative impact.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that it would be possible to use a flat roof on accessory structure.

Andrew Filak, 514 Palos Verdes Boulevard, contended that the architect should have done a better job of familiarizing himself with the Hillside Overlay Ordinance before designing the project, noting that he purchased his home because of the protection it provides. He expressed concerns about the lack of enforcement of the California Coastal Act which limits construction within 1000 feet of the ocean.

Planning Manager Lodan clarified that property owners west of Palos Verdes Boulevard are required to obtain Coastal Commission approval for projects after they have completed the City's approval process.

Commissioner Browning noted that Mr. Bakhoum is familiar with the Hillside Ordinance and has designed other projects in the area.

Chuck Hammer, 221 Paseo de Suenos, stated that the applicant should throw the current plans away and come up with single-story project that does not impact neighbors and that he should apologize to neighbors for taking up their time and explain why the Hillside Ordinance does not apply to him.

Commissioner Horwich cautioned speakers to refrain from making personal remarks.

James Corazzini, 513 Camino de Encanto, reported that Mr. Delurgio was warned by neighbors before he purchased this property that they did not want their views blocked. He stated that Mr. Delurgio already has a better view than any of his neighbors and he should not be allowed to improve his view at their expense.

Voc Gregorian, 625 Camino de Encanto, stated that he was invited to view the project from 513 and 523 Camino de Encanto and observed that it would have a huge

impact on ocean views. He expressed the hope that the applicant would work together with neighbors and design a one-story project that won't affect views.

Commissioner Busch noted that several neighbors have recommended a one-story project, however, according to the staff report, it was staff's judgment that a one-one story project would likely cause greater view impacts to more properties. He asked if it would be possible to build a house of the same approximate size on a single-level without impacting views.

Planning Manager Lodan advised that the only place to add more square footage to the ground floor without significant view impact is in front of the existing residence, but this would take away the desired off-street parking and the area is very limited in size.

Ramzi Ghaby, 509 Camino de Encanto, stated that the proposed project would intrude on his privacy and block a blue sky view.

Ruth Vogel, 114 Via la Soledad, reported that the City Council on July 15, 2008 denied a project on Newton Street in order to protect a neighbor's blue sky view, which she believes set a precedent with regard to this matter. She suggested that had this project been designed to cause the least intrusion on neighbors, it would have included a flat roof and subterranean elements.

Lorraine Marcone, 505 Camino de Encanto, stated that she has worked as a real estate agent for over 25 years and related her experience that buyers rely on the Hillside Ordinance to protect their view, light, air and privacy. She contended that the proposed project shows a blatant disregard for the Hillside Ordinance and it would have no value in the future if the project is approved.

Ted Gohata, 516 Camino de Encanto, maintained that he would lose his entire blue water view if the applicant is allowed to build a second story.

Returning to the podium, Mr. Bakhoum stated that the fact that neighbors are complaining about view impact from the detached accessory structure, which is less than 11 feet in height, illustrates why it is not possible to build a one-story addition on this lot. He explained that it's impossible to design a project for this lot that would have no view impact so he focused on maintaining primary views and related his belief that the project as designed would cause the least detriment. With regard to privacy impact, he pointed out that the second floor is over 100 feet from the rear property line. He urged the Commission to approve the project as submitted.

Commissioner Skoll asked if Mr. Bakhoum and/or Mr. Delurgio had looked at the silhouette from the affected properties after the project was redesigned, and Mr. Bakhoum reported that they went to the edge of the property and looked back at the silhouette.

Commissioner Skoll related his experience that the silhouette needs to be viewed from the affected residence to gauge the full impact.

Commissioner Browning voiced his opinion that the proposed project does not work on this particular lot and suggested that the Delurgios may need to find another location for their dream house.

Commissioner Busch stated that he could not support the project because he believes it violates the Hillside Ordinance in terms of 513 and 515 Camino de Encanto and felt there were changes that could be made to mitigate the project's impact.

Commissioner Uchima asked if attempts were made to view the project from the homes of neighbors to the rear, particularly 515 Camino de Encanto. Mr. Bakhoum stated that some of the neighbors directed the applicant not to come onto their properties, but 515 Camino de Encanto was not one of them.

Commissioner Uchima reported that he viewed the project earlier this afternoon from 515 Camino de Encanto and observed a readily apparent loss of ocean view, therefore he could not support it. He related his belief that the architect would have a better idea of how to mitigate the impact by personally viewing the silhouette from this residence and other affected residences.

MOTION: Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

Commissioner Horwich stated that the blockage of blue sky views does not carry much weight with him, noting that he lives in a single-story home and homes on either side have added second stories so loss of blue-sky view is not unusual. He commented on the subjective nature of the Hillside Ordinance, pointing out that several people have contended that the proposed project clearly violates the Hillside Ordinance, however, obviously staff did not believe this was the case or they would not have recommended approval of the project.

Assistant City Attorney Sullivan clarified that while statements were made that the Hillside Ordinance requires that a project have no adverse impact on neighboring properties, according to the ruling in the Guzman case, a project may have no "significant or substantial" impacts.

Planning Manager Lodan advised that some people believe that if they can see the silhouette, they are adversely impacted by the project, however that is not the nature of the Hillside Ordinance. He explained that staff looked at the project in the totality of the impact on every house in the neighborhood and tried to balance a variety of interests and while they do see some limited impairment of ocean views, they did not feel it was a significant impact.

Chairperson Weideman stated that after hearing all the testimony, re-reading the case and reviewing the revisions to the plans, he believed the project would have a significant impact on the views of neighbors, therefore he would be voting against it.

Commissioner Busch noted that commissioners and staff sometimes have differing opinions on a project and the Commission is charged with making the final decision, which can be appealed to the City Council. He voiced his opinion that a project violates the Hillside Ordinance if it blocks a significant view of even one homeowner and reiterated his position that there was a violation in this case.

MOTION: Commissioner Busch moved to deny PRE09-00007 without prejudice. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

Planning Manager Lodan noted that a resolution reflecting the Commission's action would be brought back for approval at the next meeting.

###

Attachment G

AGENDA ITEM NO. 9A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Precise Plan (PRE09-00007) Jim & Betsy Delurgio

LOCATION: 209 Via El Toro

On November 4, 2009, the Planning Commission continued indefinitely a Precise Plan of Development application to allow the construction of first and second story additions to an existing one-story residence. The Planning Commission directed the applicants to work with their neighbors to address the concerns brought up at the hearing. The property owners have retained a new architect, held meetings with neighbors at their residence and have redesigned the project. The new silhouette has now been completed and certified and is now ready to be brought back before the Planning Commission.

The original plan proposed a new second story as well as additions to the first floor and a detached accessory structure. The original plan proposed a kitchen, living room, dining room, three bedrooms, two bathrooms, study area and laundry/mud room on the first floor and a master suite, nursery, family/game room and balcony on the second floor. The accessory structure was 634 square feet and contained an art studio, office, bathroom, dressing area and storage. The previous project proposed a floor area ratio of 0.36 and lot coverage of 26%.

Subsequent to the Planning Commission meeting of November 4, the applicant proposed plans for an accessory building, retaining walls and pool/spa in the rear (MIS10-00101) while also working on revising the house plans with a new architect. The applicant was unable to obtain the required signatures from neighbors who submitted correspondence in opposition to the "splitting" of the request (Attachment #5). The applicant has withdrawn the request (Attachment #6) and has incorporated the accessory structure and retaining wall into the revised plans.

The revised plans indicate that the proposed second floor of the residence has been reduced. The revised plans propose a great room, dining room, living room, kitchen, three bedrooms, two bathrooms and a laundry area on the first floor. The second floor proposes a master suite, a family room and a balcony. The plans also indicate a detached accessory structure in the rear with an office, art studio, bathroom and solar mechanical room.

The revised plan is proposing to maintain a swing-in type garage. The applicant is extending it towards the front and will have a minimum setback of approximately 16½-feet but will maintain the minimum 20-foot average. The side yard setbacks for the residence will be 5-foot 8½-inches along the southerly side and 9-foot 1½-inches along

the northerly side which meet the minimum 5-foot 8-inch requirement. The rear yard setback has been increased from 77-feet to approximately 85-feet. The rear second floor setback has also been increased from 81-feet 6-inches to 100-feet 6-inches. The height of the residence has also increased by one inch from 23-feet 8-inches to 23-feet 9-inches.

As previously mentioned, the previous plans proposed a 634 square foot detached structure with an art studio, office, bathroom, dressing area and storage. The height of the building was 10-feet 10.25-inches to the ridge which was under the 14 foot height limit. The new plans indicate the detached structure to be 677 square feet and contains an office, art studio, bathroom and solar mechanical room. Although the plans call out a height of 10-feet 8¼-inches, when the height of the structure is measured from the lowest adjacent grade to the top of the ridge, the height is 10-feet 11-inches. The plans indicate a pool area to be done under separate permits and also indicate solar panels on the roof of the accessory structure but are not subject to Hillside Review.

An updated project summary follows:

Statistical Information	Current Residence	Original Proposal	Revised Proposal
♦ Lot Area	13,185 sq. ft.	13,185 sq. ft.	13,185 sq. ft.
♦ First Floor Living Area	1,608 sq. ft.	2,315 sq. ft.	2,275 sq. ft.
♦ Second Floor Living Area	N/A	1,213 sq. ft.	965 sq. ft.
♦ Total Living	1,608 sq. ft.	3,528 sq. ft.	3,240 sq. ft.
♦ Garage	418 sq. ft.	498 sq. ft.	515 sq. ft.
♦ Accessory Structure	N/A	634 sq. ft.	677 sq. ft.
♦ Total Floor Area (Inc. Gar/Acc)	2,026 sq. ft.	4,660 sq. ft.	4,432 sq. ft.
♦ Floor Area Ratio	0.15	0.35	0.34
♦ Lot Coverage	15.3%	25%	26%
♦ Maximum 1-story residence allowed at 0.5 FAR:		6,592 sq. ft.	
♦ Maximum 2-story residence allowed at 0.6 FAR:		7,911 sq. ft.	

The applicant has submitted a revised Hillside Ordinance Criteria Response Sheet to reflect the current design of the project (Attachment #3). The applicant was required to revise the silhouette to demonstrate the modified proposal and the potential view impacts. The height and placement of the silhouette has been verified by a licensed engineer (Attachment #4) and a field inspection was made by staff.

Staff has viewed the revised silhouette and contacted neighbors at 505, 513, 515 and 523 Camino de Encanto. At 505 Camino de Encanto, staff viewed the silhouette from living room area and rear yard of the property where the property owner expressed concerns with the second story addition and the potential for other 2-story projects in the neighborhood. Staff notes that each proposal for a Precise Plan is considered on an individual basis and is based on potential impacts specific to that project. Staff

determined that the proposal would not impact view, light, air or privacy at 505 Camino de Encanto.

At 513 Camino de Encanto staff viewed the silhouette from the living room, dining room, bedroom and rear yard area where the owner expressed privacy concerns from the second story windows of the proposed residence to the living and bedroom areas and rear yard areas and impacts to views of the sky. Staff observed ocean and city light views to the north and northwest which are not impacted by the proposed residence and accessory structure. Historically the Hillside Overlay Ordinance has been interpreted by City Council and Planning Commission to be most protective of views afforded by the unique topography and location of the Hillside Overlay District. More protection has been afforded to views of ocean, shoreline, city lights, white water, etc. Views of the sky are not unique to the Hillside Overlay District and have not generally been afforded the same level of protection. In the judgment of staff, the proposal does not impact views from 513 Camino de Encanto. Staff notes that the windows on the second floor that face the north and east are not large picture windows; one is located within a bathroom, a stairway and two in the family room. These windows all have sill heights five feet or higher. The second floor setback has also been increased from 81-feet 6-inches to 100-feet 6-inches and, in the judgment of staff, the redesigned residence has reduced privacy impacts to 513 Camino de Encanto.

At 515 Camino de Encanto staff viewed the silhouette from the living room, office, bedroom and rear yard area where the owner has expressed concerns with the impacts to ocean views from the living room from the proposed accessory structure. Staff observed ocean, whitewater, city light and mountain views to the north and northwest from the residence. While standing in certain areas of the living room area of the home, a small portion of ocean view to the northwest will be blocked by the accessory structure. In the judgment of staff, 515 Camino de Encanto has the greatest potential for impacts from the development of the subject parcel rendering significant portions of the rear yard unable to be developed without significant impact to views. However staff notes that the proposed plan was designed in such a way as to preserve view corridors over the majority of the lot towards the ocean and whitewater views. It is further noted that removal of tall shrubbery at the northerly property lines of 209 Via El Toro will open up more of the view corridor for 515 Camino de Encanto.

At 523 Camino de Encanto staff viewed the silhouette from the living room area, office area and bedroom where the owner has expressed concerns to ocean and city light views. Staff observed ocean and mountain views to the west and ocean and city light views to the north. The owner provided color photographs taken with binoculars of ocean and city light views through the rooftops of 209 Via El Toro and 205 Via El Toro (Attachment #8). Based on staff's observations, a small portion of ocean and city light views in this corridor between rooftops would be blocked by the second story addition from the office area at 523 Camino de Encanto. The revised project lessened impacts to the north of ocean, whitewater and city light views created by the second story as the proposed structure increased the rear yard setback on both the first and second story. Staff notes that while standing in the living and dining areas and looking west, the

silhouette of the project is not visible and does not block views to the horizon of ocean and mountains.

Although the plan introduces a second story element, it appears based on staff observations that this plan is the least impactful to the surrounding neighborhood. Staff's recommendation of approval gives greater weight to the protection of views over the sense of openness that a one-story plan would provide. In the judgment of staff, a one-story plan would likely cause greater view impacts to more surrounding properties. The applicant has redesigned the proposed project to minimize potential impacts to surrounding neighbors. The project has been reduced in scale to provide less square footage overall, has addressed potential privacy impacts to the neighbors at 513 and 515 Camino de Encanto as window sill heights along the east and south elevations of second floor are at 5-feet or higher and has reduced the second floor massing to preserve view corridors to 513, 515 and 523 Camino de Encanto. Staff determines that if additions to the residence were on the ground to the rear, a greater number of properties would experience loss of views of ocean and city lights as the rear of the property is a primary view corridor for residences to the rear. Additions to the front of the residence are restricted by the shape of the lot as it narrows towards the street and the desire of the applicants to maintain as much off-street parking available.

The applicant has submitted revised plans for a project that complies with the R-1 standards. It maintains height requirements, exceeds the open space requirements, is within the maximum lot coverage and floor area ratio limits and is of moderate size for this property. Staff determines that the subject request will not have a harmful effect on surrounding properties and does not appear to result in adverse impacts on view, light, air or privacy. Therefore, staff recommends approval of this request as conditioned.

The applicant is advised that Code requirements have been included as an attachment to the staff report, and are not subject to modification.

PROJECT RECOMMENDATION: APPROVAL

FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE PRECISE PLAN:
Findings of fact in support of approval of the Precise Plan are set forth in the attached resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:
Recommended conditions of approval the proposed project are set forth in the attached resolution.

Prepared by,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg D. Lodan, AICP
Planning Manager

Attachments:
1. Revised Resolution
2. Code Requirements
3. Revised Hillside Ordinance Criteria Response Sheet
4. Revised Silhouette Certification
5. Correspondence from Neighbors regarding MIS10-00101
6. Letter from Applicant Withdrawing MIS10-00101
7. Correspondence from Neighbors
8. Color Photographs Provided by 523 Camino de Encanto (Limited Distribution)
9. Correspondence from Applicant
10. 11/04/09 Planning Commission minute excerpt
11. Past Planning Commission Agenda Items
12. Items Submitted at 11/04/09 Planning Commission meeting
13. Revised Site Plan, Floor Plan, & Elevations (Limited Distribution)

REVISED PLANNING COMMISSION RESOLUTION NO. 09-053

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, 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 swimming pool, spa and 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 the construction of an accessory structure in the rear 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 Planning Commission of the City of Torrance does hereby find and determine as follows:

a) That the property is located at 209 Via el Toro; and

b) 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

c) 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

d) 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

e) 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

f) 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

g) 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

h) 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

i) 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 view corridors in the rear of the property to neighbors at 513, 515 and 523 Camino de Encanto due to the shape of the lot; and

j) 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

k) 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, lot coverage and floor area ratio and there are other two story structures in the surrounding area within a 500-foot radius; and

WHEREAS, the Planning Commission by the following roll call votes APPROVED PRE09-00007, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE09-00007, filed by Jim & Betsy Delurgio 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 Planning Commission 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 nine inches as represented by the elevation of 126.21 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 nine inches as represented by the elevation of 126.21 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)

Introduced, approved and adopted this 19th day of May, 2010.

_____
Chairman, Torrance Planning Commission

ATTEST:

_____
Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 19th day of May, 2010, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Secretary, Torrance Planning Commission

CODE REQUIREMENTS

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

Building and Safety:

- Comply with the State Energy Requirements.
- Provide underground utilities.
- Pre-wire each unit for cable television.
- Provide a land survey.

Engineering:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Via El Toro.

Environmental:

- The front yard of any property zoned for residential use shall not be more than 50% paved (92.5.14)
- The property shall be landscaped prior to final inspection (92.21.9)
- Provide 4" (minimum) contrasting address numerals for residential, condo, etc. uses
- Obtain a separate permit for the pool and spa. Equipment for pool/spa shall not be located within the sideyard setback areas. Provide minimum five foot high fencing with all gates having self-closing/latching mechanisms 4'6" above the ground.

Development Review:

- Comply with State Department of Water Resources Landscape Design & Irrigation requirements.

Grading Division:

- Obtain Grading Permit prior to issuance of building permit.
- Submit 2 copies of grading/drainage plan with soil investigation report. Show all existing and proposed grades, structures, required public improvements and any proposed drainage structures.

RECEIVED
MAY 14 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

TO BE SUBMITTED WITH HILLSIDE PRECISE PLAN APPLICATION PRE_____

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS HILLSIDE PRECISE PLAN. IT IS MANDATORY THAT THESE CRITERIA BE MET BEFORE THE CITY MAY LEGALLY GRANT A HILLSIDE PRECISE PLAN: AND, IT IS INCUMBANT UPON THE APPLICANT TO PROVE TO THE SATISFACTION OF THE CITY THAT THE CRITERIA ARE MET:

(To be completed by all applicants)

1. Planning and Design (91.41.6)

   a. The following facts demonstrate that the proposed development will not have an adverse impact upon the view, light, air and privacy of the other properties in the vicinity:

      Our plan has been carefully designed and significantly reduced through neighborly collaboration to include a very low Floor Area Ratio (FAR), low ridge height, and minimal lot coverage to preserve an enormous amount of open space. These design elements were incorporated in our plan to specifically prevent adverse impacts to the views, air, light and privacy of neighboring homes.

      The proposed design contains a 3,240 sq. ft. home with a 515 sq. ft garage, and a 677 sq. ft accessory structure for a total area of 4,431 sq. ft. on our 13,185 sq. ft. lot.

      - The proposed interior floor space of 4,431sq.ft. (.34 FAR) is much smaller than the allowable 6,592 sq. ft. under the .50 F.A.R. Hillside Overlay Ordinance limit for our property.
      - The proposed .34 F.A.R. is consistent with the traditional use of all properties in our neighborhood, which average .35 F.A.R.
      - The proposed lot coverage ratio is only .26, with a footprint of 3,482 sq. ft. which is 1,792 sq. ft. smaller than the allowable .40 Lot Coverage Ratio for a two-story structure on our large 13,185 sq. ft. lot.
      - Due to the size, configuration and topography (7 foot grade differential) with our immediate neighbors on Camino de Encanto, the preservation of open space in our plan is an important attribute supporting our 2 story design.
      - Multiple low-elevation views pass through most of the remaining open space on our lot. Our neighbors have specifically requested that we not build in these areas in order to preserve their views.
      - Our design preserves an open space ratio of .66 which is double the required .33 minimum. In fact the 8,650 of open space remaining on our lot is larger than the entirety of most lots in our neighborhood.

With regard to the height of our home, our design retains existing 8 foot plate heights in order to keep the roof ridge heights low. This was done specifically to not interfere with the view, air, light or privacy of neighboring properties.

- Our maximum ridge height of 23.76 feet is significantly below the maximum ridge height allowed.
- The proposed accessory structure ridge height of 10'-8" was specifically designed at this low height to avoid view obstruction from neighboring homes.
- We have reduced the roof pitch to 3:12 from 4:12 on all roof planes which would otherwise interfere with blue water views.

b. The following planning, design and locational considerations will insure that the proposed development will cause the least intrusion on the views, light, air and privacy of other properties in the vicinity:

Given the multiple low elevation view corridors which pass through our property, the proposed 2 story development is the least intrusive to view, light, air and privacy.

The position of the main house has been pushed toward the southwest portion of our property to avoid conflict with the following specific concerns which had been identified by our neighbors:

- White water and blue water view concerns across the rear portion of our existing home from Eugene Kusion.
- Blue water view concerns expressed to us by our neighbors to the east on from Camino de Encanto.
- Privacy concerns expressed to us by our neighbors to the north of our property on Calle de Sirenas.
- Mountain view concerns expressed to us from neighbors to the west on Paseo de la Playa.
- Front yard clearance concerns from all homes on the Via el Toro cul-de-sac.

We have included the minimal 3:12 roof pitch wherever necessary to preserve views.

We have converted functional (non-habitable) areas from our initial main house design into a small 677 sq. ft detached accessory structure so as to reduce the size of the main house and shift that mass into areas on our lot which do not impact views, light, air or privacy yet still allow us to utilize our property..

- These functional areas in the accessory structure include a pool bathroom/dressing room, a home office, an art studio and a storage/mechanical room.
- The low 10'-8" ridge height and placement of our accessory structure in the southeast corner of our lot was designed to preserve blue water views from adjacent properties on Camino de Encanto.

Very few windows have been placed on the south and east sides of our home in order to maintain privacy for neighbors to the south and the east. The size of these windows is small and their elevation has been increased accordingly.

c. The following design elements have been employed to provide an orderly and attractive development in harmony with other properties in the vicinity:

The proposed shingle style beach bungalow home is designed to have a casual yet elegant feel and be reminiscent of the California bungalow style located throughout Southern California, including many historic homes in Old Torrance.

38% of the homes within the 300' radius of our property are 2 story homes.

We will retain the existing driveway which can accommodate several cars. Parking on our cul-de-sac and throughout our neighborhood is often limited due to beach parking. Preserving adequate off street parking is essential due to the limited parking available on our cul-de-sac.

Our property will be professionally landscaped.

d. The following aspects of the design insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity:

We have specifically reduced the mass and height of our structures in consideration of reasonable concerns over view, air, light and privacy from our neighbors.

Our proposed remodel is a significant investment which will greatly improve the appearance of our property, our street, and our neighborhood. The proposed improvements to our original 1951 home will improve property values throughout our neighborhood.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code limitations, including the Hillside Overlay Ordinance.

e. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

The proposed remodel of our home has been carefully planned and designed in a manner which is appropriate and consistent with the traditional use of R-1 residential property in our area.

We have submitted a fully conforming design which does not require any variances or waivers.

We are not aware of any reasonable concern that we have failed to resolve with our current design.

f. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity, for the following reasons:

The specifications and measurements within our design fall far below the thresholds defined by all municipal code, including the Hillside Overlay Ordinance.

A single story development would obliterate ocean views, while our proposed 2 story design preserves the views which pass through our property.

We have submitted a fully conforming design which does not require any variances or waivers.

Our design has accommodated all reasonable concerns that have been expressed to us by our neighbors.

Our investment in repairing and improving our property will improve other property values throughout our neighborhood.

2. LIMITATION IN INCREASES IN HEIGHT (91.41.10) (To be completed by applicant for a Precise Plan that would increase the height of any part of the building to a height greater than that of the existing building)

   a. It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purpose intended except by increasing the height, demonstrated by the following facts:

      Due to low-elevation view concerns from many neighbors who look across our property, a one-story structure extended in any other direction on our property would have a significant adverse impact on the views of neighboring properties.

      Open space preserved in our plan, per the request of our neighbors who wish to preserve views, is a key design attribute which clearly supports our need to proceed with a two-story design.

      We have considered a subterranean design as an alternative, but it will not work on our property due to the lack of slope. This complex option presents many design, usability, and economic challenges which combine to make it unfeasible.

      We have worked through the issues that were expressed by our neighbors, and have reduced the size of our design significantly due to neighbor view concerns.

   b. Denial of this application would constitute an unreasonable hardship for the following reason (s):

      We have a growing family and the living requirements of our family require a larger living space.

      We purchased our property in 2005 to build a conforming home to the same extent as other properties in the vicinity have been allowed. After significant design review discussions with many neighbors who have views through our property we understand that the best design for our property is a moderate 2 story design which preserves significant views from neighboring properties.

      Within a 300 foot radius surrounding our property we have made the following calculations:

- Original homes in this area typically have Floor Area Ratios (F.A.R.) of around .35 which is just above the.34 F.A.R. proposed in our plan.
- 38% of the properties in this area already contain two-story homes.
- All major remodel and new construction projects which have been approved exceed the .34 F.A.R. as proposed in our plan.

The lot size, configuration, and topography of our lot is unique for our neighborhood. These attributes of our property combine in a manner which has increased the design complexity for our property:

- The configuration of our lot is five sided with only one right angle. Many neighbors have varying but significant view angles passing through our lot which would be obstructed by a 1 story development.
- Our lot is large and is bordered on the north and east by multiple properties which are much smaller than our own, and were built with a much higher housing density.
- The topography of our lot presents unique design and development challenges due to low view elevations from many neighboring properties.

Many of the neighbors who claim view and privacy impairment have permanently altered the view and privacy issues in their favor through illegal tree vandalism on our property or that of our neighbor.

This 2 story design represents the best and most reasonable design for our property, and the size proposed is far below the maximum use of our land, and preserves the significant ocean views which pass through our property.

With the large size of our lot the FAR for our project is calculated at .34. This FAR is about 33% lower than the .50 allowable (6,592 sq. ft) on our property under the Hillside Overlay Ordinance.

c. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

The proposed remodel of our home will allow views through and over our property to be maintained due to the thoughtful 2 story design.

Our investment in improving our property will also improve other property values throughout our neighborhood.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code, including the Hillside Overlay Ordinance.

We have submitted a fully conforming design which does not require any variances or waivers.

3. LIIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE (91.41.11) (To be completed by applicant for a Precise Plan that would increase the interior floor area of the building to more than 50% of the area of the lot.)

a. Denial of this application would constitute an unreasonable hardship for the following reason (s):

Not Applicable

b. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

Not applicable

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

City of Torrance, Community Development Department Jeffery W. Gibson, Director
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 Fax (310) 618-5829

Height and Location Certification

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 209 Via El Toro (address)

_____ on 5/2/10 (date), based on plans submitted to the City of Torrance

by Obelisk Architects (applicant/architect) on _____ (date). The survey was taken

from a bench mark located at 209 Via El Toro (address)

(attached map) which established a base elevation of 100.0 on lid of exist. SMH.

The ridge line/highest point of the roof was determined to have an elevation of 126.2

The plans indicate that the elevation should be 126.21.

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Community Development Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of ***height, building envelope, location on the site, and all setbacks.***

Chi Ming Gong
Name (please print)

7243
LS/RCE#

SIGNATURE

(310) 779 5402
PHONE

5/4/10
DATE

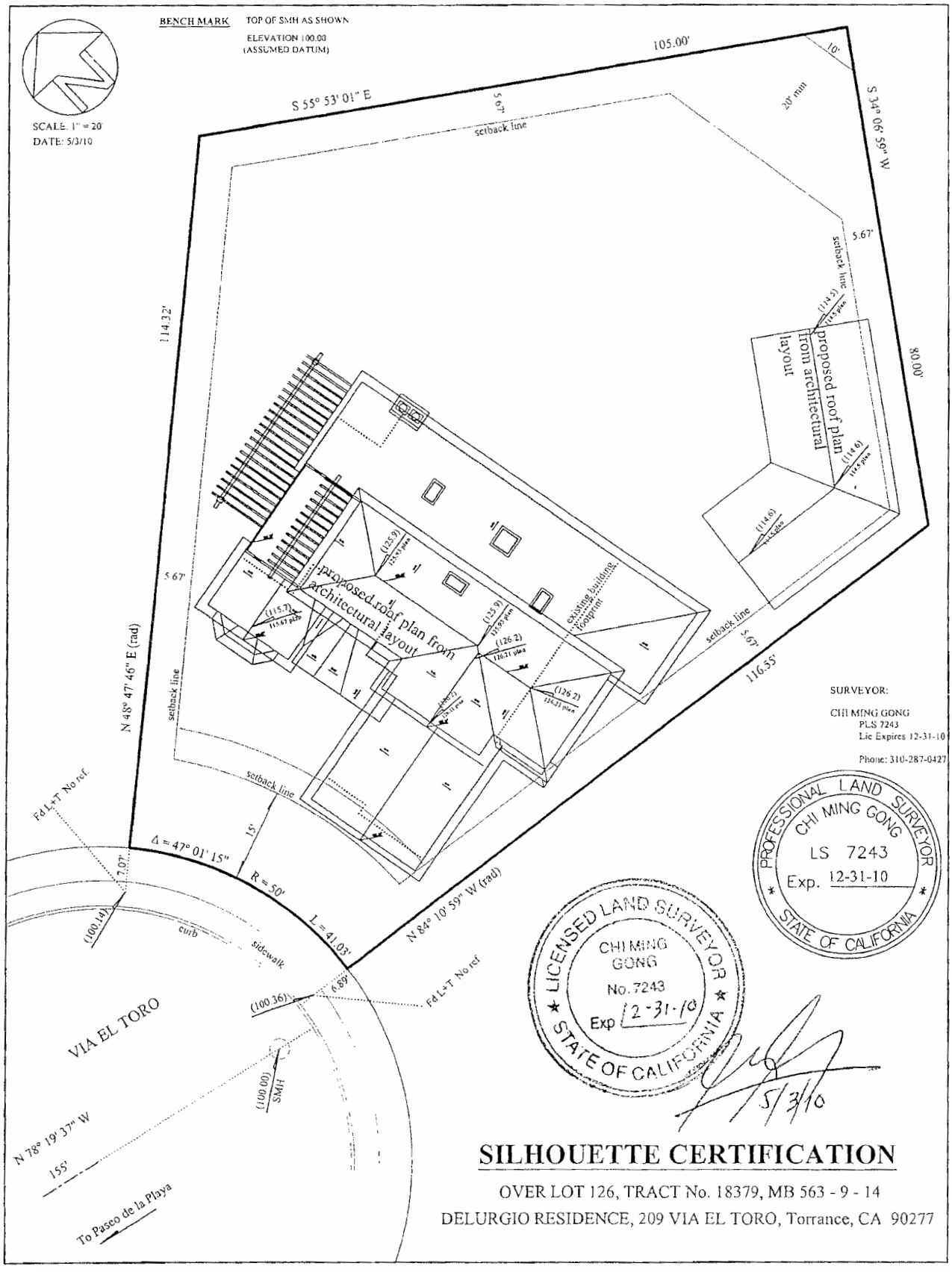
OFFICIAL STAMP
LICENSED LAND SURVEYOR
CHI MING GONG
No. 7243
Exp 12-31-10
STATE OF CALIFORNIA

Notes:

09/02

RECEIVED
MAY 04 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT

Attachment 4

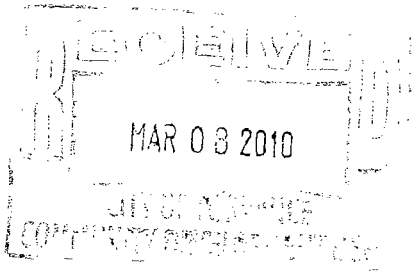


SILHOUETTE CERTIFICATION

OVER LOT 126, TRACT No. 18379, MB 563 - 9 - 14

DELURGIO RESIDENCE, 209 VIA EL TORO, Torrance, CA 90277

E. Kusion
523 Camino De Encanto
Redondo Beach



March 4, 2010

MR. & MRS. DELURGIO
209 Via El Toro
Redondo Beach, Ca. 90277

Re: Review of Building Plans (209 Via El Toro)

Dear Mr. & Mrs. Delurgio:

As much as I would like to review your new building plans I ask that you first exercise common sense and call me in advance to schedule an appointment instead of coming to my door, unannounced during the dinner hour.

Before I meet with you to review your plans I request that you do the following:

1. Trim the trees and foliage per the court settlement agreement that you entered into so as to avoid a court judgment against you and the associated costs and damages.

2. Make a copy of the papers you want me to review, provide them to me in advance of our meeting so I can have an architect look at them before we meet.

3. Erect a new silhouette on your roof as per your new plans.

Once all three of these items have been done by you I will be in a position to intelligently meet you and review the plans.

The sooner you comply with these requets the sooner we can meet.

Very truly yours,

EUGENE KUSION

cc: Torrance CDD
Attn: Greg Loddan;Oscar Martinez

Martinez, Oscar

From: Cindy Constantino [clbc7@hotmail.com]
Sent: Monday, March 15, 2010 3:25 PM
To: Martinez, Oscar
Subject: FW: plans

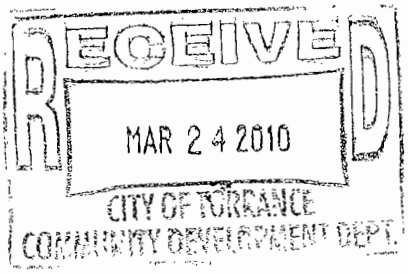
From: clbc7@hotmail.com
To: jim@delurgio.com
CC: tinez@tormet.com; omartinez@torranceca.gov
Subject: plans
Date: Mon, 15 Mar 2010 16:12:03 -0600

Jim and Betsy,the two of you approached me in my driveway Saturday March 6th 2010 as I was pulling in from work. You had a set of plans in hand that you wanted me to sign off on right then and there if I would. You wanted to show them to me without any notice, and more importantly without meeting with your new architect and our immediate neighbors to hear our concerns and rights? I told you then that I would meet with you as a group, with my neighbors that are involved. I questioned you about the new silhouettes and Betsy said they were the same for the cabana. The solar panels would be higher than the previous ridgeline and especially if the roofline is not flat as we have all suggested. I have now heard from my next door neighbor Peter Lattey (architect) whom looked over your plans and said they were incomplete with special attention to landscape. The planning commissioners instructed you to work with your neighbors. We have been waiting to meet with you and your new architect .It would be neighborly of you to two to trim your trees as court ordered, before we meet, which would lend itself to a more correct visual of your new plan. Cindy Constantino

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

PETER LATTEY ARCHITECT PMP
515 Camino de Encanto, Redondo Beach, CA, 90277 Phone 310-968-3252 email: lattey@sbcglobal.net



March 21, 2010
Jim Delurgio
209 Via el Toro
Redondo Beach 90277

RE: APPLICATION TO REDEVELOP 209 VIA EL TORO

Dear Jim

Thank you for the opportunity to review the plans you have had prepared for the development of a swimming pool and pool house at your residence. You have asked us if we could sign off on these plans in connection with your application for a building permit.

We are not prepared to sign off on these plans at this time for a number of reasons. These are:

1. You have indicated to us that you intend to redevelop the entire property with a major addition to your house in addition to the present plans for a pool and pool house. You stated that you hope to have both the pool addition and the main house addition under construction at the same time. We feel it is inappropriate to present what is a major redevelopment of the property in a piecemeal manner for review. This does not allow an overall review of what the impact really will be. Further, the piecemeal approach significantly narrows the options available. In fact your current plans would eliminate one of the options that your architect discussed when we met with him.

2. The plans presented do not have any information as to the nature of the planned landscaping. You have indicated that you are not prepared to commit to low level landscaping as you may want to plant higher landscaping to address "privacy issues" with your development. It seems apparent to us that any landscaping that provides some added degree of privacy could also have a significant impact on the views and possibly light of the properties above yours. As you have previously demonstrated, your concept of appropriate landscaping does have a significant impact on the views of your neighbors. We therefore feel it would be appropriate for you to include a landscaping plan with your submission

3. In your recent court action with Gene Kusion, our understanding is that you agree to significantly trim the trees on your property to restore his view. We are surprised that you would proceed with this application prior to implementing your agreement as the actual work required does not appear to be great and could be done in a day or two. This could be construed as a lack of good faith on your part. Frankly, we do not want to be in the position of having to go to court at some future date in order to have our view restored as Gene has had to. We suggest that you implement the agreement before proceeding with any more potential restrictions on your neighbor's views.

It was very constructive meeting with you and your architect on March 19. We look forward to seeing the various schemes that he develops. Until these are developed and something finalized, we feel it is inappropriate for you to proceed with one aspect of the redevelopment that will greatly limit his options. We trust that these schemes will include a commitment by you to a landscaping design that will not impact our views.

Yours truly,

Peter Lattey

Dr Victoria Radel

Dr. Victoria Radel

CC. Oscar Martinez and Greg Lodan, Planning Department, City of Torrance

Letter received regarding submission of plan at 209 Via el Toro, Delurgios

From: **Constantino, Cindy** (cconstan@elcamino.edu)
Sent: Mon 4/12/10 2:03 PM
To: Cindy Constantino (clbc7@hotmail.com)

APR 12 2010

Dear Mr. Martinez, Mr.Gibson and Mr. Lodan:

I am responding to the letter I received from you regarding the application to add a new accessory structure and retaining wall pool/spa on the property of Mr. and Mrs. Delurgio as they have submitted. As I noted at our Planning Commission hearing months ago, I completely object to this plan. To my knowledge, and as mentioned to me by the Delurgios, this is the same plan, with the same ridgeline. My neighbors and I disagreed to this plan at our hearing. The Delurgios were reminded at that time, 6 and 1/2 months ago, to work with their neighbors to address any concerns, etc. because of the Hillside Overlay Ordinance.

On March 11, I was approached by the Delurgios, who showed up unannounced in my driveway, with their plans in hand requesting that I sign off on the above mentioned plan. I told them that "there were no new silhouettes." They responded that the "ridgeline is the same." I reminded them that the pitched roof, now with solar panels, and the location of the structure was unacceptable. The solar panels have no clear design explanation or height information. These panels would be seen from just about every room in my home and the roof of the structure would be almost within arms reach when I am seated at my patio table. These panels would be completely obtrusive. My neighbors, Mr. Kusion and Ms. Radel, agree with me that this structure would be best located for all concerned, with regard to view and privacy, in the northeast corner of the property.

A solar pool cover would eliminate another large problem. To put together this original project of trying to obtain a 2nd story against the ordinance guidelines lends a great deal of distrust on most of our parts as to why this project would now start from backward to forward. This is an attempt to use the new layout of the Delurgios' yard to dictate "the only way his new home will fit!" Mr. and Mrs. Delurgio have gone out of their way to cause unnecessary hardships and harassment for me and my neighbors, especially once they found out that there were more than 70 names on a petition against their project. This is a blatant insult and disregard to the meaning of the ordinance.

They accused me of vandalizing their property (cutting honeysuckle twigs which were growing over my wall into my yard). It should be noted that this wall is also located 3 inches on my property. The City Prosecutor threw the case out. The Delurgios had me cited for a possible unpermitted hot tub which is a portable 2 person soft tub. They have planted a now 35-foot spite fence of poplar trees to block Mr. Kusion's view and was ordered by a Torrance judge to trim it; Mr. Delurgio will not comply. He has allowed his entire yard to become overgrown in an attempt to say that he is not blocking our views; and that we never had a view.

They have also insulted the integrity of the Planning Commissioners at our last hearing. It has been almost 8 months since any of the commissioners have come to see what this project with growth and sagging flags now looks like. I would love to have you come out and see what is really going on. Please call me and I will make myself available. It has been extremely difficult to work with the Delurgios as hopefully you have gathered. Mr. Delurgio knew when he and his wife wanted to move from their other home in Riviera with a view and a pool that there were building restrictions. This was the first thing I reminded them of when they viewed the home from my backyard. If by chance you are planning to approve this accessory

building, etc., my neighbors and I would all like to request a hearing. Thank you for your time and caring.

Sincerely,
Cynthia Constantino
513 Camino de Encanto
Redondo Beach, CA
Phone: (310) 245-0140

The New Busy is not the old busy. Search, chat and e-mail from your inbox. Get started.

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. Learn more.

City of Torrance
Attn: Gregg Lodan
Community Development Department/Planning Commission
3031 Torrance Boulevard
Torrance, CA 90503

RECEIVED
APR 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Mr. Lodan and the Planning Commission,

Concerning plans to build on 209 Via El Toro property:
The neighbors have clearly expressed their concerns regarding negative adverse impacts from a second story built on top of a ground level first story on the Delurgio property at 209 Via El Toro. The neighbors have expressed their desire that the applicant keep the existing roofline and not extend a single story into their view corridors, and consider a subterranean first floor with a courtyard off to one side that would not include a subterranean garage due to the difficult topography for such and to design as flat of a roof as possible.

Mr. Delurgio has decided to piecemeal this whole property design and the neighbors do not want to suffer negative adverse impacts being allowed due to some type of difficulties or limitations caused when he proceeds with plans for the expansion of his home due to now proceeding with this current design and build out of the accessory building, pool/spa and retaining wall.

By proceeding with an accessory building, Mr. Delurgio then acknowledges that he will not be able to claim some type of hardship or limitation exists when he does decide to proceed with further plans to expand his home for reasons that he will not be able to either connect his home to this accessory building and or spend more money redesigning and building an extension of his first floor in the area of this accessory building and pool/spa or have a problem building subterranean because of the accessory building, retaining wall and or pool/spa.

Please consider that any plans for building on this property take into account that in 2010, a Torrance judge has approved the settlement agreement between the applicant and one of the neighbors to trim and maintain the foliage at 209 Via El Toro on the south-east side of his property to a maximum of 14 feet, 10 feet and 6 feet, which includes the view corridor.

Late on March 18, the applicant left notice on some of the neighbor's doorsteps that he was inviting the neighbors to view their plans to build the second story at the applicant's home on March 19. Some neighbors could not make it due to the less than 24 hour notice of such meeting. Some of the neighbors attended including me. The applicant and his new architect met with us and I explained to them and gave them the following list of suggestions that the neighbors had compiled since there were no new plans drafted yet and there were only the old ones to point out concerns on at this meeting. The architect and applicant told us that the architect had only been hired two weeks previous to this March 19 meeting and had not started to design any new plans yet. It is also good that the applicant's new architect just happened to be at the November 2009 Planning Commission hearing to hear many of the suggestions and concerns. At this March 19 meeting, the new architect told me that he was currently going to draft out new plans for a second story design that would be on top of a ground level first story home and not be subterranean.

Suggestions the neighbors have compiled following the November 2009 Planning Commission Hearing:

1. Subterranean first floor with open side court yard area and not to include garage as subterranean (good example of such is on the east side of the 400 block of Paseo de La Playa per architect, Peter Lattey-I believe the address to be 410)
2. Use the open space (from the first design/plans) in left front/side of home to utilize expansion
3. If you have flat roofed accessory building, move to corner of property at low level, so not to affect neighbors negatively (and please redesign as flat roof)
4. Place solar panel on roof (or pool) of new home and not on top of the accessory building
5. Keep existing home's roof height and footprint
6. Do not expand existing home into backyard any further
7. Do not have a rooftop deck
8. Since applicant has expressed difficulty designing a traditional home's flat roof, consider using example of flat roof type seen at home on corner of Calle Mayor/Via Anita

Please take these suggestions into consideration when designing and planning for the property at 209 Via El Toro.

Thank you,
Roberta Blowers
621 Camino de Encanto

From: Lorraine Marcone <lorraine@marcone.us>
Subject: MIS 10-00101 209 VIA EL TORO
Date: April 8, 2010 7:03:07 AM PDT
To: CITY OF TORRANCE

Regarding your letter dated April 6, 2010 -- Delurgio remodel.

We have read the letter containing Delurgio's intended construction. However, we would very much like the Delurgio's to submit a landscape design also with intended planting of trees and larger shrubs to be installed in the area under consideration. Needless to say this is to protect views, space, etc. for neighbors.

ALSO, CAN YOU PLEASE HAVE DELURGIO'S removed flags and stakes presently installed on their Via El Toro home -- these have been in piace an extraordinary amount of time -- and the flags are now "flying" around the neighborhood.

Thank you for your attention to the above.

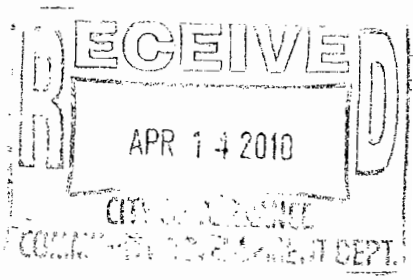
Lorraine and John Marcone

Lorraine and John Marcone
505 Camino de Encanto
Redondo Beach, CA 90277

cell 310-567-2377

RECEIVED
APR 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

EUGENE/MARIA KUSION
523 Camino De Encanto
Redondo Beach, Ca. 90277



TO: GREGG LODAN, AICP
Planning Manager
City of Torrance - CDD

RE: DELURGIO PROJECT
#MIS-10-00101
209 Via El Toro

Dear Mr. Lodan:

Thank you for your notice dated April 6 regarding the Delurgio application/plan to add a new accessory building, retaining wall and pool/spa in the rear yard of 209 Via El Toro.

I am greatly concerned that the applicant has submitted plans that are limited to the rear yard and make no mention of the main aspect of the 209 project, the house itself.

It seems to me that it is highly unusual, if not unheard of, to take a massive development project, which this in fact is, and submit applications piecemeal to your office for approval.

As the entire property is sought to be redeveloped, it seems to me that the entire property development plans should be submitted at the same time, not piece by piece.

I assume that the house construction will be done at the same time as the pool/spa/wall construction. Therefore, should it not be that the plans for the entire proposed construction be submitted at the same time? Is this not the customary and proper procedure to be followed? When is the last time that the Torrance CDD has been asked to approve an application when the plans were submitted on a piecemeal basis and not in their entirety? This will thus become a highly irregular development.

As a neighbor whose property will be highly impacted, as already noted by your office in its report of November 4, 2010 to the Planning Commission, it seems to me that I cannot support the current application when I do not know what impact the proposed construction will have on the main part of the 209 project, the house itself.

Therefore, I request that your office does not approve this piecemeal application, which is irregular, unusual and almost unheard of, but rather request from the applicant that he submit the entire development plans at the same time. All concerned will then save much time, effort and money in considering same.

Very truly yours,

EUGENE L. KUSION

CC:Oscar Martinez, CDD

Victoria "Vicki" Radel, Ph.D.
515 Camino de Encanto
Redondo Beach, CA 90277
Home: 310-375-0150

RECEIVED
APR 15 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

April 13, 2010

RE: Delurgio Project # MIS-10-00101 Plans for Accessory Bldg.

Dear Jeffrey Gibson, Gregg Lodan and Oscar Martinez:

Thank you for the letter notice of April 6, although it came as a surprise since both Mr Delurgio and his architect led us to believe at our March 19th meeting that new plans would be drawn for the entire property based upon our concerns.

I oppose the approval of this piecemeal remodel since common sense dictates it is preposterous to proceed with the pool and accessory bldg when there is no new clear plan for the entire project. We need to see a clear plan for development of the entire property presented at best, in a public forum, before the commission for deliberation. I feel strongly that if allowed to proceed with this project it clearly limits the future options on the main building. Mr Delurgio's architect Nagy Bakhoum, even agreed with us on March 19th that to proceed with the accessory and pool plan as is "would limit future options."

I also understand that in the accessory and pool plans there is a retaining wall 4' back from the existing wall, and that between it and the existing wall will be landscaping (another opportunity for obstruction of our views as the trees Delurgio planted have done to my neighbor, Mr Kusion to the south).

Furthermore the accessory and pool plans indicate a "solar mechanical room" in the southeast corner of his property. I am concerned about how much noise it will create.

These questions need to be addressed in a public forum, such as a commissioner's meeting where experts can give us honest answers and that information will be documented in the appropriate manner. It is only fair that Mr. Delurgio be held accountable for disrupting our views, light, air and peace.

I have owned my home for over 38 years and do not want my quality of life nor the dollar value of my home decreased because of this project.

Respectfully,
Vicki Radel Dr Vicki Radel

RECEIVED
APR 15 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

PETER LATTEY ARCHITECT PMP
515 Camino de Encanto, Redondo Beach, CA, 90277 Phone 310-968-3252 email: lattey@sbcglobal.net

April 12, 2010
Community Development Department
City of Torrance

RE: MIS 10-00101; 209 VIA EL TORO

Dear Jeffrey Gibson and Gregg Lodan:

I am a resident of 515 Camino de Encanto.

I do not support the approval of the current plans for the development of a swimming pool and auxiliary building at 209 Via el Toro. I do not support the application for the following reasons:

1. The application is disingenuous. Mr. Delurgio has indicated to me and the Planning Commission that he intends to redevelop the entire property with a major addition to his house in addition to the present plans for a pool and pool house. He has stated that he intends to have both the pool addition and the main house addition under construction at the same time. He has made a previous application to the Planning Commission for this redevelopment. The previous application was heard by the commission in November 2009, at which time the application was tabled and Mr. Delurgio was directed by the commission to work with his neighbors to develop a plan that addressed their concerns. He has submitted the current application prior to any meaningful discussion with the neighbors. We were invited to meet with him and his architect on March 19, 2010 for a first discussion. At this meeting, the architect and Mr. Delurgio stated that they would be exploring a range of options for the location of all of the elements of the redevelopment, i.e. the house additions, the pool and the pool house. Instead of exploring these options, Mr. Delurgio has submitted an application that is identical to that submitted last fall. However, the submission is for only the pool and pool house. He has stated that he is doing this, "because he can." This application, if approved, effectively removes many possible options for developing the remainder of the property in a manner that will have the least effect on the neighbors.

2. I feel it is inappropriate to present a major redevelopment of the property in a piecemeal manner for review. This does not allow an overall review of what the impact really will be. Further, the piecemeal approach significantly narrows the options available. In fact the current plans would eliminate several of the options that Mr. Delurgio and his architect promised to examine.

3. The plans presented do not have any information as to the nature of the planned landscaping. Landscaping on the Delurgio property is a significant issue. Mr. Delurgio is currently under a court order to remove fast growing, high trees that were planted by him and which blocked the view of a neighbor. He has also called the police to stop another neighbor from trimming view blocking bushes on Delurgio's property which she has been trimming for 25 years. He has stated to me that he is not prepared to commit to low level landscaping as he may want to plant higher landscaping to address "privacy issues" with his development. It is apparent to me that any landscaping that provides some added degree of privacy to his property would also have a significant impact on the views and possibly light of the properties above his. I feel it would be appropriate to include a landscaping plan with the application.

As directed by the Planning Commission, we did have a very constructive, positive meeting with Mr. Delurgio and his architect on March 19. All the neighbors who attended are looking forward to seeing the various schemes that the architect develops. Until these are developed and something is finalized, I feel it is inappropriate to proceed with one aspect of the redevelopment that will greatly limit the options. I was frankly surprised that Mr. Delurgio made an application for the pool and pool house at this time. This is contrary to what he stated his course of action would be during our March 19 meeting.

I feel that the appropriate course of action at this time is for the current application to be rejected, a comprehensive plan for the entire property be prepared and submitted to the Planning Commission and then, after their approval is obtained, construction documents prepared for building department approval.

Yours truly,

Peter Lattey, Architect

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277

RECEIVED
MAY 05 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Oscar Martinez
City of Torrance Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

Dear Oscar,

We hereby withdraw our miscellaneous application for the swimming pool and pool house at 209 Via el Toro.

Sincerely,

Jim Delurgio

Dear Mr. Lodan and Mr. Martinez,

I am not able to attend the hearing regarding, PRE09-00007: JIM & BETSY DELURGIO. I am their neighbor to the back at 210 Calle de Sirenas on a small lot with a small historic single story hillside bungalow.

Jim and Betsy generously invited me to their home to present the remodel plans and they have visited my home to see the silhouette from my property. We discussed the plans extensively including their reasons for the type of remodel they chose, the efforts they have made to inform their neighbors and the challenges they face. I understand their need to expand to make a comfortable home and yard for their family and I understand their want to do this as a second story addition. I have also spoken to all of my neighbors about the remodel.

In this context, I would like to offer my thoughts.

I support a single story remodel at 209 Via El Toro. I have concerns about a second story addition. While the impact is small, the silhouette is very visible from my front yard, east side yard and back windows. The silhouette casts an imposing presence over my house as seen when one drives up to my property and when one faces south along the east side of my property. It significantly changes the presentation of my home as seen from the street. It gives a different feel to the area like you might get in one of our neighboring beach cities to the north.

Unlike the actual construction, the silhouette does not block light or air, does not significantly block sight lines and does not impact the privacy of other properties in the vicinity. Therefore, it is difficult to get a feel for how my property will actually be impacted. Silhouettes do not accurately represent what a structure will do to the surroundings and therefore they do not fully inform or fully disclose impacts.

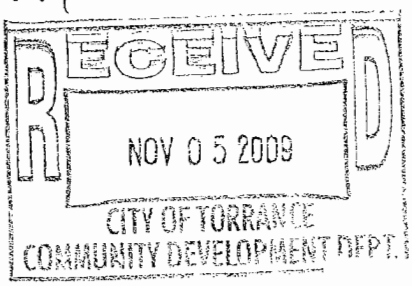
I fear that the new views from a second story addition at 209 Via El Toro could be used as a justification for limiting any future development I may consider, either single or second story.

My concerns are written with apprehension and regret because the current process of hearings pits neighbor against neighbor, promotes ill will, encourages hostile behavior and can result in litigation. In short, it is detrimental to our community. I do not want this kind of conflict with my neighbor. At the same time I am forced to represent my interests in this forum.

Thank you for your consideration,

Chris Jensen
210 Calle de Sirenas

11/2/09



Martinez, Oscar

From: Cindy Constantino [clbc7@hotmail.com]
Sent: Friday, May 07, 2010 10:06 AM
To: Martinez, Oscar
Subject: the delurgio proposal

Hi Oscar,hope all is well with you.Well its time once again to invite you the commissioners out to see what this project looks like first hand, and to see what is really going on. I know how busy you are and I apologize. It would be so fantastic to have some of the commissioners who never come out to look, to do so in this high profile project.Mr. Horwich,and perhaps Ms. Gibson or anyone whom needs to make this extremely life changing decision for myself, neighbors and community in the future.I would love to set up a time convenient to you and Mr.Lodan and anyone else. My cell number is 310 245 0140 Thank You so much Sincerely Cindy Constantino

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. Learn more.

Martinez, Oscar

From: Lorraine Marcone [lorraine@marcone.us]
Sent: Friday, May 07, 2010 10:23 AM
To: Martinez, Oscar
Subject: DELURGIO'S PROJECT ON EL TORO

Hi Oscar -- I understand we are to meet with the Torrance Planning Commission on Wednesday, May 19th at 7 pm.

I plan to be in attendance but would very much appreciate the commissioners visiting our neighborhood to view the "new flags" as proposed for the Delurgio project. To my eye, the proposed structure resembles "an apartment building" being constructed in the Hillside Overlay area....if accepted this could easily set a precedent and the entire complexion of this lower Hollywood Riviera neighborhood would change!! not a good thing for property values, privacy and views.

So, again hoping you'll take the time to view the proposed construction on El Toro.

See you on May 19th.

Thank you

Lorraine Marcone
505 Camino de Encanto
Redondo Beach, CA 90277

cell 310-567-2377

Martinez, Oscar

From: Eugene Kusion [kusionlaw@earthlink.net]
Sent: Friday, May 07, 2010 6:53 PM
To: Martinez, Oscar
Subject: 209 Via El Toro - Delurgio

Mr. Martinez:

As you know, a new sillouette has been erected at 209 Via El Toro and a hearing is set for May 19. The proposed second story will destroy my views of the manhattan beach pier, el porto, santa monica mountains, city lights and blue ocean. I invite you to visit my house again to look at the silouette from my back den.
Sincerely, Gene Kusion, 523 Camino De Encanto.

Martinez, Oscar

From: Roberta Blowers [drbertab@yahoo.com]
Sent: Tuesday, May 11, 2010 4:56 PM
To: Martinez, Oscar
Subject: Project at 209 Via El Toro

May 11, 2010
City of Torrance Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503
(310) 618-5990
(310)618-5829 (fax)
Attention: Mr. Oscar Martinez

I am asking that the hearing that is planned to go before the Planning Commission on May 19, 2010 for the Delurgio project at 209 Via El Toro please be delayed until after Mr. Delurgio abides by the court agreement and cuts the trees that impact many neighbors' views of the current silhouettes and the neighbors' view corridors.

Thank you,
Roberta Blowers

Martinez, Oscar

From: gohata@aol.com

Sent: Tuesday, May 11, 2010 10:29 PM

To: Martinez, Oscar

Subject: May 19th meeting re Project at 209 Via El Toro

Mr. Martinez -

We would suggest the hearing for the 209 Via El Toro project be postponed from the current May 19th date. It is our understanding the owner of the property, Mr. Delurgio, must comply with a court order to significantly trim and possibly remove tall trees by May 25th The trees currently obstruct the silhouette of his proposed project.

While the May 19th date may be administratively convenient or efficient, we believe a rescheduling of the hearing could help facilitate a constructive review of Mr. Delurgio's project by his neighbors. As you have no doubt heard by now, the trees on the Delurgio property are a source of contention by both Mr. Delurgio and his neighbors. By allowing Mr. Delurgio time to comply with the court order and trim/remove the trees, both Mr. Delurgio and his neighbors can view the planned project with both a clear mind and a clear view.

Keeping the hearing on May 19th could actually be a disservice to Mr. Delurgio because his neighbors will continue to point to his actions as being inconsistent with the collaborative spirit of the Hillside Overlay Ordinance. The number of different issues and actions taken in the matter of the 209 Via el Toro property has created a tangled web. It seems prudent to allow each issue/action to completely resolve before addressing another issue/action.

Respectfully,

Ted and Linda Gohata
516 Camino de Encanto
Redondo Beach, CA 90277

RECEIVED
MAY 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Victoria "Vicki" Radel, Ph.D.
515 Camino de Encanto
Redondo Beach, CA 90277
Home: 310-375-0150

May 12, 2010

RE: Delurgio Project 209 Via El Toro, Redondo Beach, 90277

Dear Greg Lodan and Oscar Martinez:

Thank you for coming out to view the Delurgio silhouettes from our perspective. We feel very strongly that the commission hearing on the Delurgio project, scheduled for May 19, 2010, should be delayed until after Mr Delurgio abides by the court agreement to trim his spite trees.

The trees are over grown to the point that they greatly impact our visibility of the new green and white silhouettes. Yet we are being asked to consider for approval an outline that has been intentionally covered by green overgrowth. This is clearly NOT FAIR therefore we implore you to consider a delay until the foliage is cut to allow a view of what we will literally be faced with if the remodel is permitted rather than the smoke and mirrors we are currently being asked to approve!

I have owned my home for nearly 40 years and am highly offended that anyone would overgrow foliage as part of a calculated plan to then build and further disrupt views, light, air flow and privacy all contrary to the Hillside Overlay Ordinance.

Respectfully,

Dr Vicki Radel

PETER LATTEY ARCHITECT
1545 Hauser Blvd., Los Angeles, CA, 90019-3900 USA Phone 310-968-3252 email: lattey@sbcglobal.net

May 10, 2090

RECEIVED
MAY 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

City of Torrance
Community Development Department
3031 Torrance Blvd.,
Torrance, CA 90503

RE: 209 VIA EL TORO APPLICATION

Dear Sir or Madam:

I am a resident of 515 Camino de Encanto and wish to register my objections to the proposed development by Mr. & Mrs. Delurgio at 209 Via el Toro.

I am an architect licensed in California and have been practicing architecture for over 30 years. I have extensive experience in residential architecture.

First, I request that the hearing on May 19 be adjourned until after June 30 or such time as when Mr. Delurgio has complied with the consent decree which he has signed. As I understand it, this is an agreement for Mr. Delurgio to remove and trim the trees on his property which currently obscure clear viewing of the profiles. As the sole purpose of delaying the removal and trimming of the trees appears to be to obscure a clear view of the profiles, the hearing should be delayed until the profiles can be clearly seen.

When I first met with Mr. Delurgio last fall, I sincerely told him that I looked forward to seeing plans for a development on his property that I could sign off on. I looked forward to assisting him in the planning for his dream home. Sadly, he has turned the planning process into one of acrimony and threats. After considerable effort on his part and many ignored comments from his neighbors, he has resubmitted essentially the same development plan that he submitted last fall. I cannot support this plan.

This plan has the same accessory building and a second story that is designed to gain the Delurgios a spectacular second story view at the expense of their neighbor's views and privacy. As I understand it this is exactly the type of development that the Hillside Overlay Ordinance was conceived to prevent.

We have met with Mr. Delurgio and his architect twice, on March 19 and on April 23. On both occasions, I and the other neighbors made numerous comments and suggestions which would reduce the impact of his development on the neighbor's views and privacy. Many of these comments were also made at the last hearing of the commission to consider his previous application. All of those comments have been ignored and Mr. Delurgio has marched forward with his original scheme with minor modifications. His architect made no effort to visit the most impacted neighbors to see what their view and privacy issues were.

A few other points:

1. A normal part of the architectural design process is to develop alternative schemes or concepts in rough form in order to determine the advantages and disadvantages of each concept. At our first meeting with Obelisk Architect's, I requested the opportunity to view these alternatives and was assured that these would be developed and shown to the neighbors. None were ever presented to the neighbors. It appears that no alternatives were ever developed. I can only presume that the architect was instructed to only make modifications to the original scheme from last fall and not to examine other alternatives.

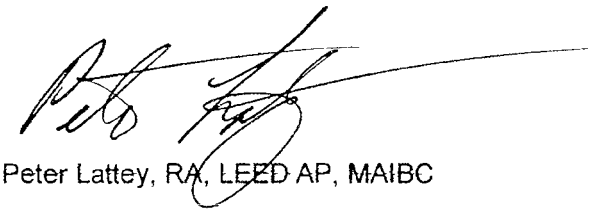
2. Prior to the hearing last fall and again at our first meeting with Obelisk, I made several suggestions that would have resulted in reducing the impact of the project on the neighbors while still providing the Delurgio's with added area for their house and a swimming pool. However, these suggestions did not include the gaining of a spectacular second story view. Nor did they have such a large negative impact on the neighbors' views and privacy. These suggestions, as well as suggestions from other neighbors that I have heard presented to Mr. Delurgio were all ignored or dismissed.

3. Mr. Delurgio has stated that he will not commit to planting low landscaping along his property boundaries. He has stated that he wishes to keep the option open of planting tall plants for "privacy issues". Any tall plants that provide him with more privacy will have a very real, negative impact on our views. He has previously demonstrated that he has no qualms about obstructing his neighbors' views by planting many poplar trees.

4. Mr. Delurgio has engaged in a long, expensive and ultimately losing legal battle to retain the spite poplars he planted and other view blocking trees. All of these will need to be removed if this design or most other designs for the site are implemented. He has rushed to get this application lodged prior to the deadline by which he must remove the trees. It is apparent that the sole purpose of his legal battle has been to retain the trees long enough to obscure a clear view of the profile flags.

Last October, the Planning Commission directed Mr. Delurgio to work with his neighbors to develop a mutually agreed on design. Rather than do so, Mr. Delurgio has cynically had two meetings with his neighbors at which their comments were ignored. He has then rushed to submit essentially the same design prior to removing the trees which obscure the profiles. I strongly suggest that the Planning Commission reject his application.

Yours truly,



Peter Lattey, RA, LEED AP, MAIBC

Martinez, Oscar

From: Judy English [crudlish@mac.com]
Sent: Thursday, May 13, 2010 10:55 AM
To: Martinez, Oscar
Subject: Delurgio Second Story Project

Dear Mr. Martinez,

Thank you for your message making sure that neighbors knew about the May 19th Planning commission meeting where this project will be presented again. We live at 531 Camino de Encanto, up hill from the El Toro cul-de-sac, and will be at the hearing.

Without seeing the altered plans we can only offer a general opinion as to the second story. But it appears that any second story on the Delurgio house will block important views of at least 1 uphill property owner and probably three. If not, then fine to add it. But if it or landscaping takes away a view it can not be allowed. No owner has the right to arbitrarily take away a view which has quality of living and financial value to another owner.

The new trees and the un-pruned existing trees on the Delurgio property are blocking views now and are not yet even as high as his second story silhouette. It is our belief that these trees exist solely for the purpose of circumventing the lack of any landscaping regulation in Torrance in order to push through a second story approval. If neighbors complain of the remodel the retort could be "What view? There's no view anyone looses as they are all already blocked by trees." An attitude which is not only unneighborly but arrogant of the spirit of laws governing hillside neighborhoods.

The Delurgios are not the only owners trying this scheme. The owners of another El Toro cul-de-sac property, two houses from Delurgios, is trying it with amazing vigor. We became owners of our house in March, 2009, and the week we moved in we were greeted with the sight of our downhill neighbor having many large landscaping plants moved into the backyard. There are now over 200 new cypress trees, planted very close together at the rear and sides of the backyard. The gardner told me these trees grow 20' in one year. Two very tall sycamores were planted in each back corner: they can reach 90' - 100' tall. Our small views, which we did treasure, are all gone, and our light, beach breezes, and openness are on the way out.
And I found out very quickly that Torrance has no landscaping ordinances. We have been financially damaged and can see no recourse. And there are many other examples here in Riviera of similar situations.

We seek your advise in finding a way to stop the damages due to landscaping and your help in stopping remodels which damage neighbors.

Sincerely,

Judith M English and William R. Crudup

RECEIVED
MAY 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

May 12, 2010

City of Torrance
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

Re: 209 Via El Toro Application

Dear Planning Commissioners:

I am a resident of 513 Camino de Encanto, Redondo Beach, and would like to list my objections to the proposed development submitted by Mr. and Mrs. Delurgio at 209 Via el Toro. With all due respect, I am requesting that the May 19 hearing be rescheduled until after May 25 for the following reasons:

1) The new silhouettes that Mr. Delurgio has had reconstructed are blocked from a clear view due to the foliage that was planted or left to grow out of control. The new silhouettes appear to be even higher than previous ones, no doubt to hide the real project.

2) Mr. Delurgio has not complied with the consent decree to remove and trim the trees on his property and must be court ordered to trim the trees to allow for proper assessment of his plan.

3) Mr. Delurgio is making a complete mockery of the "coveted" Hillside Overlay Ordinance. Mr. Delurgio would like to think he has worked with his neighbors but the bottom line for him, as it has been from the beginning, "he wants what he wants" at the expense of our little community...and its future.

I am not in favor by any means of a second story, especially when there is "no hardship" for another one-level or partial sub-terranean garage. This is one of the largest lots in Riviera; there are so many options. Unfortunately, Mr. Delurgio is unwilling to work with his neighbors.

You are welcome to come at any time to view the silhouettes and trees from my yard or inside my home. Should you wish to view the property from the yard, note that there are no dogs and the gate is open. Thank you in advance for caring.

Sincerely,

Cindy Constantino
513 Camino de Encanto
Redondo Beach, CA
(310) 245-0140

RECEIVED
MAY 13 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Torrance Planning Commission

Dear Members,

I have owned a home since 1956 on Camino de Encanto. This has been one of the most beautiful areas of the city. For so many years I had a lovely view of the ocean and coastline Now, due to City Council approval, a neighbor on Paseo de la Playa has started extensive expansion of his second story home. My lovely view is lost. His property is so out of proportion to the surrounding homes that it is down-grading other neighborhomes.

Should one neighbor be allowed to change his property to the extent it changes value of others property?

Where is the limit on second story additions?

Where is the limit on expanding second story homes?

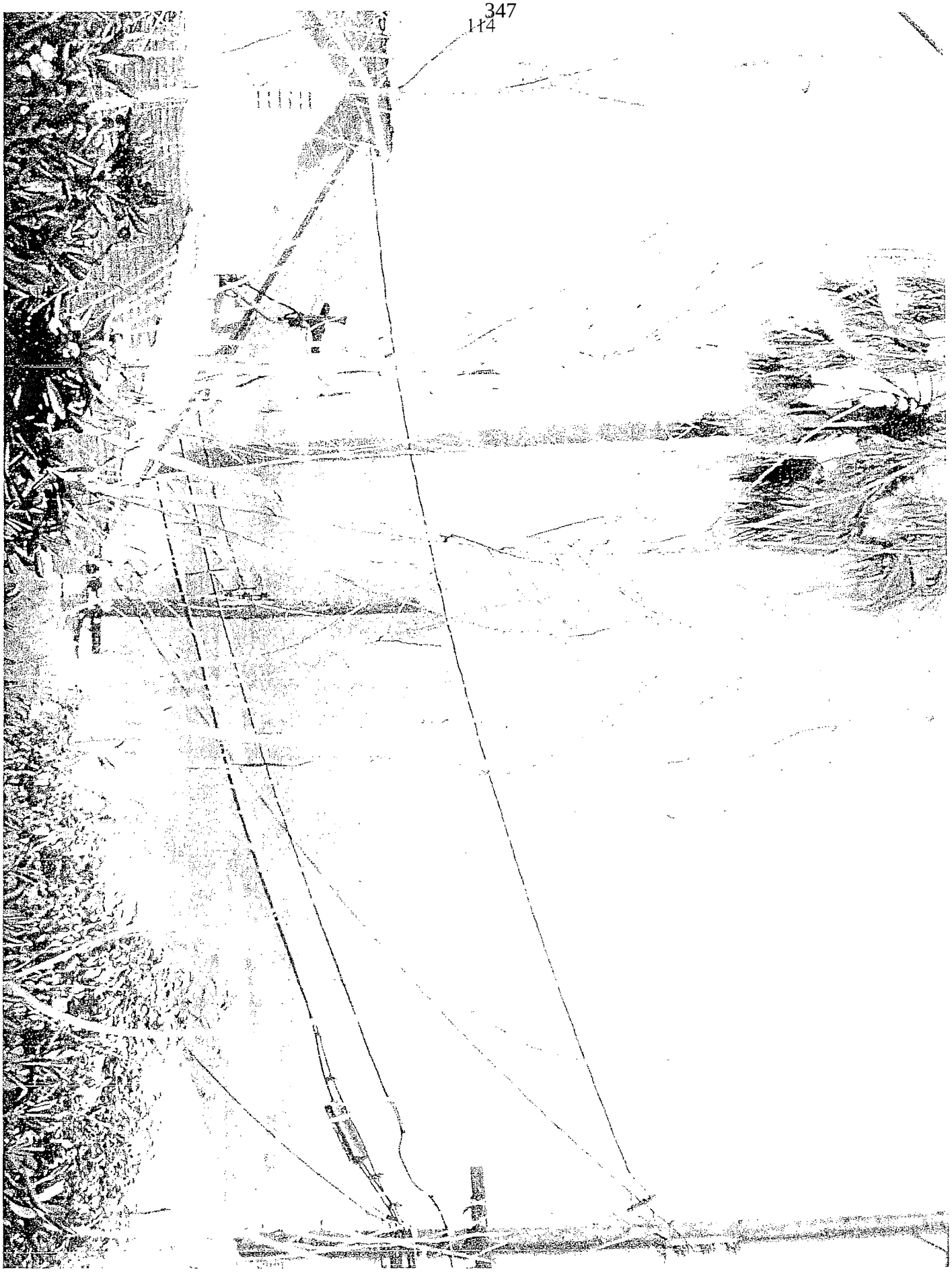
What limits will there be on roof decks?

Without some answers the beauty of this lovely area will soon be destroyed.

Sincerely,

Charlotte Ferris

RECEIVED
MAY 12 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.



Martinez, Oscar

From: Jim Delurgio [jim@delurgio.com]
Sent: Thursday, May 13, 2010 1:08 PM
To: Martinez, Oscar
Subject: Neighbor letters

I received the letters that have been submitted by our neighbors, and they seem to follow a similar misinformed theme regarding our court supervised settlement with Eugene Kusion.

The city should rest assured that we are in full compliance with the terms of the settlement, and we ask that the City not delay our proceeding any further due to the demands of our neighbors and the president of the Hollywood Riviera Homeowners Association.

In fact the trees that fall under the court supervised settlement have already been trimmed to the agreed upon height and were trimmed well in advance of the May 25th required timeline for tree trimming. We had indicated to the planning department that we would be taking this course of action with regard to foliage on our property in order to reduce any confusion about foliage during our Planning Commission hearing.

We have also trimmed additional trees on our property as requested by neighbors. We had previously committed to do this after our plans are approved, but as we had indicated to you in our meeting last week felt that it would reduce concerns from these neighbors if we did this in advance of the hearing.

Apparently our neighbors continue to try to confuse the city into further delay, hoping that our trees and property will incur more damage if they can get the court to further accelerate the terms of our agreement. It unfortunately worked last time when our conforming plans were delayed under similar demands from our neighbors.

It is important to note that each of these views from neighboring properties was either acquired or expanded through illegal tree trimming after we purchased our property. Despite the fact that this illegal trimming has damaged our property significantly we also understand our neighbors desire to enjoy the views which pass through our property at many various angles. Our proposed plans demonstrate the extent to which we have designed around the views which pass through our property, by reducing the size of our development and shifting the mass toward the front of our property away from view corridors.

We agreed to a settlement on our trees only to move through the plan review and approval process without such delay and confusion, and we ask that the city move forward under the ordinary course of action, as indicated in the terms of our settlement.

It is quite clear to us at this point that anything we do to improve our property will be looked upon negatively by our neighbors.

Please call me if you have any questions or require further clarification.

Sincerely,

Jim Delurgio

RECEIVED
MAY 14 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Delurgio Neighbor Communication log since Nov 4 hearing

Date	Participants (in addition to Jim & Betsy Delurgio)	Actions
Nov 5, 2009 ongoing until now	Nagy Bakhoum, Project Architect	Modified conceptual designs and renderings of main house, pool house and swimming pool.
Nov 11, 2009	Oscar Martinez, Planner Greg Lodan, Planning Manager	Met with the planning department to discuss our hearing and recommendations for revision. We received the photos that staff had taken from neighboring properties so that we could consider these perspectives in our design revision in case some neighbors continued to refuse to allow us to make view observations from their property. We discussed the fact that we had an upcoming trial, and that we would prefer to wait until the outcome of the trial before we spend more money on redesign. We discussed the option to submit a plan with only our pool, and were told that it would require the minor hillside exemption process which would be the same process as submitting the pool design which is under 14' in height.
Dec, 10, 2009	Gohata Residence	Left a voice message requesting that we discuss their concerns with the remodel of our property. We never received a response from this message or the prior call from October 23, 2009.
Feb 23, 2010	Eugene Kusion	While in court regarding a lawsuit over our trees, we observed binocular zoom photos of a whitewater view which passes through the rear portion of our property just across the rear of our existing home, which would be obstructed by the extension of our previously proposed 1st and 2nd story additions.
Feb 25, 2010	Planning Department	We submitted a plan for a pool and pool house under the minor hillside exemption process so that we could begin enjoying our property this summer, and allow our 9 year old daughter to continue her swim training as she prepares for the Junior Lifeguard test on May 8, 2010
Feb 28, 2010	Mrs. Becker	Received signoff for Swimming Pool and Pool House, reviewed and discussed proposed changes to main house design.
March 2, 2010	Mr. Jensen	Received signoff for Swimming Pool and Pool House, discussed previous concerns with prior design and reviewed proposed changes to main house design.
March 3, 2010	Marcone Residence, 505	Stopped by to discuss plans, nobody answered the door.

	Camino de Encanto	
March 3, 2010	Ghaby Residence, 509 Camino de Encanto	Stopped by to discuss plans and Sheri Ghaby was the only one home. She asked if we would come back when Ramzi Ghaby was home.
March 3, 2010	Constantino Residence, 513 Camino de Encanto	Stopped by to discuss plans and occupant was not home.
March 3, 2010	Gohata Residence, 516 Camino de Encanto	Stopped by to discuss plans and occupant was not home.
March 3, 2010	Marcone Residence, 505 Camino de Encanto	Stopped by and resident answered the door but told us that she did not have time to discuss plans and to come back at some other time on a weekday between 4:30pm and 5:00pm
March 3, 2010	Radel Residence, 515 Camino de Encanto	Stopped by to discuss plans and Vicki Radel told us that she wanted her fiancé, Architect Peter Lattey to review the plans, and requested that we contact him to arrange such review.
March 3, 2010	Kusion Residence, 523 Camino de Encanto	Jim & Betsy Delurgio stopped by to request that Mr. Kusion review and signoff on our plans to add a swimming pool and pool house. Eugene Kusion told us that he did not have time to review the plans and asked us to leave the plans with him. We told him that we could not leave the plans with him, but would be glad to arrange another time to meet and review the plans with him. He told us to call him at his office to schedule an appointment to review the plans.
March 3, 2010	Mr. Smith, 527 Camino de Encanto	Received signoff for Swimming Pool and Pool House and discussed his previous concerns with prior design. We observed the previous design silhouettes from his property for the first time and proposed changes to the 1st and second story design of our main house in order to preserve the city lights view which passes through our rear yard between the main house and the pool house.
March 4, 2010	Mr. Kusion	Jim Delurgio called Mr. Kusion at his office as he had requested to arrange a time to review the plans for the pool house and swimming pool. He told us that he would not meet with us, and would be sending us a letter demanding that we cut our trees before he reviews anything and that we would have to silhouette and provide him with copies of our plans. We told him that a copy of the plans is on file with the city for review.
March 5, 2010	Mr. Kusion	We received a letter from Eugene Kusion requesting specific conditions by which he would meet with us to review our plans. These conditions would add significant cost and delay to the process, and significantly exceed any action required by the planning department, the planning commission, or the Superior Court with regard to our proposed development.

		In addition to sending us this letter, he copied the City Planning Department, who then became confused about the court settlement, which is not related to our proposed development plans which had been submitted. We see this letter as intentional interference and obstruction of progress toward the completion of our development plans.
March 6, 2010	Ghaby Residence	Stopped by to discuss plans and Mr. Ghaby was home, and reviewed plans but asked that we come back when Sheri is home for signoff.
March 6, 2010	Constantino Residence, 509 Camino de Encanto	Noticed Cindy Constantino turn into her driveway as we were leaving the Ghaby residence (next door to Constantino residence), and asked Cindy Constantino if she had time to review and discuss our plans. She told us that she would not review the plans unless we arrange a specific time to do so, and build a project silhouette, and include all of her neighbors at the meeting. We explained that was not required at this time for this project, and then asked again if there was a time she would like to meet to review our plans, and she did not respond to our question.
March 8, 2010	Marcone Residence	Attempted to reach Mrs. Marcone by telephone, but her phone number as listed on several realtor websites is not accurate, and only directed me to Coldwell Banker in Palos Verdes, where she no longer works. They had no current number.
March 8, 2010	Marcone Residence	Dropped by at 4:40pm, nobody answered the door.
March 10, 2010	Mr. Lattey (on behalf of Mrs. Radel)	Requested copies of plans for his professional review, and we agreed as he agreed to restricted use under copyright laws.
March 10, 2010	Mr. Lattey (on behalf of Mrs. Radel)	Jim Delurgio delivered a single copy of plans for his professional review, as agreed to restricted use under copyright laws.
March 11, 2010	Marcone Residence	Dropped by at 4:50pm, nobody answered the door.
March 11, 2010	Mr. Pardo	Received signoff for Swimming Pool and Pool House, reviewed and discussed proposed changes to main house design.
March 12, 2010	Mr. Garrabrandt	Received signoff for Swimming Pool and Pool House, reviewed and discussed proposed changes to main house design.
March 13, 2010	Mr. Lattey (on behalf of Mrs. Radel)	As requested by Peter Lattey, Jim Delurgio provided an electronic copy of the current state site survey which had been completed by Denn Engineering.
March 13, 2010	Mr. Lattey (on behalf of Mrs. Radel)	Mr. Lattey requested that we commit to landscaping if Mrs. Radel were to signoff. We stated that we cannot make a commitment to landscaping until our plans are

		approved as landscaping is not relevant to design plan consideration. He said that they will not discuss our plans.
March 14, 2010	Ghaby Residence	Received signoff for Swimming Pool and Pool House after reviewing plans with both Ramzi and Sheri Ghaby in attendance. Discussed previous concerns with prior design and proposed changes to main house design.
March 15, 2010	Marcone Residence	Stopped by and Mr. Marcone was in the open garage so we asked if we could arrange a time to review the plans. He told us they are not so hot on anything we are doing, and would not review the plans at that time.
March 15, 2010	Cindy Constantino	We received an email (cc to the city planning department) from Cindy Constantino. She has still not taken the time to meet with us, however she has apparently taken the time to meet with her neighbor who described the plans as incomplete. She claims that she has been waiting to meet with us, but has not done so, despite our multiple offers to meet with her.
March 17 & 18, 2010	All neighbors who have previously stated opposition to our remodel design, and who may be concerned with suggested changes.	Invited many neighbors including Eugene Kusion, Vicki Radel, Cindy Constantino, Eugene Kusion, Mr. Smith, Ramzi & Sheri Ghaby, The Marcones, The Gohatas, Judy English, Bill Crudup, and many others to a casual open house at our property to review proposed plan revisions for our home.
March 19, 2010	Nagy Bakhoum, Project Architect Peter Lattey, Vicky Radel, James Corazzini (on behalf of Cindy Constantino), Judy English, Bill Crudup, Roberta Blowers.	Discussed and reviewed proposed plan revisions to floor plan, site plan and building elevations for main house design. Reviewed drawings and sketches illustrating proposed changes to floor plans, roof plans, and elevations of prior design. Used the existing silhouette as a reference to indicate the location and scope of such changes.
April 5, 2009	Eugene Kusion	Jim & Betsy Delurgio sent another letter requesting a meeting to review design changes, and observe any concerns from 523 Camino de Encanto.
April 16, 2010	All neighbors who have previously stated opposition to our remodel design, or who may be concerned with suggested changes, including The Gohatas, Judy English, and Bill Crudup.	Invited many neighbors including Eugene Kusion, Vicki Radel, Cindy Constantino, Eugene Kusion, Mr. Smith, Ramzi & Sheri Ghaby, The Marcones, The Gohatas, Judy English, Bill Crudup, and many others to our property on April 23rd to review proposed plan revisions for our home. Note: Eugene Kusion again did not respond as of April 16th to our request from April 5th to review plans with him and view his concerns from 523 Camino de Encanto.
April 20, 2010	Jeff Gibson, Director of Community Development, Nagy	The planning staff conducted an onsite walk-through of our property as part of their review of the letters submitted in opposition to our project. This was done to

	Bakhoum, Project Architect, Greg Lodan, Planning Manager, Oscar Martinez, Planner	determine whether or not they would require a hearing. Many of our neighbors have now requested a hearing, but the city has not seen any concerns regarding any element which would require such a public hearing. We again asked the city to simply follow their ordinary process of review and approval for conforming development plans. They said that they will be meeting internally to determine whether to approve the project now, or require an additional public hearing on the matter.
April 23, 2010	Nagy Bakhoum, Steve Goldberg, Cindy Constantino, Vicki Radel, Ramzi Ghaby, Lorraine Marcone, Eugene Kusion, James Corrazini, Peter Lattey	We hosted an open house to review the proposed design revisions, and to share with our neighbors how the revised plans would mitigate their concerns with the prior design. While many neighbors who attended this meeting used this review opportunity to discuss and understand the consideration we have given to their views through our property, Cindy Constantino, James Corrazini and Peter Lattey erupted in highly abusive language and false accusations toward us and our intentions with our property. The most explosive of the many verbal assaults occurred in front of our entire family including our 7 and 9 year old daughters and is truly unbelievable behavior from neighbors. We again asked Eugene Kusion if we could observe the view concerns from his mother's property, and he told us that we blew our chance because our lawyer did not request a court order to allow us to do inspect the premises during the litigation. We could not have tried harder as neighbors to understand concerns from 523 Camino de Encanto.
May 5, 2010	Planning Department	We withdrew our proposal for a pool and pool house due to the delays with regard to these conforming development plans so that we could move forward with a single plan through our planning commission hearing. We submitted our revised plans for the main house and pool house.

5/24/2010

209 Via el Toro

Oscar Martinez

310-618-5990

209 Via el Toro
Redondo Beach, CA 90277

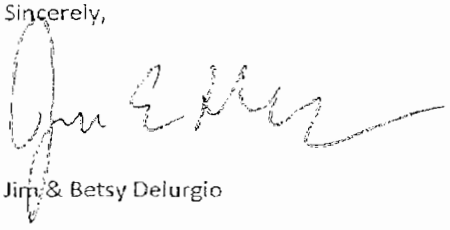
City of Torrance Planning Commission
3031 Torrance Blvd.
Torrance,CA 90503

May 14, 2010

Dear Planning Commission,

Thank you for reviewing our plans for a remodel and addition to our home at 209 Via el Toro. We would greatly appreciate it if you would take the time to visit our home so that we could walk you through our property and you can observe the project from our perspective. It would be very helpful in gaining an understanding of how our 2-story design accommodates the views which pass through our property.

Sincerely,



Jim & Betsy Delurgio

(310)378-0001

11C. PRE09-00007: JIM AND BETSY DELURGIO

Planning Commission consideration for approval of a Conditional Use Permit and Development Permit to allow first and second-story additions to an existing one-story, single-family residence, in conjunction with a new swimming pool, spa and accessory structure on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation

Denial without prejudice.

Planning Associate Gomez introduced the request.

Commissioner Browning disclosed the following:

- That he visited 515 Camino de Encanto on Saturday, October 31, in response to a letter from the property owner requesting that commissioners make a site visit; that the neighbor was not home at the time so he left his business card; and that this neighbor later called so he returned to the site and viewed the silhouette from several rooms;
- That he visited neighbors at 205 and 210 Via El Toro, both of whom had no objections to the project;
- That he received a phone call from another neighbor on Saturday afternoon requesting that he visit, but he declined to do so because he felt it was unnecessary;
- That he did not share his opinion with any of the neighbors with whom he spoke and his decision would be based on his personal observations, information contained in the staff report, and the testimony at this hearing.

Commissioner Skoll disclosed the following

- That he visited the applicants, Jim and Betsy Delurgio, at 209 Via El Toro, and they discussed their efforts to work with their neighbors and the fact that the project has been revised 3 or 4 times;
- That he visited Vicki Radel, at 515 Camino de Encanto, viewed the silhouette from various rooms, and she discussed her concerns about the project;
- That he briefly visited the home at 513 Camino de Encanto after being given permission by Ms. Radel but spoke to no one at this address;
- That he attempted to visit 523 Camino de Encanto, but no one responded when he knocked on the door and rang the door bell,
- That he briefly spoke with Mr. Gohata, 516 Camino de Encanto, who indicated that he was opposed to the project due to view blockage;
- That none of the discussions he had would influence his decision.

Commissioner Busch disclosed the following:

- That he visited the subject property at 209 Via El Toro on Sunday afternoon but no one was home;
- That he subsequently went to the houses on either side of the subject property and briefly spoke with those residents;
- That he went to the two houses directly behind the project, but no one was home so he viewed the silhouette from the driveway.
- That he has not made a decision on the project pending tonight's hearing.

Jim Delurgio, 209 Via El Toro, applicant, stated that his neighbor Joe Pardo, 210 Via El Toro, requested that his email be read into the record:

> "This email is in regards to events that occurred on October 31 and November 1, 2009. On Saturday, October 31, in the early afternoon I got an unannounced visit from Mr. Browning of the Torrance Planning Commission. Mr. Browning asked me if I had any problems with the development at 209 Via El Toro and I told him that I had no problems at all. Then Mr. Browning asked me if I had any privacy issues and I said I had no problems or concerns about this development. Mr. Browning then stated that the Planning Commission would represent me if I did have any problems with the development due to privacy. I told Mr. Browning for the last time, no thanks, I have no concerns. On Sunday, November 1, 2009, I received another visit in the afternoon from a gentleman who stated he was with the Torrance Planning Commission. I immediately told him I received a visit from a Torrance Planning Commissioner the previous day. The gentleman asked me if I had any concerns about the development and I stated that I had no problems or concerns. He asked if I had written a letter and I told him I had not because I was not planning to fight the development. The gentleman then left my house with no further questions. After receiving the two visits from the Planning Commission, it's obvious to me that the Planning Commission is not happy with the fact I am not contesting the development with the other neighbors. I felt the questioning was an attempt to lead me into having some sort of privacy impact with the development. If you have any questions, please contact me."

Mr. Delurgio expressed concerns that the commissioners seemed to focus on the opposition and none of the positive aspects of the project were discussed and other neighbors who have never been opposed to the project, have suddenly switched sides.

Noting that he was not one of the commissioners in question, Chairperson Weideman took issue with the suggestion that commissioners would try to solicit or elicit negative opinions from neighbors, relating his experience that commissioners bend over backward to be fair.

Commissioner Gibson noted that while she may not agree with what he said, Mr. Delurgio does have the right to express his opinion.

Commissioner Browning clarified that he went to the project site after finding that the neighbor at 515 Camino de Encanto wasn't home; that the next door neighbor at 205 Via El Toro came out of his front door, so he introduced himself and had a brief conversation with him; and that he subsequently rang the doorbell of the neighbor on the other side and had a brief conversation with him. He stated that while he did ask this neighbor if there was a privacy issue, at no time did he attempt to prejudice anyone or create concerns about the project.

Commissioner Busch reported that his experience was similar to Commissioner Browning's; that he never attempted to influence anyone; and that his only intention was to do a public service.

Mr. Delurgio stated that Mr. Pardo, who is a former police officer, felt his concerns needed to be voiced. Commissioner Browning noted that he is also a former police officer, and Commissioner Busch reported that he has spent 35 years in law enforcement, 28 of them in the City of Torrance.

With the aid of slides, Mr. Delurgio reviewed the project, noting that it meets or exceeds all development standards. He reported that he attempted to work with his neighbors throughout the design process and various revisions were made to address their concerns, including a significant reduction in the size of the project. Referring to a diagram to illustrate, he discussed how the project was designed to preserve neighbors' view corridors. With regard to the issue of harmony, he reported that 38% of homes within a 300-hundred foot radius are two-story homes and the average (FAR) Floor Area Ratio is 0.35, the same as the proposed project. He stated that alternative designs were explored, including utilizing a semi-subterranean garage, however, that would only lower the project approximately 3 feet. He emphasized that the square footage is well under what could be built on a lot this size and contended that a one-story design would have a greater impact on neighbors. He expressed concerns that some neighbors have not been cooperative, which has made it difficult to ascertain the project's impact on their property, and they continue to lodge new complaints even as late as this morning. He apologized for his earlier remarks, stating that he now understood that commissioners were only doing their job and he appreciated that they made an effort to visit the site.

Commissioner Browning noted that he observed privacy impacts at 513 and 515 Camino de Encanto, which are also mentioned in the staff report.

Mr. Delurgio expressed his willingness to do whatever necessary to mitigate the privacy impacts, including relocating windows, using obscure glass and and/or planting a hedge. He noted, however, that he will need a view into the backyard as a matter of safety since there will be a swimming pool. He reported that privacy issues were created when trees on his and his next door neighbor's property were cut down without permission.

Commissioner Busch asked about the comment in the staff report that a one-story addition could potentially have a greater impact on views than the proposed two-story project.

Planning Manager Lodan stated that while a one-story addition would address concerns about harmony and bulk, he suspected that it would have a greater impact on views. He explained that relocating square footage from the second floor to the first floor could lead to a higher roof height and potentially affect more properties. He noted that the accessory structure has a very low ridge height and it would not be possible to incorporate this floor space into a one-story addition and maintain this ridge height.

Commissioner Busch asked if staff felt the project could be redesigned to minimize the impact.

Planning Manager Lodan stated that staff believes the two-story design could be slightly altered to reduce the impact on ocean and city-light views at 523 Camino de Encanto, and with regard to other neighboring properties, staff felt that the applicant had minimized the view impact as much as possible.

Noting that he spoke with a number of the neighbors, Commissioner Horwich expressed concerns that some of them have not done a good job of communicating with the applicant.

Chairperson Weideman asked staff to elaborate on comments in the staff report regarding the feasibility of a semi-subterranean garage.

Planning Manager Lodan advised that the relatively flat lot does not lend itself to a semi-subterranean design and staff calculated that it would result in only a three-foot

height reduction. He suggested, however, that changing from the proposed swing-in garage to a front-facing garage would allow for more square footage on the first floor, thereby reducing view impact.

Mr. Delurgio stated that only a small amount of square footage could be added by changing to a front-facing garage and he felt it was more important to focus on preserving primary view corridors. He expressed his willingness to try to mitigate the impact on 523 Camino de Encanto, but noted that this neighbor has not been cooperative and it's difficult to comply with the Hillside Ordinance when you do not have the necessary information to do so.

Gene Kusion, 523 Camino de Encanto, stated that his modest one-story home has been owned by the family since 1964 and he plans to live there for the rest of his life. He contended that the applicant was well aware of building restrictions in the Hillside Overlay before purchasing this property because he formerly lived on Via Colusa. Referring to photographs to illustrate, he reported that the project would block ocean and city-light views, views that have already been impacted by poplar trees planted by the applicant in April 2008. He estimated that the view blockage would result in a loss of property value of between $125,000-150,000. He noted that in October 2006, the City Council rejected a two-story project next door to the subject property at 210 Via El Toro because of the impact on view, light, air and privacy, and voiced his opinion that the proposed project was equally egregious if not more so.

Commissioner Busch questioned whether Mr. Kusion had spoken with Mr. Delurgio.

Mr. Kusion reported that Mr. Delurgio visited his home in September 2008 and wanted to negotiate a deal whereby he would cut down the poplar trees in exchange for support of his two-story addition and he has had no face-to-face discussion since that time. He stated that he was not opposed to a single-story addition that maintains the existing roofline, however, adding a second story would have a detrimental impact on the value of his property as well as 3 or 4 other properties.

Commissioner Skoll pointed out that information in the agenda item indicates that Mr. Delurgio has attempted to speak with Mr. Kusion since that time. Mr. Kusion responded that his mother, who owns the property, sent three letters in June, July and August 2008 asking Mr. Delurgio to trim the trees, but he only wanted to talk about adding a second story.

Commissioner Browning noted that regulating trees was not within the Commission's purview, and Mr. Kusion explained that he only brought this issue up because he wanted the Commission to understand that there was an unimpeded view for 45 years until the applicant planted the trees in 2008.

Vicki Radel, 515 Camino de Encanto, voiced objections to the project, noting that she has owned this property for 38 years. She maintained that the project would obstruct her ocean view, intrude on her privacy, block airflow, and decrease light to her property causing it to be devalued approximately $125,000. She noted that adequate airflow is important for health reasons because she has asthma. She suggested that a subterranean design could be utilized to lessen the impact on neighbors.

Commissioner Horwich doubted that airflow to Ms. Radel's property would be significantly impacted by the project due to the difference in elevation between the two properties.

Commissioner Busch noted that Planning Manager Lodan already mentioned that this lot does not lend itself to a subterranean design.

Planning Manager Lodan advised that semi-subterranean garages are typically used when there is a much greater difference in elevation from street level to the garage, which makes it possible to utilize the natural slope in order to bury square footage to minimize the impact on surrounding properties. He explained, in this case, there is only a three-foot rise from the sidewalk to the garage, therefore it would take a 32-foot long driveway to create a semi-subterranean garage and staff did not believe it was merited given the slight improvement it would yield.

Commissioner Browning clarified that a standard driveway is 20 feet long, so only 12 additional feet would be required.

Peter Lattey, 515 Camino de Encanto, stated that he is a licensed architect and believes that there are ways to provide the space Mr. Delurgio needs while meeting the intent of the Hillside Ordinance, such as building a single-story home around a courtyard with a portion of the building below grade, utilizing a flat roof instead of a pitched roof, and extending the house out to the west. He contended that the project as proposed would almost completely block the blue sky view in the dining room and replace it with a large wall of windows and block sky and ocean views in the living room. He suggested that a better thought-out design would enhance the Delurgios' investment without impacting neighbors.

Lorraine Marcone, 505 Camino de Encanto, noting that she has been a real estate agent for 25 years, reported that potential buyers are cautioned about building restrictions in the Hillside Overlay as evidenced by the listing for this property (agenda material – page 20). She related her experience that the difference in price between homes with a view and homes without a view is $100,000+. She voiced her opinion that the proposed project shows blatant disregard for the Hillside Ordinance and expressed concerns that approving it would open Pandora's Box because it would encourage others in the area to pursue two-story additions.

Commissioner Busch noted that the Commission considers each proposal on an individual basis and does not consider a precedent to be set when a project is approved.

Cindy Constantino, 513 Camino de Encanto, reported that the Delurgios looked at the view from her property and Ms. Radel's property before purchasing their home so they were well aware of potential impacts. She stated that it has always been her position that the only way to develop this property is to have a subterranean garage and push the structure further north, maintaining the existing roofline. She suggested that if going subterranean is too expensive, the Delurgios should put off building their pool and spa. She contended that there is no hardship associated with this property that would justify the building of a second story. She expressed concerns that the value of her property would be diminished if this project is approved, but she would still be paying the same high property taxes.

James Corazzini, 513 Camino de Encanto, voiced objections to the project due to privacy impact, explaining that the project would look directly into the bedroom, living room, dining room and kitchen area of his home.

The Commission briefly recessed from 9:15 p.m. to 9:25 p.m.

Sheri Ghaby, 509 Camino de Encanto, stated that she mainly wanted to support her neighbors in their opposition to the project, however, she was also concerned about privacy impact because she can see the silhouette from her master bedroom.

Michael Guzman, Paseo de la Playa, stated that it took him two years and considerable expense to get his home approved and he would like to spare the Delurgios this ordeal. He encouraged the Commission to challenge those claiming to be impacted by the project to substantiate those claims with hard evidence. He pointed out that just because a petition is signed by 50 people, does not mean that the claims contained in the petition are valid and unsupported opinions repeated by several people does not make them true. He noted that the vast majority of people who live within the Hillside Overlay were not at this meeting, and urged the Commission to consider their silence as support for the project. He voiced his opinion that the City's goal should be managed growth, not irrational stagnation, and that the Hillside Ordinance should not be interpreted based on political pressure or the agenda of any one group.

Commissioner Skoll stated that he personally does not give petitions a lot of credence because he doubted that most people who sign them take the time to view a project's impact for themselves.

Commissioner Browning indicated that he shared Commissioner's Skoll's opinion about petitions, but felt that he couldn't ignore residents who wish to support their neighbors even though they are not personally impacted by a project because everyone who lives within the overlay has an interest in preserving the protections of the Hillside Ordinance.

Roberta Blowers, 621 Camino de Encanto, submitted written material for the record. She voiced objections to the project, relating her belief that it violates the Hillside Ordinance because it impacts views and privacy; it was not designed to cause the least intrusion on neighboring properties; and its two-story design was not in harmony with the neighborhood. She stated that neighbors have offered some good suggestions as to how the project's impact could be mitigated, including locating some of the square footage below grade as was done at 410 Paseo de la Playa. Referring to an enlarged notification map, she explained that the majority of the 150 homes within the notification area are single-story, with a few pre-ordinance second-stories and semi-subterranean homes, and only 3 two-story homes have been approved since the Hillside Ordinance was enacted. She reported that 70% of the people who signed the petition live within the notification area and most have personally viewed the project's impact or were shown photographs.

Jim Vaughan, 444 Camino de Encanto, voiced his opinion that the proposed project violates the Hillside Ordinance because it would adversely impact the views, light, air and privacy of neighbors and it is not in harmony with the neighborhood. He noted that even though the subject lot is one of the largest in the area, the project still must maintain harmony with the neighborhood.

Diane Miltimore, 621 Camino de Encanto, expressed concerns about the cumulative effect of allowing second stories in the Hillside area. She noted that the area was designed with tiered lots to take advantage of views and allowing second stories upsets this balance. She urged denial of the project so that one resident would not gain at another's expense.

Charles Hammer, 221 Paseo de Suenos, contended that the applicants should be required to do whatever is necessary to mitigate the impact on views regardless of the expense because view blockage could significantly devalue neighbors' properties and injure them financially. He related his belief that the claim that a one-story home would result in more view blockage than a two-story home was "malarkey."

Linda Gohata, 516 Camino de Encanto, reported that the proposed structure would completely eliminate her "ocean peek" for which she paid a premium. She expressed concerns that what should be a collaborative process seems more like a war and urged the Commission to send the Delurgios back to the drawing board.

Albert Ortiz, 620 Palos Verdes Boulevard, stated that he lives outside the notification area but shares concerns about this project, noting that he personally observed the impact from homes on Camino de Encanto.

Betsy Delurgio, 209 Via El Toro, applicant, stated that she and her husband have repeatedly tried to communicate with neighbors so that they could create a design that would cause the least intrusion and while they are grateful to those who have cooperated, they are frustrated with those who refuse to discuss their concerns directly. She reported that neighbors at 513 and 515 Camino de Encanto have asked that the entire northeast portion of the lot remain empty so they can continue to enjoy ocean views; that this area is over 6000 square feet, which is the size of these neighbors' entire lots; and that they have honored this request, but the added square footage has to go somewhere. She explained that building on the front of the lot would create an awkward floor plan and obstruct neighbors' mountain views and additionally, it would not be consistent with other homes on the block, which have similar front setbacks, therefore they decided to expand to the south and add a second story. She stated that the privacy issues cited by neighbors to the east are reciprocal as they currently look down into her home and adding the second story will be similar to them having a neighbor next door with the same ridge height. She expressed her willingness to modify windows to address privacy concerns.

Ms. Delurgio related her belief that the proposed two-story design would have the least impact on neighbors because a one-story addition would take up a large portion of the lot and obstruct all significant views that pass through the property. With regard to harmony, she reiterated that 38% of homes within a 300-foot radius are two-story homes. She explained that despite numerous attempts, the neighbor at 523 Camino de Encanto has refused to speak with them; that when they purchased their property, they could only see the chimney and top of the roof of this home due to trees on their next door neighbor's property; and that Mr. Kusion subsequently cut these trees down, an incident for which he was prosecuted by the City. She reported that Mr. Kusion is now claiming a view corridor over their property and suing them over their trees, however, they are willing to explore additional options to mitigate the view impact, but need some cooperation on his part. She requested that the hearing be continued so that they could attempt to reach a compromise with neighbors.

Referring to Precise Plan Application, Item 2b, Commissioner Browning expressed concerns that the responses to this item do not establish that being confined to the height of the existing home would constitute an unreasonable hardship.

Mr. Delurgio explained that he had a reasonable expectation when he purchased this property that he would be able to improve it in a way that is consistent with other homes in the area in order to accommodate his growing family.

Commissioner Busch noted that Item 2c of the Precise Plan Application states that the Delurgios were not aware of any "reasonable" concerns that they have failed to resolve with the current design and questioned whether they were willing to make modifications to address concerns discussed at this meeting.

Mr. Delurgio indicated that he was willing to make changes, but commented on the difficulty of addressing concerns of a neighbor who is uncooperative. He disputed the claim that he offered to trim trees in exchange for support of the project. He stated that he and his wife tried very hard to accommodate their neighbors and came up with a design that preserved the entire ocean views of neighbors to the rear only to have them complain about blockage of blue sky view and airflow, and he requested that this matter be brought before the Commission for direction because attempts to find a compromise were no longer productive.

MOTION: Commissioner Busch moved to continue the hearing to a date uncertain. The motion was seconded by Commissioner Gibson, and discussion briefly continued.

Commissioner Horwich expressed concerns about continuing the hearing indefinitely because of the possibility that people who do not want the project to go forward could accomplish this by refusing to cooperate.

City Attorney Fellows suggested that continuing the hearing indefinitely would give the applicants more flexibility because it would allow them to work with neighbors as long as necessary without a deadline. He noted that the applicants can always ask staff to put the matter on the agenda if they reach an impasse.

Commissioner Skoll voiced support for a continuance and encouraged the applicants to thoroughly review the discussion at tonight's meeting so they would have a clear understanding of the issues involved.

Noting that he is a longtime Hollywood Riviera resident, Commissioner Uchima indicated that he could not support the project as proposed and recommended that the Delurgios focus on the view impact at 523 Camino de Encanto and privacy issues. He stated that even though Ms. Delurgio mentioned that the privacy impact is reciprocal, privacy is a major issue in the Hillside area and he believes this needs to be addressed.

Commissioner Browning recommended that everyone who spoke this evening be notified when the hearing is rescheduled including those who live outside the notification area.

Chairperson Weideman noted that the Commission pays attention to outreach efforts and stressed the need for everyone involved to be more flexible.

Commissioner Busch amended his motion as follows:

MOTION: Commissioner Busch moved to continue the hearing on PRE09-00007 indefinitely, directing staff to include all people who spoke at this meeting when the hearing is re-noticed. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

AGENDA ITEM NO. 11C

CASE TYPE & NUMBER: Precise Plan of Development - PRE09-00007

NAME: Jim Delurgio

PURPOSE OF APPLICATION: Request for approval of a Precise Plan of Development to allow first and second story additions to an existing one-story single-family residence in conjunction with a new swimming pool, spa and accessory structure on property located within the Hillside Overlay District.

LOCATION: 209 Via el Toro

ZONING: R-1, Single Family Residential District / Hillside Overlay District

ADJACENT ZONING AND LAND USE:

NORTH:	R-1	Hillside Overlay District, One Story Single Family Residence
SOUTH:	R-1	Hillside Overlay District, One Story Single Family Residence
EAST:	R-1	Hillside Overlay District, One Story Single Family Residence
WEST:	R-1	Hillside Overlay District, One Story Single Family Residence

GENERAL PLAN DESIGNATION: Low-Density Residential

COMPLIANCE WITH GENERAL PLAN: The site has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed additions to an existing one-story single family residence on this property are consistent with the Low Density Residential designation.

ENVIRONMENTAL FINDINGS: The expansion of a 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 15303 (a).

EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES: The semi-pentagon lot is relatively flat and sits at a lower elevation than the properties to the rear on Camino de Encanto and higher than the lots to the north on Calle de Sirenas. According to the Los Angeles County Assessor's the subject property is developed with an existing 1,430 square foot single family residence with an attached garage originally constructed in 1955.

BACKGROUND AND ANALYSIS:

The applicants request approval to allow first and second story additions to an existing one story residence in conjunction with a new swimming pool, spa and accessory structure in the rear. A Precise Plan is required because the property is located within the Hillside Overlay District and the remodeled residence is over 14 feet in height.

The semi-pentagon lot is 13,185 square feet in area. The remodeled residence will contain a kitchen, living room, dining room, three bedrooms, two bathrooms, study area and laundry/mud room on the first floor and a master suite, nursery, family/game room and balcony on the second floor. The area of the proposed residence is 3,528 square feet and the area of the garage is 498 square feet. The remodeled residence will have a height of

23 feet eight inches, which is 3 feet four inches below the 27-foot maximum. The applicant is also proposing a new accessory structure in the rear. The accessory structure is 634 square feet and will contain an art studio, office, bathroom, dressing area and storage. The height of the building will be 10 feet 10¼ inches to the ridge which is under the 14 foot height limit. The residence will have a minimum front setback of 17 feet when measured from the radius of the curve with an average greater than the 20-foot minimum. The northerly side yard setback is 13 feet 2 inches, the southerly side yard setback is 5 feet 8 inches and the rear yard setback is approximately 77 feet; all setbacks either meet or exceed the minimum requirements.

The project proposes a floor area ratio of 0.36 and lot coverage of 26% which are within the maximum limits of the zone. A project summary is provided below:

Statistical Information

♦ Lot Area	13,185	square feet	
♦ Existing Residence	1,608	square feet	
♦ First Floor Additions	707	square feet	
♦ Second Floor Additions	1,213	square feet	
♦ Total Living Area	3,528	square feet	
♦ Remodeled Garage	498	square feet	
♦ Detached Accessory Structure	634	square feet	
♦ Total Floor Area	4,660	square feet	
♦ Floor Area Ratio	0.35		
♦ Maximum Floor Area Allowed	7,866	square feet	@ 0.6
♦ Lot Coverage	25%		
♦ Maximum Lot Coverage	40%		

The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment #4). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment #5). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff made a field observation of the proposed residence and based on the silhouette and plans there appears to be privacy impacts to 513 and 515 Camino de Encanto and view impacts to 523 Camino de Encanto. At 513 Camino de Encanto, staff viewed the silhouette from a living room, dining room and rear deck area. From these areas, staff evaluated the building mass and proposed window placement. In the opinion of staff, a potential for privacy impacts could occur as the second floor area of the project could look into the home. Staff notes that views are not affected as the second floor mass is located to the south and views are to the north and northwest.

At 515 Camino de Encanto staff observed the silhouette from a bedroom, living room and office area of the home. A potential for privacy impacts occur as the second floor area of the project could look into the office area of the home. Staff was able to view the silhouette through trees and shrubs from the living room and bedroom. Small portions of

ocean view would be blocked that are visible from corridors between adjacent homes in the living room and office from the one-story portion of the proposal. The plan as proposed, however, appears to minimize impacts to the views from 515 Camino de Encanto.

At 523 Camino de Encanto staff observed the silhouette from a living room area and rear yard. Staff observed city light and whitewater views to the north which will be blocked by the second story of the proposal. Staff also viewed the silhouette from 505 Camino de Encanto who had expressed concern with the height and massing of the second story. Staff notes that an attempt to view the silhouette from 516 Camino de Encanto was made but was only able to assess potential impacts from the driveway of the residence. As of the printing of this report, staff has received correspondence from surrounding properties which are attached for your review (Attachment #6).

In reviewing the history of the proposal, staff notes that the applicant went to great lengths to contact the neighbors that are potentially affected. The applicant has provided a summary of the planning and design process they have taken with their neighbors (Attachment #7). Various neighbors have suggested a subterranean garage in the design of the project. Due to the relatively flat topography of the lot, staff finds that a subterranean garage will not lend itself to the design as properties that have incorporated a subterranean garage have a greater difference in grade throughout their lots. When mitigating privacy concerns, staff typically recommends that the size of the windows be reduced, sill-heights raised, the use of frosted glass or a combination of all three. If the request for a one story residence is made, the additions could be done in the front, side and rear of the residence and rotating the garage to make it a front facing garage. In the judgment of staff, a potential for greater view loss could occur and likely affect more properties as more square footage on the ground could lead to a higher roof height.

When talking to neighbors and assessing the potential impacts of this project, it appears that the major concerns are with the second story and the character and harmony of the immediate neighborhood. As the applicant has designed the residence with a second story to preserve and minimize view impacts, staff can not support the project because all of the findings that are required to increase the height of the residence can not be made.

PROJECT RECOMMENDATION: DENIAL WITHOUT PREJUDICE

FINDINGS OF FACT IN SUPPORT OF DENIAL WITHOUT PREJUDICE OF THE PRECISE PLAN:
Findings of fact in support of approval of the precise plan are set forth in the attached Resolution.

RECOMMENDED CONDITIONS, IF PROJECT IS APPROVED:
Should the Commission consider approval of the project, a list of recommended conditions and code requirements for the project is set forth in Attachment #2.

Prepared By,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:
1. Planning Commission Resolution
2. Recommended Conditions & Code Requirements if Approved
3. Location and Zoning Map
4. Hillside Ordinance Criteria Response
5. Silhouette Verification
6. Correspondence from Neighbors
7. Correspondence from Applicant
8. Color Rendering (Limited Distribution)
9. Contact information/Invitation from Applicant and Neighbors (Limited Distribution)
10. Site Plan, Floor Plans, & Elevations (Limited Distribution)

PLANNING COMMISSION RESOLUTION NO. 09-053

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE 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 ONE-STORY SINGLE-FAMILY RESIDENCE IN CONJUNCTION WITH A NEW SWIMMING POOL, SPA AND ACCESSORY STRUCTURE ON PROPERTY LOCATED IN 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 swimming pool, spa and 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 expansion of a 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 15303 (a); and

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

a) That the property is located at 209 Via el Toro; and

b) 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

c) That the proposed residence will have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because the two-story residence will create privacy impacts to the living room and dining room of 513 Camino de Encanto, privacy impacts to 515 Camino de Encanto and city-light and whitewater view impacts to 523 Camino de Encanto; and

d) That the proposed residence has not been located planned or designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity because the property is large enough to provide additions on the ground level; and

e) That the design does not provide an orderly and attractive development in harmony with other properties in the vicinity because due to the topography of the lot in

relation to surrounding lots, the height and mass is uncharacteristic of the immediate vicinity; and

WHEREAS, the Planning Commission by the following roll call votes DENIED WITHOUT PREJUDICE PRE09-00007:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that PRE09-00007, 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 swimming pool, spa and accessory structure on property located in 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 DENIED WITHOUT PREJUDICE.

Introduced, approved and adopted this 4th day of November, 2009.

_____
Chairman, Torrance Planning Commission

ATTEST:

_____
Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 4th day of November, 2009, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

_____
Secretary, Torrance Planning Commission

RECOMMENDED CONDITIONS IF APPROVED-

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 Planning Commission 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 eight inches as represented by the elevation of 126.1 and a lowest adjacent grade of 102.4 based on a bench mark elevation of 100.0 located 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 eight inches as represented by the elevation of 126.1 and a lowest adjacent grade of 102.4 based on a bench mark elevation of 100.0 located 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 automatic garage roll-up doors shall be provided; (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 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)
8. 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)

CODE REQUIREMENTS

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

Building and Safety:

- Comply with the State Energy Requirements.
- Provide underground utilities.

Grading:

- Obtain Grading Permit prior to issuance of building permit.
- Submit 2 copies of grading/drainage plan with soil investigation report. Show all existing and proposed grades, structures, required public improvements and any proposed drainage structures.

Environmental:

- The property shall be landscaped prior to final inspection (92.21.9).
- Provide 4" (minimum) contrasting address numerals for residential, condo, etc. uses.
- The front yard of any property zoned for residential use shall not be more than 50% paved (92.5.14).
- Interior dimensions of a two-car garage shall be 18ft wide by 20ft deep with no encroachments (93.5.2).
- Bedroom sizes to be as determined per Torrance Code (92.20.2).

LOCATION AND ZONING MAP

209 Via el Toro
PRE09-00007

TORRANCE COMMUNITY DEVELOPMENT GIS

LEGEND

Proposed Site

Notification Area

0 105 210 420 Feet

N
W E
S

Prepared using City of Torrance Community Development Geographic Information System
Jeffery W. Gibson, Community Development Director

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

TO BE SUBMITTED WITH HILLSIDE PRECISE PLAN APPLICATION PRE_____

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS HILLSIDE PRECISE PLAN. IT IS MANDATORY THAT THESE CRITERIA BE MET BEFORE THE CITY MAY LEGALLY GRANT A HILLSIDE PRECISE PLAN: AND, IT IS INCUMBANT UPON THE APPLICANT TO PROVE TO THE SATISFACTION OF THE CITY THAT THE CRITERIA ARE MET:

(To be completed by all applicants)

1. Planning and Design (91.41.6)

   a. The following facts demonstrate that the proposed development will not have an adverse impact upon the view, light, air and privacy of the other properties in the vicinity:

      Our plan has been carefully designed and significantly reduced through neighborly collaboration to include a very low Floor Area Ratio (FAR), low Ridge Heights, and minimal Lot Coverage with an immense portion of Open Space. These design attributes were incorporated to specifically prevent adverse impacts to the views, air, light and privacy of neighboring homes.

      The proposed design contains a 3,528 sq. ft. home with a 498 sq. ft two-car garage, and a 634 sq. ft accessory structure for a total area of 4,660 sq. ft. on a 13,185 sq. ft. lot.

      - The proposed interior floor space of 4,660 sq..ft. (.35 FAR) is much smaller than the allowable 6,592 sq. ft. under the .50 FAR Hillside Overlay Ordinance limit for our property.
      - This .35 FAR is consistent with the traditional use of all properties in our neighborhood.
      - The Lot Coverage Ratio of our plan is .26, and amounts to 3,447 sq. ft.. This is 1,827 sq. ft. smaller than the allowable .40 Lot Coverage Ratio for a two-story structure on our property.
      - Due to the topography (7 foot grade differential) with our immediate neighbors on Camino de Encanto, the preservation of Open Space in our plan is a very important attribute supporting our need to go with a two-story design.
      - It is important to note that there are low-elevation views which pass through almost all of the remaining Open Space. Our neighbors have specifically requested that we not build in these areas in order to preserve their views.
      - Our design preserves 8,548 sq. ft. of open space within our lot. This results in an Open Space Ratio of .65 which is almost double the required .33 minimum.
      - The 8,548 of open space remaining on our lot is larger than the entirety of most lots in our neighborhood.

- We have already reduced 1,221 sq. ft. from our initial design as a result of many preliminary design reviews with neighboring property owners. During these meetings reasonable view and privacy concerns were noted and resolved in subsequent architectural designs.

With regard to the height of our home, our design retains existing 8 foot plate heights in order to keep the roof ridge heights low. This was done specifically to not interfere with the view, air, light or privacy of neighboring properties.

- Our maximum ridge height of 23.11 feet is almost four feet below the maximum ridge height allowed.
- Our accessory structure has a ridge height of only 10'-10" in order to avoid obstruction of views from neighboring properties.
- We have reduced the roof pitch to 3:12 from 4:12 on all roof planes which would otherwise interfere with blue water views.

b. The following planning, design and locational considerations will insure that the proposed development will cause the least intrusion on the views, light, air and privacy of other properties in the vicinity:

Due to the unique size, dimension and topography of our property we put forth a great degree of effort to gather input from all neighbors whom we believed may have concerns about the development of our property.

Through multiple design review sessions with our neighbors and numerous architectural design iterations we were able to design a home that will cause the least intrusion on the view, air, light, and privacy of neighboring properties.

We have positioned our two-story home on our lot in a location which will provide a great degree of distance which helps to mitigate potential privacy, air and light concerns.

The position of all structures on our property has been established toward the southern portion of our property to avoid conflict with the following specific concerns which had been identified during our neighbor meetings:

- Blue water view concerns expressed to us by our neighbors to the east on from Camino de Encanto.
- Privacy concerns expressed to us by our neighbors to the north of our property on Calle de Sirenas.
- Mountain view concerns expressed to us from neighbors to the west on Paseo de la Playa.
- Front yard clearance concerns from all homes on the Via el Toro cul-de-sac.

We have converted functional (non-living) areas from our initial main house design into a small 634 sq. ft detached accessory structure.

- These functional areas in the accessory structure include a Pool Bathroom/Dressing Room, a Home Office, an Art Studio and a Storage Closet.

- The low 10'-10" Ridge Height and placement of our accessory structure in the southeast corner of our lot were designed to preserve blue water views from adjacent properties on Camino de Encanto.

Very few windows have been placed on the south side of our home in order to maintain privacy for neighbors to the south.

c. The following design elements have been employed to provide an orderly and attractive development in harmony with other properties in the vicinity:

The proposed shingle style beach bungalow home is designed to have a casual yet elegant feel and be reminiscent of the California bungalow style located throughout Southern California, including many historic homes in Old Torrance.

Our yard will include a swimming pool and spa and well appointed outdoor living areas which are consistent with the lifestyle we enjoy in our beachside community.

Our pool will be primarily heated using solar energy, and an automated pool cover will retain heat and provide safety for children.

We plan to build a large partially covered deck area including an outdoor kitchen on the north side of our home, and a balcony extending to the north from the second story.

We will retain the existing driveway which can accommodate several cars as well as the option to park a recreational vehicle off of the street. Our immediate area is often encumbered by beach parking, and this excess parking is essential due to the limited parking available on our cul-de-sac.

Our property will be professionally landscaped.

d. The following aspects of the design insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity:

We have been careful in the design and placement of our home to ensure neighborhood compatibility.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code limitations, including the Hillside Overlay Ordinance.

We have specifically reduced the mass and height of our structures in consideration of reasonable concerns over view, air, light and privacy from our neighbors.

Our proposed remodel is a significant investment which will greatly improve the appearance of our property, our street, and our neighborhood. The proposed improvements to our original 1951 home will improve property values throughout our neighborhood.

Many of our neighbors have expressed their support for our project as they realize the value it will bring to all properties in our neighborhood.

e. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

The proposed remodel of our home has been carefully planned and designed in a manner which is appropriate and consistent with the traditional use of R-1 residential property in our area.

Our investment in improving our property will improve other property values in our neighborhood as well.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code limitations, including the Hillside Overlay Ordinance.

We have submitted a fully conforming design which does not require any variances or waivers.

We have communicated openly and honestly with our neighbors to understand their concerns regarding the development of our property.

Our design has accommodated all reasonable concerns that have been expressed to us by any of our neighbors.

We are not aware of any reasonable concern that we have failed to resolve with our current design.

f. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity, for the following reasons:

The proposed remodel of our home has been carefully planned and designed in a manner which is appropriate and consistent with the traditional use of R-1 residential property in our area.

Our investment in repairing and improving our property will improve other property values throughout our neighborhood.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code, including the Hillside Overlay Ordinance.

We have submitted a fully conforming design which does not require any variances or waivers.

We have communicated openly and honestly with our neighbors to understand their concerns regarding the development of our property.

Our design has accommodated all reasonable concerns that have been expressed to us by any of our neighbors.

We are not aware of any reasonable concern that we have failed to resolve with our current design.

2. LIMITATION IN INCREASES IN HEIGHT (91.41.10) (To be completed by applicant for a Precise Plan that would increase the height of any part of the building to a height greater than that of the existing building)

a. It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purpose intended except by increasing the height, demonstrated by the following facts:

The two-story design has allowed us to meet the conditions of the Hillside Overlay Ordinance while also realizing the economic value of property ownership. The proposed two-story design clearly represents the best use of our land.

Due to low-elevation view concerns from many neighbors who look across our property, a one-story structure extended in any other direction on our property would have a significant adverse impact on the views of neighboring properties.

Open Space preserved in our plan, per the request of our neighbors, is a key design attribute which clearly supports our need to proceed with a two-story design.

We have considered a subterranean design as an alternative, but it will not work on our property. This complex option presents many design, usability, and economic challenges which combine to make it unfeasible.

Most neighboring property owners have accepted our invitation to review our plans and express any concerns to us during the planning and design phase of our project.

We have worked through the issues that were expressed by our neighbors, and have reduced the size of our design significantly to develop a plan which our neighbors can and should support.

b. Denial of this application would constitute an unreasonable hardship for the following reason (s):

We purchased our property in 2005 with the expectation that we would be able to improve our property to the same extent as other properties in the vicinity have been allowed.

While we plan to live in this home forever, we also have return on investment expectations from the improvement of our property. Our reasonable expectations can only be met by increasing the size of the structures.

Within a 300 foot radius surrounding our property we have made the following calculations:

- Original homes in this area have Floor Area Ratios about the same as the .35 FAR proposed in our plan.
- 38% of the properties in this area already contain two-story homes.
- All major remodel and new construction projects which have been approved exceed the .35 FAR as proposed in our plan.

The above facts make it clear that our proposed design is consistent with the existing and traditional use of R-1 residential properties in our area.

Our plan represents the best use of our land. In our situation, due to neighbor views, the best use of our land is far below the maximum use of our land.

The proposed interior floor space of 4,660 sq. ft. is very reasonable. With the large size of our lot the FAR for our project is calculated at .35. This FAR is well below the maximum .50 allowable (6,592 sq. ft) on our property under the Hillside Overlay Ordinance.

c. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

The proposed remodel of our home has been carefully planned and designed in a manner which is appropriate and consistent with the traditional use of R-1 residential property in our area.

Our investment in improving our property will also improve other property values throughout our neighborhood.

The specifications and measurements within our design fall far below the thresholds defined by all municipal code, including the Hillside Overlay Ordinance.

We have submitted a fully conforming design which does not require any variances or waivers.

We have communicated openly and honestly with our neighbors to understand their concerns regarding the potential development of our property.

Our design has accommodated all reasonable concerns that have been expressed to us by any of our neighbors.

We are not aware of any reasonable concern that we have failed to resolve with our current design.

3. LIIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE (91.41.11) (To be completed by applicant for a Precise Plan that would increase the interior floor area of the building to more than 50% of the area of the lot.)

a. Denial of this application would constitute an unreasonable hardship for the following reason (s):

Not Applicable

b. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

Not applicable

City of Torrance, Community Development Department
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 Fax: (310) 618-5829
Jeffery W. Gibson, Director

RECEIVED
SEP 08 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

Height and Location Certification

The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken. The map should also show the location of existing and proposed structures.

SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 209 Via El Toro (address) on 8/29/09 (date), based on plans submitted to the City of Torrance by Mr. & Mrs. Delurgio (applicant/architect) on _____ (date). The survey was taken from a bench mark located at 209 Via El Toro (address) (attached map) which established a base elevation of 100.0 on lid of existing SMH.

The ridge line/highest point of the roof was determined to have an elevation of 126.1.

The plans indicate that the elevation should be 126.10.

I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Community Development Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of height, building envelope, location on the site, and all setbacks.

OFFICIAL STAMP
LICENSED LAND SURVEYOR
CHI MING GONG
No. 7243
Exp 12-31-10
STATE OF CALIFORNIA

Chi Ming Gong
Name (please print)

LS 7243
LS/RCE#

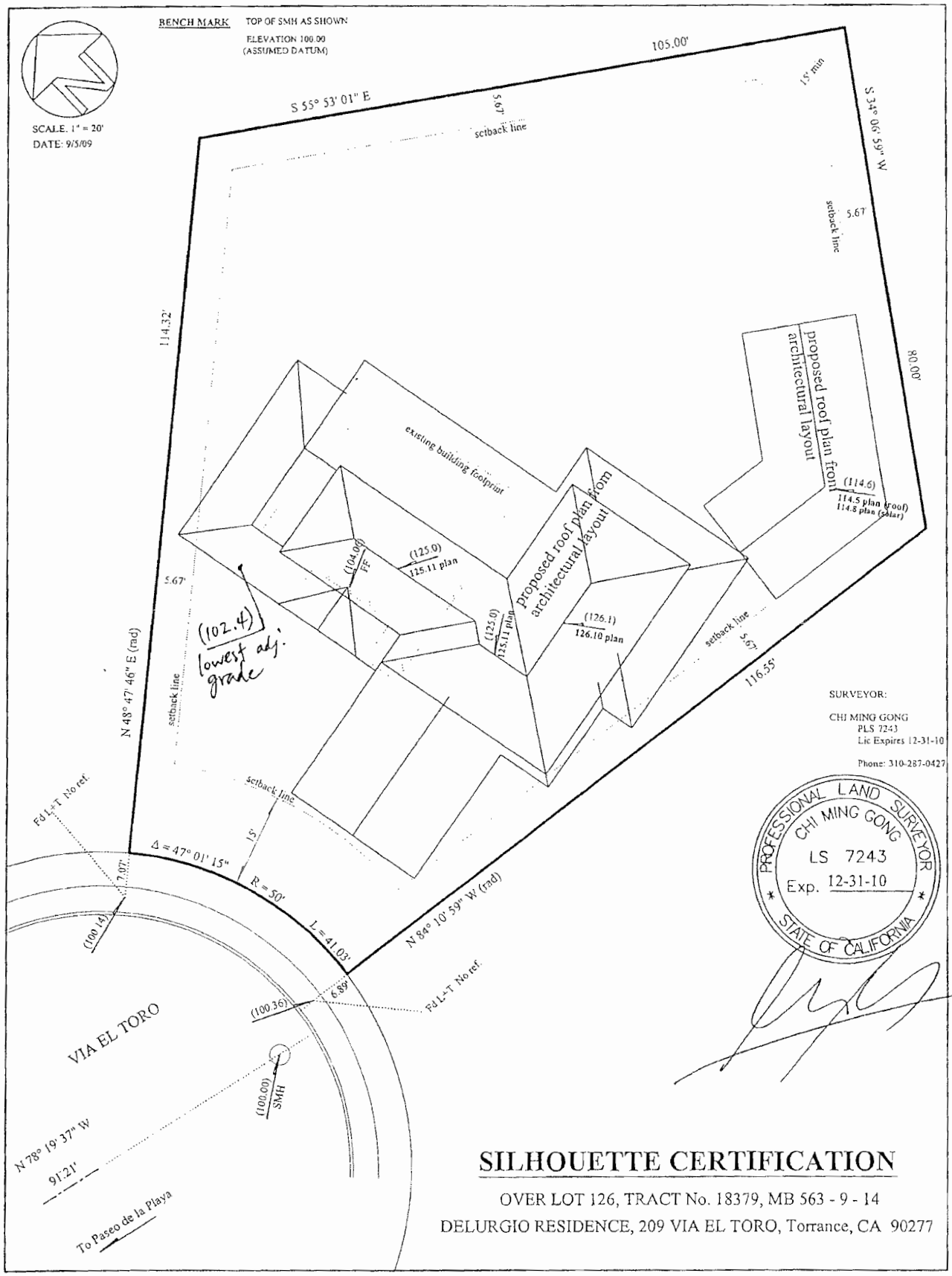
SIGNATURE

(310) 779-5402
PHONE

DATE

Notes: _____

09/02



SILHOUETTE CERTIFICATION

OVER LOT 126, TRACT No. 18379, MB 563 - 9 - 14

DELURGIO RESIDENCE, 209 VIA EL TORO, Torrance, CA 90277

RECEIVED
OCT 01 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

9-30-09

To Torrance Planning Commission,

This letter is to immediately inform the Planning Commission of my complete objection to the proposed project at 209 Via el Toro, Redondo Beach. This addition/remodel impacts me and my life severely and is clearly violating the Hillside Ordinance by completely infringing on my privacy from the majority of my home. This projects blocks my view, light, decreases property value, and is unnecessary.

Mr. & Mrs. Delurgio were well informed and reminded of the Ordinance by me and my neighbor Ms. Radal while viewing the perspective property from both of our yards. Mr. Delurgio has lived in this community for many years under this zoning. This makes this attempt even more surprising. Enclosed is a copy of the MLS statement that corresponds to his home with the exact reminders as stated above.

I have repeatedly discussed my opposition of a second story with the Delurgio's, while recommending a subterranean garage and perhaps wine cellar. The home could easily be built out to the north of the property keeping the existing roof line and perhaps split level inside. Windows along the front north of home would give a sweeping queen's necklace view. This lot is one of the largest in the Riviera. There would not be any hardship here. The cost of going subterranean they maintain, would become to costly. I recommended putting the pool construction off to off set this for a while. Their second structure lies right beneath my wall as shown in the photos provided. They do not want flat roofs and now have plans to put solar panels, which would be even more unsightly and obtrusive. These rooms include art studio, cabana, and possible office. I can see perhaps a solar cover for a pool. Please find the photos of proposed structures enclosed, as well as MLS reminder of buyer consequences.

I too am very concerned with the orderly growth of this community and the accumulative effect this project would have on it. I would like to see when we can schedule a time when you can come out to see this from my perspective. Thank you very much.

-Cynthia Constantino
513 Camino De Encanto,
Redondo Beach, Ca.

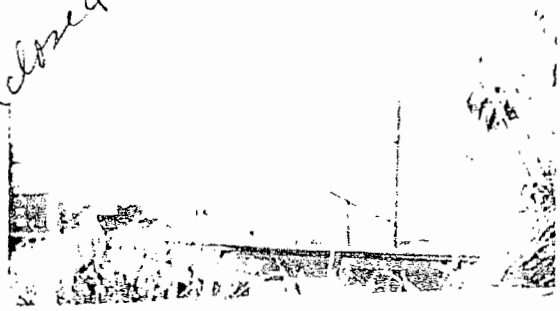
These listings were manually emailed to you on 9/30/2009 by Lorraine Lee

Result 1 of 1

[1]

209 VIA EL TORO , Redondo Beach 90277 List Price: $1,300,000-Sold Price: $1,45

Image 1 of 6



©2009 Greater South Bay Regional Multiple Listing Service, Inc.

Agent Information

Status:	Closed Sale
Property Type:	Single Family Residence/Deta
Thomas Guide:	792H3
Year Built:	1955
Sqft/Source:	1,430/Assessor's Data
Lot Sqft/Source:	13,110/Assessor's Data
View:	Yes
Assoc Dues:	$ /Mo

Property Description

Enjoy breathtaking ocean and coastline views, gorgeous sunsets and endless ocean breezes on your 13,110 sq ft, FLAT "dream lot" in the Riviera. Forget about your car on the weekends as you'll find Torrance Beach and Riviera Village within a short, scenic and enjoyable stroll. This is an incredibly unique opportunity to build on or improve upon one of the area's most coveted cul-de-sacs. Property is located in Torrance school district. Property is in the Torrance hillside overlay zone. Check with city on building restrictions.

Bedrooms:	3
Baths (FTHQ):	1,1,0,0
Fireplace:	Yes
Cooling	Central
Laundry:	Yes
Rooms	Family Room, Master Bedroom
Eating Area:	Dining El
Floor	Wall-To-Wall Carpet
Utilities:	
Pool	
Spa:	
Patio:	
Sprinklers:	
Structure:	Fixer, Freestanding
Outdoors:	
Fence	
Roofing:	Stone
Lot/Community	Cul-De-Sac, Lot-Level/Flat, Lot 10000-19999 Sqft, Value In Land

Legal

School District:	Torrance Unified
Elementary:	RIVIERA
Junior:	RICHARDS
High School:	SOUTH

[1]

Display: Public - Customer Flyer at 10 per page

MRMLS

lorraine@marcone.us
© 2009 MRMLS. Information is believed to be accurate, but should not be relied upon without verification.
Accuracy of square footage, lot size and other information is not guaranteed.

Powered by matrix

Windows Live Home Profile People Mail Photos More MSN Search the web

Hotmail New | Delete Junk | Mark as Move to | Messenger | Op

clbc7@hotmail.com

Inbox (12)
Junk
Drafts (1)
Sent
Deleted (14)
c reports
New Orleans
wild horse sanctu...
Manage folders
Add an e-mail account

Related places
Today
Contact list
Calendar

online albums

Reply Reply all Forward |

FW: your proposed project

From: **Cindy Constantino** (clbc7@hotmail.com)
Sent: Thu 10/01/09 9:06 AM
To: clbc7@hotmail.com

From: clbc7@hotmail.com
To: delurgio@socal.rr.com
Subject: your proposed project
Date: Thu, 1 Oct 2009 09:04:13 -0600

Hi Jim and Betsy,I know you feel you have somewhat tried to work with some of us on your plans. I just want to reiterate that the thought of not going subterranean for at least your garage and possible wine cellar, while maintaining your existing roofline,pushing structure allot further north and incorporating allot of windows on the north side to achieve the Queens Necklace view has been what I have suggested all along.As you stood in my living room while looking at your latest silhouettes, your remarks were "wow we didn't think it would be high enough to cover that one palm tree" and "it is quite a mass". I was glad to hear you say those two comments in hope of a revision. I have more concerns because you now have plans to place solar panels on top of yourr other structure which is directly below my wall, and I am sure they will be quite visable.I still feel a flat roof there would be best especially if you want these panels now . Thank You Cindy Constantino

Microsoft brings you a new way to search the web. Try Bing™ now

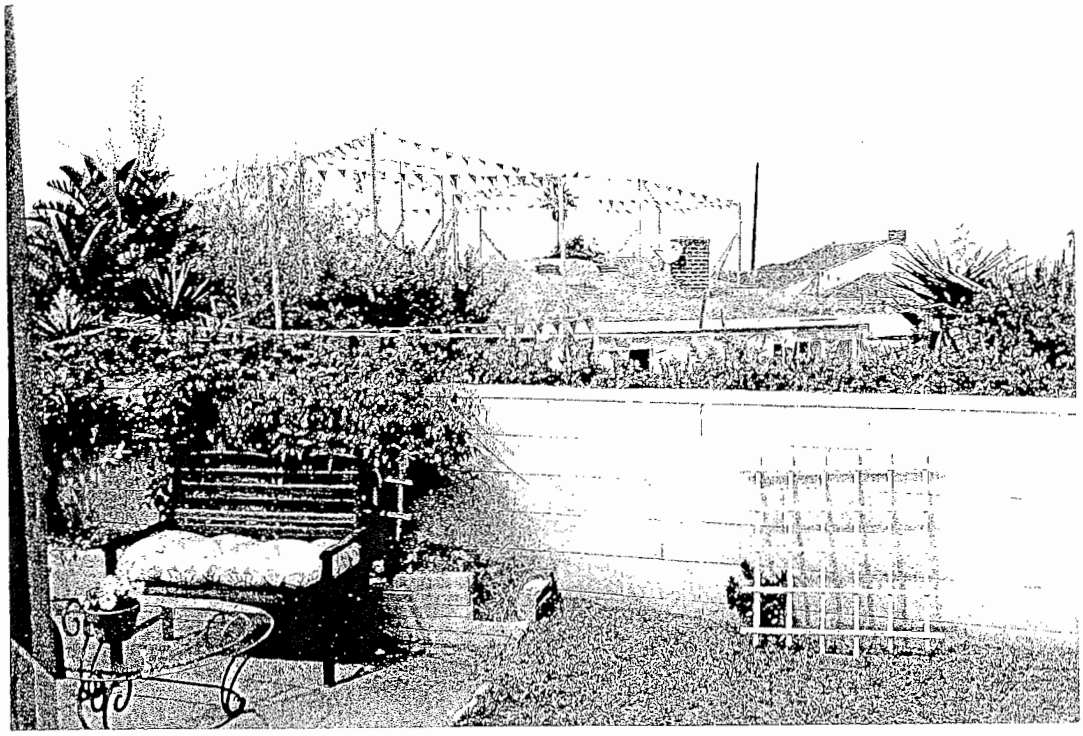
Hotmail® has ever-growing storage! Don't worry about storage limits. Check it out.

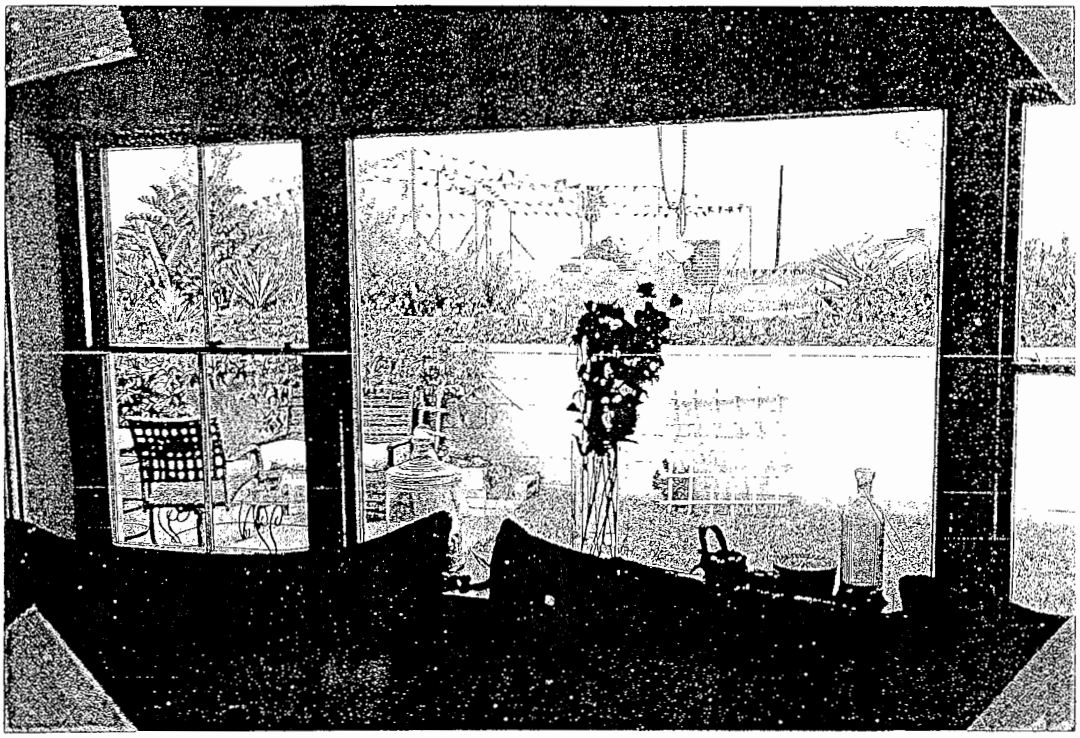
Ophélie

Hello !!
Ophelie
Hey ! Tu es
Vincent
Ouais, en di
hôtel en bor

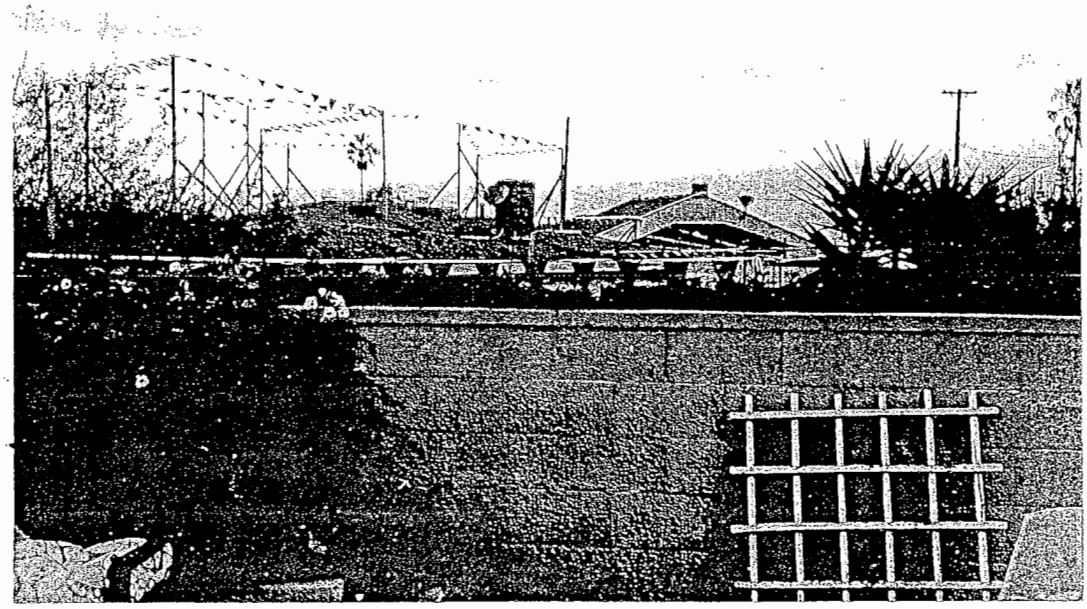
© 2009 Microsoft | Privacy | Terms of Use Accour

Reply Reply all Forward | Delete |





. 2 CAMINO DE ENCANTO



513 CAMINO DE ENCANTO

Martinez, Oscar

From: David Radel [dradel@stanfordalumni.org]
Sent: Monday, October 12, 2009 2:29 PM
To: Lodan, Gregg; Martinez, Oscar
Cc: DrVictoriaRadel@cs.com
Subject: Opposition to Hillside Precise Plan Application for 209 Via El Toro

October 9, 2009

City of Torrance
Community Development Department

Re: Hillside Precise Plan Application for 209 Via El Toro

Dear Sir or Madam:

I write today to express my strong opposition to Mr. Jim Delurgio's proposed house expansion for 209 Via El Toro. Mr. Delurgio's proposal does not conform to the planning and design requirements of the Torrance Hillside Overlay ordinance and will substantially and negatively impact my family's home and the homes the surround us.

In 1971, we purchased our home at 515 Camino de Encanto due in large part to the unique, open residential nature of our beachside community and the spectacular views, light, airflow, and privacy that our property afforded. For the past 38 years, we have enjoyed these valuable features, thanks to the protections of the Torrance Hillside Overlay ordinance. Mr. Delurgio's proposed residential expansion is a drastic departure from the development permitted by the Hillside Overlay ordinance and will substantially compromise the elements of our home that are of the greatest value.

Mr. Delurgio's proposed expansion will have a substantial and adverse impact on the view, light, air, and privacy of our property and other properties in the vicinity.

Pursuant to the Torrance Hillside Overlay ordinance, Mr. Delurgio must demonstrate that his proposed residential development "will not have an adverse impact on the view, light, air, and privacy of other properties in the vicinity." Mr. Delurgio's proposed expansion will greatly impact all four of these elements of our family's property and surrounding properties.

Perhaps the single greatest asset of our family's home is our coveted view of the ocean, which has remained largely unchanged since the 1970s, due in large part to the protections of the Torrance Hillside Overlay ordinance. Mr. Delurgio's proposed construction will substantially impact every ocean view that we enjoy from our home, including the ocean view from our living room, dining area, home office, and master bedroom. From some areas of our living room, up to 50% of our ocean view risks being impacted by Mr. Delurgio's proposal, which will also have a major negative impact on our sky views, our mountain views, our "Queen's Necklace" views, and our natural tree views. Simply put, Mr. Delurgio's house expansion will significantly compromise every westward-facing view that we enjoy from our home, including all of our valuable ocean views.

Similarly, Mr. Delurgio's proposed house expansion will negatively impact the light and privacy that we

enjoy at our home. Mr. Delurgio's proposed second story will irrevocably block a substantial amount of our daily light, particularly during sunset, and will significantly disrupt the privacy of our living room, home office, and master bedroom.

Mr. Delurgio's proposal also threatens to adversely impact the airflow to our property. The majority of our living space faces west, and, for 38 years, we have enjoyed the regular flow of ocean breezes to refresh us and cool our home in the summer. The threatened impact of Mr. Delurgio's development on airflow is of particular concern given my mother's chronic asthma. The scale and size of Mr. Delurgio's proposed house expansion threatens not only to affect our airflow enjoyment, but may also have a deleterious impact on the health of a family member.

The negative effects posed by the proposed expansion will not only be experienced by my family, but also by our neighbors. I have had the opportunity to visit the homes of Mr. Gene Kusion (523 Camino de Encanto) and of Ms. Cindy Constantino (513 Camino de Encanto), whose highly desirable views, light, air and privacy will also be substantially impacted by Mr. Delurgio's proposed development.

Mr. Delurgio's proposed house expansion will have a harmful impact upon the land values and investment of other properties in the vicinity.

While Mr. Delurgio's proposed expansion will substantially increase his own property values, it will come at the cost of the property values of his neighbors. I recently consulted a neighborhood realtor with local real estate market expertise who estimated that the negative effects of Mr. Delurgio's proposed expansion could reduce our home value by approximately $125,000. Mr. Delurgio's proposed expansion will similarly reduce the values of our neighbors' homes, reflecting a collective property value reduction of at least $375,000. For one individual to profit from a house expansion that severely reduces his neighbors' property values and property enjoyment is unfair and violates the Hillside Overlay ordinance.

Mr. Delurgio's proposed development has not 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.

Mr. Delurgio must demonstrate that the proposed expansion of his home 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." He has failed to do so.

Mr. Delurgio has previously met with our family to discuss his proposed house expansion. Despite the substantial concerns that our family voiced about his expansion plans, Mr. Delurgio has refused to modify his expansion in ways that could lessen the negative impact of his proposal. Indeed, Peter Lattey, a professional architect and my mother's fiancée, has offered to meet with Mr. Delurgio and his architect *free of charge* in order to help him design a house expansion that would minimize the impact on our home and others in the vicinity. Mr. Delurgio refused to accept Mr. Lattey's most recent offer. In my conversations with Mr. Lattey, he has mentioned a number of viable and attractive design alternatives that would reasonably provide Mr. Delurgio with expanded residential space without disrupting his neighbors' enjoyment of their homes. It is unfortunate that Mr. Delurgio will not consider these reasonable alternatives, and has instead chosen a house expansion plan that will dramatically impact numerous properties around him.

Mr. Delurgio has not demonstrated that his proposed house expansion provides a development that is in harmony with other properties in the vicinity.

Mr. Delurgio's proposed two-story house expansion is not in harmony with other neighborhood properties, virtually all of which – particularly those developed after the establishment of the Hillside Overlay ordinance – are one-story homes. The Hillside Overlay ordinance was enacted to preserve the open character of our neighborhood and to ensure that residents' views, light, airflow, and privacy remain protected from subsequent house expansions. Mr. Delurgio's two-story expansion is way out-of-sync with the unobtrusive, one-story homes that define the neighborhood and that the Hillside Overlay ordinance was designed to protect.

Mr. Delurgio's proposed house expansion does not comply with either the letter or the spirit of Torrance's Hillside Overlay ordinance, which was enacted to preserve the unique character of our beautiful, beachside community and to guard against unfair private encroachment upon our protected property interests. As evidenced by the signed petitions and formal letters that you have received regarding this matter, members of our community strongly support the Torrance Hillside Overlay ordinance and oppose the many negative effects that Mr. Delurgio's proposed house expansion will have on our home and other homes in the vicinity. I urge you support the Torrance Hillside Overlay ordinance by rejecting Mr. Delurgio's application to expand his house at the substantial expense of those around him.

Sincerely,

David M. Radel

515 Camino de Encanto
Redondo Beach, CA 90277

Martinez, Oscar

From: DrVictoriaRadel@cs.com
Sent: Monday, October 12, 2009 1:27 PM
To: Lodan, Gregg; Martinez, Oscar
Cc: DrVictoriaRadel@cs.com; lattey@sbcglobal.net; dradel@stanfordalumni.org
Subject: Opposition to 209 Via El Toro remodel from 38 yr owner of 515 Camino de Encanto
Attachments: delurgioletter.ZIP

Greg and Oscar:
Sorry I was not able to let you in last Wednesday when you stopped by to view Delurgio's remodel at 209 Via El Toro from our perspective. Attached you will find my and, my architect fiancee, Peter Lattey's letters opposing the current silhouette configuration. Please call to arrange a time to stop by and see for yourselves the negative impact.
If you would like originals of our letters with our signatures I will be happy to provide.
My son David's letter is coming to you shortly as well.
FYI: Our neighbor Joe Pardo at 210 Via El Toro has given me permission to trim his shrubbery but I will not proceed with the annual trimming until he is home to supervise, with me, my gardner's work.
Regards,
Vicki Radel
515 Camino de Encanto
Redondo Beach, CA 90277
310-375-0150

PETER LATTEY ARCHITECT PMP
1545 Hauser Blvd., Los Angeles, CA, 90019-3900 USA Phone 310-968-3252 email: lattey@sbcglobal.net

October 8, 2009

City of Torrance
Community Development Department

RE: 209 VIA EL TORO APPLICATION

Dear Sir or Madam:

I am a resident of 515 Camino de Encanto and wish to register my objections to the proposed development by Mr. & Mrs. Delurgio at 209 Via el Toro

I am an architect licensed in California and have been practicing architecture for over 30 years. I have extensive experience in residential architecture.

I would like to acknowledge that Mr. & Mrs. Delurgio did meet with us to discuss their design and the impact on our views, light and air. These meetings were frank and friendly and resulted in revisions to their design which did lessen the negative impact of the proposed development. However, while the proposed development is an improvement over that originally shown to us, it will still have a significant negative impact on our view, light, privacy and air. I did offer to meet with their architect (at no cost to them) to discuss ways to further lessen the negative impact using my many years of experience in the design of residential projects on hillsides. However, Mr. Delurgio declined this offer.

The architect used by them appears to have little experience with the hillside ordinance.

I have read the Hillside Precise Plan Application submitted by Mr. Delurgio and have the following comments to make on the application. I have used the numbering of the application with my comments for ease of reference.

1. PLANNING AND DESIGN

a. Mr. Delurgio is correct in his arithmetic analysis of the FAR, Lot Coverage Ratio and maximum ridge height. In all of these areas his proposed development is below the maximum allowable. However, as an experienced architect, I am aware that it is difficult to achieve the maximum allowable number in any of these, let alone all of them. There are other considerations which effectively reduce these numbers in almost all instances. In some situations it is the setbacks, in others it is parking requirements. In this case it is the Hillside Ordinance requirements that limit what can be built or require extraordinary effort on the part of the owner and his architect to achieve what is desired. In this case the design developed does not show a great effort to comply with the ordinance but is, in fact, quite ordinary.

As Mr. Delurgio correctly points out, his lot is much larger than others in the area. If his design took creative advantage of this large area it would be possible to enlarge the existing home within the requirements of the Ordinance. The proposed development does not do this. .

b. Mr. Delurgio contends that his proposed development will cause the least intrusion on the views, light, air and privacy of other properties. Sadly, this is not the case. Without belaboring the point I have made elsewhere, there are many avenues of design that have not been explored that could give the Delurgio's what they need in terms of space and functionality with far less impact on their neighbors.

c. The design elements referred to are not very relevant to this application. Mr. Delurgio intends to redevelop his home in a style and manner that is pleasant and will no doubt be attractive. However, if he is allowed to proceed, it will be an attractive building that has a significant negative impact on his neighbors.

d. Mr. Delurgio contends that the proposed development will not have a harmful impact on the values of other properties in the vicinity. Sadly, this is not the case. At least three properties on Camino de Encanto will have their views degraded and property value reduced by at least $125k per property.

By proposing a two story renovation, Mr. Delurgio also moves the neighborhood away from the current suburban, open character towards a character more akin to that of the denser, urban areas of Manhattan Beach. While the denser, urban character is exciting and interesting, it is not the quality of neighborhood that the residents here have chosen.

2. LIMITATION IN INCREASES TO HEIGHT

a. Mr. Delurgio states that it is not feasible to achieve their goals except by increasing the height of the existing structure to two stories. This statement is fundamental to his Application. Having studied the plans he has submitted and had extensive discussions with him, I believe that there are several ways that their existing home could be significantly increased in size without adding an additional story or significantly obstructing views from adjacent properties. Alternative design options that could be explored are:

1. to place part of the building partly underground,
2. to use flat roofs instead of pitched roofs,
3. to extend the house around a courtyard pool,
4. to extend the house to the west portions of the property.

All of these options may be comparable in cost to removing the existing roof and adding a second story. The economics would need to be explored along with the design options. To the best of my knowledge these have not been explored.

b. Mr. Delurgio states that the denial of this application would be an unreasonable hardship. Essentially the hardship that he refers to is the hypothetical hardship of not being able to maximize his return on investment by developing the property in a manner contrary to the intent of the Hillside Ordinance. This is not a hardship. In his purchase of the property he was certainly aware of the Hillside Ordinance. He apparently purchased the property with the intent of significantly increasing the size of the house. A prudent, sophisticated purchaser, which I believe he is, would have consulted with an architect knowledgeable in this area prior to closing escrow to determine what was and was not feasible. At that point he would have been

aware of the limitations to development. To state at this point that there is a hardship is unreasonable.

c. Mr. Delurgio states that his development will not be materially detrimental to other properties in the vicinity and that is consistent with the other properties in the area. In my view, the opposite is true.
We have pointed out to him a number of ways that the proposed development will be significantly detrimental to properties along Camino de Encanto. It will significantly reduce air flow, privacy, light and views for several properties. We estimate that the reduction in view from our property at 515 Camino de Encanto will reduce the property value by at least $125K while enhancing his property value. In effect, his development will transfer property value from our home to his. This is unfair and contrary to the principles of the Hillside Ordinance.

In addition, the majority of residences in the area are single story. Those that are two stories were for the most part constructed prior to the Hillside Ordinance being enacted. I understand that one of the principal reasons for the enactment of the Ordinance was to prevent precisely the type of development that he has proposed. That is, a two story home that blocks the neighbors views and light.

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE

As Mr. Delurgio states this portion of the application is not applicable to his application

CONCLUSION

I suggest that Mr. Delurgio engage a professional who has a good understanding of the Hillside Ordinance and give that professional a free hand to develop new plans that meet his needs while respecting the Ordinance and the legitimate concerns of his neighbors. I would certainly hope to support his development application, if it is based on plans that are within the ordinance and which respect the legitimate concerns of his neighbors.

Yours truly,

Peter Lattey, PMP, RA, Leed AP,

Victoria "Vicki" Radel, Ph.D.
515 Camino de Encanto
Redondo Beach, CA 90277
Home: 310-375-0150
October 8, 2009

RE: Proposed remodel of 209 Via El Toro 90277

Dear Torrance Planning Department, and Esteemed Commissioners:

I have owned my home at 515 Camino de Encanto for 38 years. After unsuccessful attempts to reach a mutually agreeable solution to Delurgio's plan for a remodel I am forced to write this letter of disapproval over the existing silhouettes at 209 Via El Toro.

The proposed remodel is in clear violation of the Hillside Overlay Ordinance for many reasons:

1. *It will create cumulative devaluation of many homes. My value I have been advised will decrease by $125,000+ if he is allowed to build per his current silhouettes.*

2. *It will decrease my original real estate views of blue water, mountain, Queen's Necklace coastline view, and sky view.*

3. *It will negatively impact my airflow which I desperately need due to my asthma. I have a note from my MD reflecting my need of adequate air flow for my health. MD viewed the proposed project photos of silhouette proximity to my home and readily wrote the note.*

4. *It will reduce my privacy which is my human right.*

5. *It will decrease my light.*

I bought this home due to its views, light, air flow and privacy all protected under the Hillside Overlay Ordinance. I emphatically oppose one person increasing the value of his property at the expense of devaluation of so many others. He can easily build subterranean as he has no hardship reason for needing a 2 story. Time and again we have encouraged extending his east wing or going underground as others have but he resists.

Respectfully, Vicki Radel

MARIA KUSION
523 Camino De Encanto
Redondo Beach,Ca 9027

OCTOBER 5, 2009

RECEIVED
OCT 15 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

TO: TORRANCE PLANNING DEPT./PLANNING COMMISSION

RE: PROPOSED REMODEL OF 209 VIA EL TORO (DELURGIO)

DEAR PLANNING DEPT./PLANNING COMMISSION:

I HAVE OWNED THE HOUSE LOCATED AT 523 CAMINO DE ENCANTO SINCE 1964, A TOTAL OF NEARLY 46 YEARS. I STRONGLY OPPOSE THE PROPOSED SECOND STORY REMODEL AT 209 VIA EL TORO AS IT DOES NOT CONFORM WITH THE PARAMETERS OF THE HILLSIDE ORDINANCE.

WITH THE EXCEPTION OF 1 OR 2 LOTS, THE ENTIRE NEIGHBORHOOD IS SINGLE STORY, AND HAS BEEN SINGLE STORY SINCE IT WAS CREATED. THOSE LOTS ARE TOTALLY OUT OF PLACE IN THE NEIGHBORHOOD AND SHOULD NOT HAVE BEEN ALLOWED IN THE FIRST PLACE.

THE PROPOSED SECOND STORY AT 209 VIA EL TORO WILL ONLY SERVE TO HAVE A NEGATIVE CUMULATIVE EFFECT ON THE SURROUNDING PROPERTIES, INCLUDING MINE.

THE SECOND STORY WILL WIPE OUT OCEAN, BEACH, MOUNTAIN AND CITY LIGHT VIEWS PERMANENTLY. THESE VIEWS WERE A MAJOR REASON I BOUGHT THE PROPERTY IN THE FIRST PLACE. IT IS WHAT I BARGAINED FOR.

THE SECOND STORY WILL RESULT IN THE LOSS OF PRIVACY AS CAN BE SEEN DIRECTLY FROM THE ENCANTO LIVING ROOM. BASED UPON LINE OF SIGHT, IF I CAN SEE THE SECOND STORY FROM INSIDE THE HOUSE THEN I CAN BE SEEN INSIDE THE HOUSE FROM THE SECOND STORY.

THE SECOND STORY WILL ADVERSELY IMPACT LIGHT AND AIRFLOW AS WELL. IT IS AKIN TO CONSTRUCTING A WALL OR WINDBREAK.

THE SECOND STORY WILL RESULT IN DIMINUTION IN VALUE OF THE ENCANTO PROPERTY IN THE SIX FIGURES, AT LEAST $120,000, AND MOST LIKELY MUCH MORE.

THE PROPOSED SECOND STORY WILL ONLY SERVE TO BENEFIT THE OWNER, TO THE DETRIMENT OF MANY PEOPLE IN THE SURROUNDING PROPERTIES. THAT IS NOT PROPER, NOT JUST, AND IN CONTRAVENTION OF THE HILLSIDE ORDINANCE WHICH I REQUEST BE UPHELD.

Sincerely,

Maria Kusion

cc: Oscar Martinez
Planning Associate

Eugene Kusion
523 Camino De Encanto
Redondo Beach, Ca 90277
(310) 370-6164

RECEIVED
OCT 15 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

To: Torrance Planning Dept/
Torrance Planning Comm.

Re: Delurgio Remodel at 209 Via El Toro

Dear Department/Commission Members :

I reside at 523 Camino De Encanto. The Kusion family has owned the property since 1964 when I was 10 years old. I grew up on the property.

I am a proponent of the Hillside Overlay Ordinance and request that it be enforced as regards the proposed remodel project at 209 Via El Toro, and specifically that a second story addition not be approved.

Such a second story would serve to significantly impact, if not absolutely destroy, views of the ocean (white and blue water), beaches, mountains and city lights that have been a part of the Encanto property for over four decades. 1/

Furthermore, the proposed second story would block almost all of the sky looking northwest and would akin to a wind break that would block ocean breezes.

A second story would also result in great loss of privacy as the rear of the Encanto house, and particularly the living room and den area, would be exposed to direct sight from the Delurgio addition.

A second story would result in a windfall to the project proponent and a detriment not only to the Encanto property, but also to other surrounding property owners who have lived there for decades.

The original planners and developers of the neighborhood built the neighborhood with single story houses to preserve the views from the houses, to preserve airflow, light and the privacy of each lot.

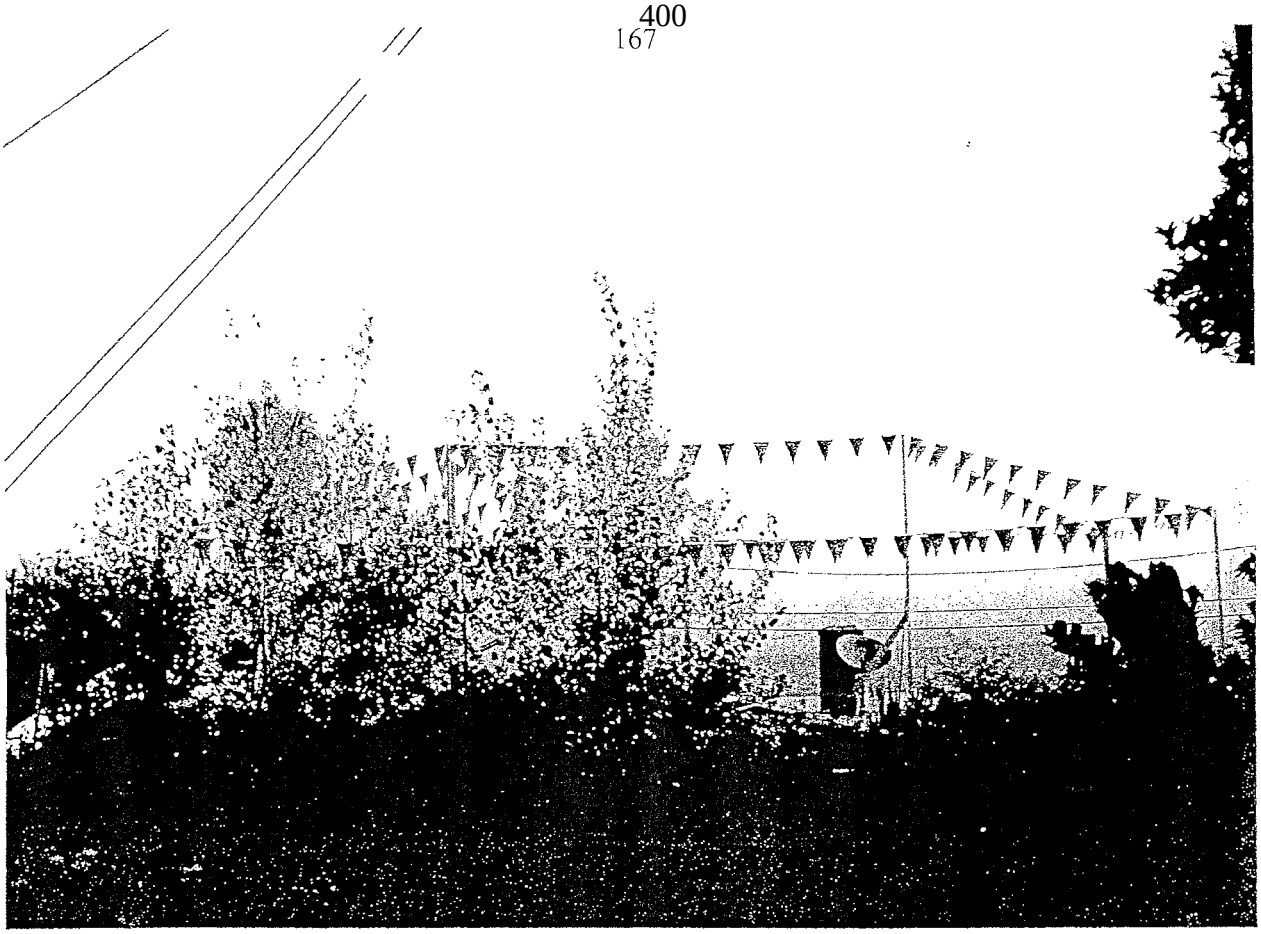
The intent and planning considerations that resulted in the layout of the neighborhood in the 1950's should be preserved.

Very truly yours,

Eugene Kusion

1/ In April 2008 Delurgio intentionally planted fast-growing poplars on the south side of the property with the object and purpose of circumventing the view requirements of the HillSide Ordinance. Inspection of the silohuette will show that alomst all the trees are inside the silohuette, thus will be cut/destroyed upon the building of the second story.

cc: Oscar Martinez



RECEIVED
OCT 19 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

October 17, 2009

City of Torrance
Community Development Department

Subject: Opposition to proposed 2nd story at 209 Via El Toro

When we moved into our home at 516 Camino de Encanto 15 years ago, our real estate agent was very clear about our being in the "flags section" of Torrance and explained the Hillside Overlay ordinance. She was required to have us acknowledge we understood the requirements of the "flags section " After we moved in, we learned more about the city planning process by attended meetings in person and we came to value the foresight of the authors of the Hillside Overlay ordinance. Without knowing of the ordinance's existence, it was clear we had become enamored with the Hollywood Riviera area because of the ordinance's existence and the special environment that has been created as a result.

We are opposed to current configuration being constructed at 209 Via El Toro. The following are our comments:

- When Mayor Scotto addressed the residents of the Hollywood Riviera recently, we were pleased to hear the Mayor explain the importance of the Hillside Ordinance for people who have paid a premium for their views. He also explained when he is evaluating requests to build 2nd stories even a 10% reduction in the view of surrounding neighbors was too much of a loss. We support the Mayor's explanation of the intent of the Hillside Overlay ordinance.
- If the owners at 209 Via El Toro wish to expand the square footage of their living quarters, there are other configurations to consider We have seen very creative and aesthetically appealing 2nd stories and expansions on Camino de Encanto and nearby Paseo de la Playa. We hope the owners and/or the architects will consider other options.
- If the owners at 209 Via El Toro wish to create an ocean view for themselves, this should have been considered at the time of their purchase, just as all other residents of the Hollywood Riviera have done. If the owners already have a view, it cannot be expanded at the expense of their neighbors. Based on our experience, we assume the owners at 209 Via El Toro were advised of the requirements of the Hillside Overlay at the time of purchase or when it was enacted.
- We currently have a small ocean view, and it will be completely obstructed if the current plans at 209 Via El Toro are approved. Our view instead will be a mass of housing/buildings, which belies the fact we live only a few blocks from the beach. This is not in keeping with the consistent, open, well-spaced living arrangements we currently have.
- The Hollywood Riviera enjoys a special status in the South Bay for a variety of reasons, not the least of which is the open and relaxed environment created by the residents with support of the City via the Hillside ordinance. We have several friends in Hermosa Beach who suffer the effects of an overgrown, unguided residential development process which occurs without any intent of creating an appealing residential atmosphere. While the process of review under the Hillside ordinance may seem protracted and bureaucratic, its success is evident in sustained home values and continuing high demand from home buyers who desire to live in our unique neighborhood
- We hope the owners will continue to participate in open and creative dialogue, as intended by the ordinance and in alignment with the neighborhood practices within the Hollywood Riviera. The owners should be advised not all plans are approved The process our community has created is intended to facilitate building decisions that balance the special character of the Hollywood Riviera with individual homeowner desires

Ted Gohata, Linda Gohata, Fusa Motowaki
516 Camino de Encanto
Redondo Beach, CA 90277
310-375-2641
Gohata@aol.com

Vicki Radel, Ph.D.
515 Camino de Encanto
Redondo Beach, CA 90277
Home: 310-375-0150
Cell: 310-713-2260

October 20, 2009

Dear Gregg Lodan:

The enclosed letters of opposition to the 2-story remodel at 209 Via El Toro are from 4 resident/owners on Camino de Encanto they were emailed to you last week, here are the hardcopies for your files and consideration.

Please share them with Commissioners:
Browning, Busch, Gibson, Horwich, Skoll, Uchima and Weideman.
This is an open invitation to come view our concerns by calling me at the above numbers to set an appointment. We will welcome your visit.

Respectfully,

Vicki Radel

Vicki Radel
38 yr property owner in lower Riviera
Hillside Overlay Ordinance area

RECEIVED
OCT 20 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT

Victoria "Vicki" Radel, Ph.D.
515 Camino de Encanto
Redondo Beach, CA 90277
Home: 310-375-0150

October 8, 2009

RE: Proposed remodel of 209 Via El Toro 90277

Dear Torrance Planning Dept, and esteemed Commissioners:

I have owned my home at 515 Camino de Encanto for 38 years. After unsuccessful attempts to reach a mutually agreeable solution to Delurgio's plan for a remodel I am forced to write this letter of disapproval over the existing silhouettes at 209 Via El Toro.

The proposed remodel is in clear violation of the Hillside Overlay Ordinance for many reasons:

1. *It will create cumulative devaluation of many homes. My value I have been advised will decrease by $125,000+ if he is allowed to build per his current silhouettes.*

2. *It will decrease my original real estate views of blue water, mountain, Queen's Necklace coastline view, and sky view.*

3. *It will negatively impact my airflow which I desperately need due to my asthma. I have a note from my MD reflecting my need of adequate air flow for my health. MD viewed the proposed project photos of silhouette proximity to my home and readily wrote the note.*

4. *It will reduce my privacy which is my human right.*

5. *It will decrease my light.*

I bought this home due to its views, light, air flow and privacy all protected under the Hillside Overlay Ordinance. I emphatically oppose one person increasing the value of his property at the expense of devaluation of so many others. He can easily build subterranean as he has no hardship reason for needing a 2 story. Time and again we have encouraged extending his east wing or going underground as others have but he resists.

Respectfully, Vicki Radel

Vicki Radel

PETER LATTEY ARCHITECT PMP
1545 Hauser Blvd., Los Angeles, CA, 90019-3900 USA Phone 310-968-3252 email: lattey@sbcglobal.net

October 8, 2009

City of Torrance
Community Development Department

RE: 209 VIA EL TORO APPLICATION

Dear Sir or Madam:

I am a resident of 515 Camino de Encanto and wish to register my objections to the proposed development by Mr. & Mrs. Delurgio at 209 Via el Toro.

I am an architect licensed in California and have been practicing architecture for over 30 years. I have extensive experience in residential architecture.

I would like to acknowledge that Mr. & Mrs. Delurgio did meet with us to discuss their design and the impact on our views, light and air. These meetings were frank and friendly and resulted in revisions to their design which did lessen the negative impact of the proposed development. However, while the proposed development is an improvement over that originally shown to us, it will still have a significant negative impact on our view, light, privacy and air. I did offer to meet with their architect (at no cost to them) to discuss ways to further lessen the negative impact using my many years of experience in the design of residential projects on hillsides. However, Mr. Delurgio declined this offer.

The architect used by them appears to have little experience with the hillside ordinance.

I have read the Hillside Precise Plan Application submitted by Mr. Delurgio and have the following comments to make on the application. I have used the numbering of the application with my comments for ease of reference.

1. PLANNING AND DESIGN

a. Mr. Delurgio is correct in his arithmetic analysis of the FAR, Lot Coverage Ratio and maximum ridge height. In all of these areas his proposed development is below the maximum allowable. However, as an experienced architect, I am aware that it is difficult to achieve the maximum allowable number in any of these, let alone all of them. There are other considerations which effectively reduce these numbers in almost all instances. In some situations it is the setbacks, in others it is parking requirements. In this case it is the Hillside Ordinance requirements that limit what can be built or require extraordinary effort on the part of the owner and his architect to achieve what is desired. In this case the design developed does not show a great effort to comply with the ordinance but is, in fact, quite ordinary.

As Mr. Delurgio correctly points out, his lot is much larger than others in the area. If his design took creative advantage of this large area it would be possible to enlarge the existing home within the requirements of the Ordinance. The proposed development does not do this. .

b. Mr. Delurgio contends that his proposed development will cause the least intrusion on the views, light, air and privacy of other properties. Sadly, this is not the case. Without belaboring the point I have made elsewhere, there are many avenues of design that have not been explored that could give the Delurgio's what they need in terms of space and functionality with far less impact on their neighbors.

c. The design elements referred to are not very relevant to this application. Mr. Delurgio intends to redevelop his home in a style and manner that is pleasant and will no doubt be attractive. However, if he is allowed to proceed, it will be an attractive building that has a significant negative impact on his neighbors.

d. Mr. Delurgio contends that the proposed development will not have a harmful impact on the values of other properties in the vicinity. Sadly, this is not the case. At least three properties on Camino de Encanto will have their views degraded and property value reduced by at least $125k per property.

By proposing a two story renovation, Mr. Delurgio also moves the neighborhood away from the current suburban, open character towards a character more akin to that of the denser, urban areas of Manhattan Beach. While the denser, urban character is exciting and interesting, it is not the quality of neighborhood that the residents here have chosen.

2. LIMITATION IN INCREASES TO HEIGHT

a. Mr. Delurgio states that it is not feasible to achieve their goals except by increasing the height of the existing structure to two stories. This statement is fundamental to his Application. Having studied the plans he has submitted and had extensive discussions with him, I believe that there are several ways that their existing home could be significantly increased in size without adding an additional story or significantly obstructing views from adjacent properties. Alternative design options that could be explored are:

1. to place part of the building partly underground,
2. to use flat roofs instead of pitched roofs,
3. to extend the house around a courtyard pool,
4. to extend the house to the west portions of the property.

All of these options may be comparable in cost to removing the existing roof and adding a second story. The economics would need to be explored along with the design options. To the best of my knowledge these have not been explored.

b. Mr. Delurgio states that the denial of this application would be an unreasonable hardship. Essentially the hardship that he refers to is the hypothetical hardship of not being able to maximize his return on investment by developing the property in a manner contrary to the intent of the Hillside Ordinance. This is not a hardship. In his purchase of the property he was certainly aware of the Hillside Ordinance. He apparently purchased the property with the intent of significantly increasing the size of the house. A prudent, sophisticated purchaser, which I believe he is, would have consulted with an architect knowledgeable in this area prior to closing escrow to determine what was and was not feasible. At that point he would have been

aware of the limitations to development. To state at this point that there is a hardship is unreasonable.

c. Mr. Delurgio states that his development will not be materially detrimental to other properties in the vicinity and that is consistent with the other properties in the area. In my view, the opposite is true.
We have pointed out to him a number of ways that the proposed development will be significantly detrimental to properties along Camino de Encanto. It will significantly reduce air flow, privacy, light and views for several properties. We estimate that the reduction in view from our property at 515 Camino de Encanto will reduce the property value by at least $125K while enhancing his property value. In effect, his development will transfer property value from our home to his. This is unfair and contrary to the principles of the Hillside Ordinance.

In addition, the majority of residences in the area are single story. Those that are two stories were for the most part constructed prior to the Hillside Ordinance being enacted. I understand that one of the principal reasons for the enactment of the Ordinance was to prevent precisely the type of development that he has proposed. That is, a two story home that blocks the neighbors views and light.

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE

As Mr. Delurgio states this portion of the application is not applicable to his application

CONCLUSION

I suggest that Mr. Delurgio engage a professional who has a good understanding of the Hillside Ordinance and give that professional a free hand to develop new plans that meet his needs while respecting the Ordinance and the legitimate concerns of his neighbors. I would certainly hope to support his development application, if it is based on plans that are within the ordinance and which respect the legitimate concerns of his neighbors.

Yours truly,

Peter Lattey, PMP, RA, Leed AP,

October 9, 2009

City of Torrance
Community Development Department

Re: Hillside Precise Plan Application for 209 Via El Toro

Dear Sir or Madam:

I write today to express my strong opposition to Mr. Jim Delurgio's proposed house expansion for 209 Via El Toro. Mr. Delurgio's proposal does not conform to the planning and design requirements of the Torrance Hillside Overlay ordinance and will substantially and negatively impact my family's home and the homes the surround us.

In 1971, we purchased our home at 515 Camino de Encanto due in large part to the unique, open residential nature of our beachside community and the spectacular views, light, airflow, and privacy that our property afforded. For the past 38 years, we have enjoyed these valuable features, thanks to the protections of the Torrance Hillside Overlay ordinance. Mr. Delurgio's proposed residential expansion is a drastic departure from the development permitted by the Hillside Overlay ordinance and will substantially compromise the elements of our home that are of the greatest value.

Mr. Delurgio's proposed expansion will have a substantial and adverse impact on the view, light, air, and privacy of our property and other properties in the vicinity.

Pursuant to the Torrance Hillside Overlay ordinance, Mr. Delurgio must demonstrate that his proposed residential development "will not have an adverse impact on the view, light, air, and privacy of other properties in the vicinity." Mr. Delurgio's proposed expansion will greatly impact all four of these elements of our family's property and surrounding properties.

Perhaps the single greatest asset of our family's home is our coveted view of the ocean, which has remained largely unchanged since the 1970s, due in large part to the protections of the Torrance Hillside Overlay ordinance. Mr. Delurgio's proposed construction will substantially impact every ocean view that we enjoy from our home, including the ocean view from our living room, dining area, home office, and master bedroom. From some areas of our living room, up to 50% of our ocean view risks being impacted by Mr. Delurgio's proposal, which will also have a major negative impact on our sky views, our mountain views, our "Queen's Necklace" views, and our natural tree views. Simply put, Mr. Delurgio's house expansion will significantly compromise every westward-facing view that we enjoy from our home, including all of our valuable ocean views.

Similarly, Mr. Delurgio's proposed house expansion will negatively impact the light and privacy that we enjoy at our home. Mr. Delurgio's proposed second story will irrevocably block a substantial amount of our daily light, particularly during sunset, and

will significantly disrupt the privacy of our living room, home office, and master bedroom.

Mr. Delurgio's proposal also threatens to adversely impact the airflow to our property. The majority of our living space faces west, and, for 38 years, we have enjoyed the regular flow of ocean breezes to refresh us and cool our home in the summer. The threatened impact of Mr. Delurgio's development on airflow is of particular concern given my mother's chronic asthma. The scale and size of Mr. Delurgio's proposed house expansion threatens not only to affect our airflow enjoyment, but may also have a deleterious impact on the health of a family member.

The negative effects posed by the proposed expansion will not only be experienced by my family, but also by our neighbors. I have had the opportunity to visit the homes of Mr. Gene Kusion (523 Camino de Encanto) and of Ms. Cindy Constantino (513 Camino de Encanto), whose highly desirable views, light, air and privacy will also be substantially impacted by Mr. Delurgio's proposed development.

Mr. Delurgio's proposed house expansion will have a harmful impact upon the land values and investment of other properties in the vicinity.

While Mr. Delurgio's proposed expansion will substantially increase his own property values, it will come at the cost of the property values of his neighbors. I recently consulted a neighborhood realtor with local real estate market expertise who estimated that the negative effects of Mr. Delurgio's proposed expansion could reduce our home value by approximately $125,000. Mr. Delurgio's proposed expansion will similarly reduce the values of our neighbors' homes, reflecting a collective property value reduction of at least $375,000. For one individual to profit from a house expansion that severely reduces his neighbors' property values and property enjoyment is unfair and violates the Hillside Overlay ordinance.

Mr. Delurgio's proposed development has not 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.

Mr. Delurgio must demonstrate that the proposed expansion of his home 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." He has failed to do so.

Mr. Delurgio has previously met with our family to discuss his proposed house expansion. Despite the substantial concerns that our family voiced about his expansion plans, Mr. Delurgio has refused to modify his expansion in ways that could lessen the negative impact of his proposal. Indeed, Peter Lattey, a professional architect and my mother's fiancée, has offered to meet with Mr. Delurgio and his architect *free of charge* in order to help him design a house expansion that would minimize the impact on our home and others in the vicinity. Mr. Delurgio refused to accept Mr. Lattey's most recent offer. In my conversations with Mr. Lattey, he has mentioned a number of viable and

attractive design alternatives that would reasonably provide Mr. Delurgio with expanded residential space without disrupting his neighbors' enjoyment of their homes. It is unfortunate that Mr. Delurgio will not consider these reasonable alternatives, and has instead chosen a house expansion plan that will dramatically impact numerous properties around him.

Mr. Delurgio has not demonstrated that his proposed house expansion provides a development that is in harmony with other properties in the vicinity.

Mr. Delurgio's proposed two-story house expansion is not in harmony with other neighborhood properties, virtually all of which – particularly those developed after the establishment of the Hillside Overlay ordinance – are one-story homes. The Hillside Overlay ordinance was enacted to preserve the open character of our neighborhood and to ensure that residents' views, light, airflow, and privacy remain protected from subsequent house expansions. Mr. Delurgio's two-story expansion is way out-of-sync with the unobtrusive, one-story homes that define the neighborhood and that the Hillside Overlay ordinance was designed to protect.

Mr. Delurgio's proposed house expansion does not comply with either the letter or the spirit of Torrance's Hillside Overlay ordinance, which was enacted to preserve the unique character of our beautiful, beachside community and to guard against unfair private encroachment upon our protected property interests. As evidenced by the signed petitions and formal letters that you have received regarding this matter, members of our community strongly support the Torrance Hillside Overlay ordinance and oppose the many negative effects that Mr. Delurgio's proposed house expansion will have on our home and other homes in the vicinity. I urge you support the Torrance Hillside Overlay ordinance by rejecting Mr. Delurgio's application to expand his house at the substantial expense of those around him.

Sincerely,

David M. Radel

David M. Radel
515 Camino de Encanto
Redondo Beach, CA 90277

October 17, 2009

City of Torrance
Community Development Department

Subject: Opposition to proposed 2nd story at 209 Via El Toro

When we moved into our home at 516 Camino de Encanto 15 years ago, our real estate agent was very clear about our being in the "flags section" of Torrance and explained the Hillside Overlay ordinance. She was required to have us acknowledge we understood the requirements of the "flags section." After we moved in, we learned more about the city planning process by attended meetings in person and we came to value the foresight of the authors of the Hillside Overlay ordinance. Without knowing of the ordinance's existence, it was clear we had become enamored with the Hollywood Riviera area because of the ordinance's existence and the special environment that has been created as a result.

We are opposed to current configuration being constructed at 209 Via El Toro. The following are our comments:

When Mayor Scotto addressed the residents of the Hollywood Riviera recently, we were pleased to hear the Mayor explain the importance of the Hillside Ordinance for people who have paid a premium for their views. He also explained when he is evaluating requests to build 2nd stories even a 10% reduction in the view of surrounding neighbors was too much of a loss. We support the Mayor's explanation of the intent of the Hillside Overlay ordinance.

- If the owners at 209 Via El Toro wish to expand the square footage of their living quarters, there are other configurations to consider. We have seen very creative and aesthetically appealing 2nd stories and expansions on Camino de Encanto and nearby Paseo de la Playa. We hope the owners and/or the architects will consider other options.
- If the owners at 209 Via El Toro wish to create an ocean view for themselves, this should have been considered at the time of their purchase, just as all other residents of the Hollywood Riviera have done. If the owners already have a view, it cannot be expanded at the expense of their neighbors. Based on our experience, we assume the owners at 209 Via El Toro were advised of the requirements of the Hillside Overlay at the time of purchase or when it was enacted.
- We currently have a small ocean view, and it will be completely obstructed if the current plans at 209 Via El Toro are approved. Our view instead will be a mass of housing/buildings, which belies the fact we live only a few blocks from the beach. This is not in keeping with the consistent, open, well-spaced living arrangements we currently have.
- The Hollywood Riviera enjoys a special status in the South Bay for a variety of reasons, not the least of which is the open and relaxed environment created by the residents with support of the City via the Hillside ordinance. We have several friends in Hermosa Beach who suffer the effects of an overgrown, unguided residential development process which occurs without any intent of creating an appealing residential atmosphere. While the process of review under the Hillside ordinance may seem protracted and bureaucratic, its success is evident in sustained home values and continuing high demand from home buyers who desire to live in our unique neighborhood.
- We hope the owners will continue to participate in open and creative dialogue, as intended by the ordinance and in alignment with the neighborhood practices within the Hollywood Riviera. The owners should be advised not all plans are approved. The process our community has created is intended to facilitate building decisions that balance the special character of the Hollywood Riviera with individual homeowner desires.

Ted Gohata, Linda Gohata, Fusa Motowaki
516 Camino de Encanto
Redondo Beach, CA 90277
310-375-2641
Gohata@aol.com

Martinez, Oscar

From: Lorraine Marcone [lorraine@marcone.us]
Sent: Monday, October 19, 2009 4:25 PM
To: gloden@torrnet.com; Martinez, Oscar
Subject: PROPOSED CONSTRUCTION/209 VIA EL TORO

OCTOBER 19, 2009

TO: Greg Lodan, Planning
Oscar Martinez, Planning

GENTLEMEN:

We would like to introduce ourselves, Lorraine and John Marcone. We have been residents of the lower Hollywood Riviera for approximately 18 years and live at 505 Camino de Encanto.

The purpose of this letter is to express deep concerns regarding the construction planned by Mr. and Mrs. Delurgio at 209 Via El Toro and how construction, if approved, would affect THE HILLSIDE OVERLAY AREA ORDINANCE and also how it would adversely impact the residences of the lower Hollywood Riviera now and in the future.

I, Lorraine Marcone, have been a real estate agent in the South Bay for 25+ years, and are well aware of the value that view, light, air and privacy have on any given property. Residents and prospective buyers in the lower Hollywood Riviera have relied on the documentation of the HILLSIDE OVERLAY AREA ORDINANCE for protection of these valuable considerations.

The Delurgio project has a direct and blatant disregard for the wording and protection afforded by the Ordinance and we cite the following examples written into the HILLSIDE OVERLAY document:

1. The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity. (please visit the adjacent homes to 209 Via El Toro -- and view for yourself how destruction the Delurgio construction will be to adjoining properties).

2. The design will not have a harmful impact upon the land values and investment of other properties in the vicinity. (I will be happy to provide you with values of properties presently adjoining 209 Via El

Toro and what subsequent values would be for those same properties if Delurgio construction project is approved).

3. Granting such application would not be materially detrimental to the public welfare and other properties in the vicinity. (in speaking with neighbors who will not sign the petition opposing this construction, I get a distinct impression that a possible motive being if Delurgio's do receive approval for their massive two story home -- this will provide a domino effect for those neighbors to proceed with "like construction".... Such an unfortunate situation for the character of this highly desirable location -- and such an emotional, financial, and stressful situation for those who again relied on the HILLSIDE OVERLAY AREA ORDINANCE to protect them from these very certain circumstances.

The most unfortunate end result of this scenario could be that the HILLSIDE OVERLAY AREA ORDINANCE would effectively have NO VALUE in the future...

We would be more than happy to invite you to our home to discuss the long term result of ignoring the written stipulations of our present ORDINANCE -- and also to provide you with a concrete market analysis regarding values of homes presently and the toll confiscation of view, light, air and privacy would have on these same properties and residents.

Thank you so much for your kind attention to this matter of great concern.

Lorraine Marcone

John Marcone

Martinez, Oscar

From: JEAN SAUNDERS [jeanredondobch@verizon.net]
Sent: Monday, October 26, 2009 4:54 PM
To: Martinez, Oscar
Subject: planned remodel 209 Via el Toro

I live at 524 Paseo de la Playa, and am a neighbor of Jim and Betsy Delurgio. I have visited their site and looked at their plans. I have absolutely no objections and strongly support their planned remodel. V. Jean Saunders

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

OCT 2 8 2009
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT.

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Patricia Roderick	528 Camino de Encanto Redondo Beach, California 90277	Patricia Roderick
Jimmy VAJID	520 Camino De Encanto Redondo Beach.	[illegible]
Martha Bjerke	512 Camino de Encanto RB	M Bjerke
VAHIK GREGORIAN	625 CAMINO DE ENCANTO RB 90277	[illegible]
TED GOHATA	516 camino de Encanto	Ted K Gohata
DIANE MILTIMORE	621 CAMINO DE ENCANTO RB 90277	Diane Miltimore
Roberta Blowers	621 Camino de Encanto R.B. 90277	R Blowers
Peggy Maddox	627 Cam. De Encanto R.B. CA 90277	Peggy Maddox
R L Maddox	" " " "	Richard L Maddox R L Maddox
ROSE KRUC	630 CAMINO DE ENCANTO	Rose Kruc

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
CORY YOUNSERN	536 Paseo de LA Playa	Cory Younsern
GENE KUSION	523 CAMINO DE ENCANTO	Eeegene Kusion
Cameron Faber	524 Camino De Encanto	Cameron Faber
RONALD SMITH	521 CAMINO DE ENCANTO	Ronald Smith
ANNE GU	535 CAMINO DE ENCANTO	Anne Gu
MARIA KUSION	523 CAMINO DE ENCANTO	Maria Kusion
TIM YOUNGERN	536 PASEO DE LA PLAYA	Tim Youngern
MARJORIE HILL	539 CAMINO DE ENCANTO	Marjorie Hill
ROBERT HILL	539 CAMINO de ENCANTO	Robert Hill
Mrs CRUDUP	531 Camino de Encanto	Mrs Crudup
JUDITH M. ENGLISH	531 CAMINO de ENCANTO	Judith M English

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Augustin CORAY Jeanne Coray	419, CAMINO de Encanto R.B.	Augustin Coray
↓	419 Camino de Encanto	Jeanne Coray
Rex Farnsworth	415 Camino de Encanto R.B.	Rex Farnsworth
Erica Smalley	432 Camino de Encanto	Erica Smalley
Lee Farnsworth	415 Camino de Encanto, R.B.	Lee Farnsworth
RICHARD GLIMP	411 Camino de Encanto RB	Richard Glimp
Alexis Constantino	513 Camino De Encanto R.B.	Alexis N. Constantino
Cole Constantino	513 Camino DE ENCANTO RB	Cole Constantino

TO: Torrance Planning Commission

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Cindy Constantino	513 Camino de Encanto Redondo Beach, Ca. 90277	Cynthia L Constantino
JAMES CORAZZINI	419 CAMINO DE ENCANTO REDONDO BEACH CA 90277	
KATHLEEN LAHEY	470 CAMINO DE ENCANTO REDONDO BEACH, CA 90277	Kathleen M Lahey
EDWARD LAHEY	470 CAMINO DE ENCANTO REDONDO BEACH CA 90277	Edward T. Lahey
John Baldauf	464 Camino de Encanto Redondo Beach, CA 90277	
Mayumi Tomita	464 Camino de Encanto Redondo Beach, CA 90277	
Paul Guaglione	99 Calle Mayor Redondo Beach, CA 90277	
Gerda Guaglione	99 C/MAYOR Red Beach Ca. 90277	
Joji Cruz	502 P.V. Blvd. R.B CA 90277	
ANDY FILAK	514 PALOS VERDES BLVD 373-5004	
	310-373-2270 520 Palos Verdes Blvd. RB 90277	

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Ernest A Mintz	520 Palos Verdes Blvd	
Armando Montaño	526 P.V. Blvd.	
Freda Montaño	526 P.V. Blvd.	
Margaret Moody	568 P.V. Blvd	
Barry Bayless	608 Palos Verdes Blvd	
Vean Filak	514 P.V Blvd	
David Giannetta	428 Camino De Encanto 310 375-3203	
Denise Carl	428 Camino De Encanto Redondo Beach, 90277	
Louis Sampedro	431 Camino De Encanto Redondo Beach 90277	
Linda Sampedro	431 Camino De Encanto Redondo Beach 90277	
Jon Spalino	427 Camino De Encanto RB, CA 90277	

Date:

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Vicki Radel	515 Camino de Encanto	Vicki Radel
CHRIS HARRIS	440 CAMINO DE ENCANTO	Chris C. Harris
PETER LATTEY	515 CAMINO DE ENCANTO	Peter Lattey
Sharri Everhart	201 VIA EL TORO	Sherri Everhart
Ken Everhart	201 VIA EL TORO	Ken Everhart
Don Hughes	610 Playa de la Playa	Don Hughes
Monica Bruechle	626 Paseo de la Playa	Monica Bruechle
Jonathan Bartran	630 Paseo Playa	J Bartran
Johanna Bartran	630 Paseo de la Playa	J Bart
DAVID RADEL	515 CAMINO DE ENCANTO	[illegible]
Molly WALSH	625 CAMINO DE ENCANTO	[illegible]

Date:

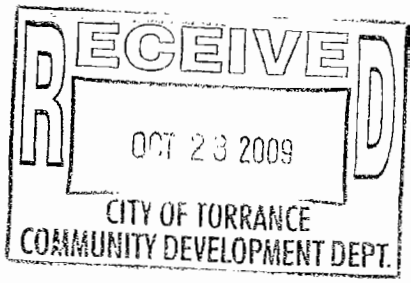
From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
LINDA GOHATA	516 CAMINO DE ENCANTO REDONDO BEACH 90277	[signature]
FUSA MOTOWAKI	516 CAMINO DE ENCANTO REDONDO BEACH 90277	[signature]
Sylvia Thomas	113 Calle de Sirenas Redondo Beach 90277	[signature]
Sam Sandt	614 Palos Verdes Blvd Redondo Beach, CA 90277	[signature]
ALBERT ORTIZ	620 PALOS VERDES B. REDONDO BEACH, CA 90277	[signature]
Charlotte Ferris	613 Camino de Encanto	[signature]
Charles Hammer	221 Paseo De Suenos, RB	[signature]

October 25, 2009

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503



Re: PRE09-00007 209 Via el Toro

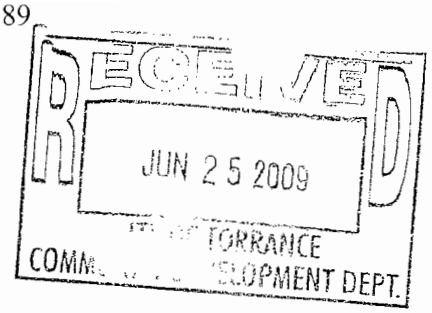
Dear Sirs,

I own the property located at 520 Camino de Encanto. I am writing to express my 100% opposition to the above-mentioned request. Specifically, I am against the idea of building a two story structure in the Hillside Overlay area which will block the ocean views of all the residents on Camino de Encanto. We all purchased our homes in the Hillside Overlay area with the understanding that our ocean views could not be blocked by two story structures.

If this request passes, the value of my property will drop by 50% overnight. Please do not approve the two story structure in an area designated for single story homes.

Sincerely,

Greg Noel
(310) 377-5470



Jim Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

Greg Lodan
Planning Manager
Torrance Community Development Dept.
3031 Torrance Blvd.
Torrance, CA 90503

Dear Mr. Lodan:

As we have discussed at the counter, we are continuing with our plan to remodel our home at 209 Via el Toro, and have again started trying to communicate with our neighbors regarding our design as has been suggested by the Planning Department and the Planning Commission.

I have attached a copy of all written communication to our neighbors regarding our development plans. We have also spoken with several neighbors after going door to door in the past. I intend to copy you on all subsequent written correspondence, and would appreciate it if you would keep a record of such communications on file so that they can be attached to our final application.

Since the end of 2006 we have reached out and attempted to discuss our plans with neighboring property owners, but have often been rejected at their door before they even look at our blueprints. As I have told you before, some of our neighbors from Camino de Encanto have refused to discuss our plans until after our silhouette is constructed, which we feel should be late in the process if neighbors would simply collaborate with us. Others have stated that they will try to stop us from building one square inch, even joking that it is going to be expensive if we try to build anything.

Despite the few who resist our effort, many others have been very supportive, and really like our design. Moreover they are glad to see us continue to remodel our old home despite the group who has formed to resist any and all development in our Hollywood Riviera neighborhood.

Sincerely,

Jim Delurgio

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

205 Via el Toro
Redondo Beach, CA 90277

Dear Barry Garrebrandt,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

513 Camino de Encanto
Redondo Beach, CA 90277

Dear Cynthia Constantino,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

515 Camino de Encanto
Redondo Beach, CA 90277

Dear Vicki Radel,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

PO Box 874
Palos Verdes Estates, CA 90274

Dear Maria Kusion,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

210 Via el Toro
Redondo Beach, CA 90277

Dear Joe Pardo,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

505 Camino de Encanto
Redondo Beach, CA 90277

Dear John & Lorraine Marcone,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

509 Camino de Encanto
Redondo Beach, CA 90277

Dear Ramzi & Sheridan Ghaby,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

527 Camino de Encanto
Redondo Beach, CA 90277

Dear Ronald Smith,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

531 Camino de Encanto
Redondo Beach, CA 90277

Dear William Crudup & Judith English,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

201 Via el Toro
Redondo Beach, CA 90277

Dear Ken & Sherri Everhart,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

2917 N. Poinsettia Ave.
Manhattan Beach, CA 90266

Dear Marcia Whistler,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

202 Calle de Sirenas
Redondo Beach, CA 90277

Dear Mark & Patricia Boyd,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

206 Calle de Sirenas
Redondo Beach, CA 90277

Dear Robert & Genevieve Bonn,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

210 Calle de Sirenas
Redondo Beach, CA 90277

Dear Chris & Barbara Jensen,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

214 Calle de Sirenas
Redondo Beach, CA 90277

Dear Mrs. Becker,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

524 Paseo de la Playa
Redondo Beach, CA 90277

Dear Jean Sanders,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

521 Paseo de la Playa
Redondo Beach, CA 90277

Dear Jim & Nancy Miller,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

Jim & Betsy Delurgio
209 Via el Toro
Redondo Beach, CA 90277
(310)378-3330

June 23, 2009

528 Paseo de la Playa
Redondo Beach, CA 90277

Dear Alfredo Costa & Cristina Quesada,

We would like to share with you our drawings for a remodel of our home at 209 Via el Toro. We wish to improve our property in a manner that provides our family with adequate living area, improves the aesthetic appeal of our property, and has minimal impact on neighboring properties.

Our intention for meeting is to gain an understanding of your perspective on our proposed project. Gathering input from our neighbors at this early point in the design process is of great value to us, as it will provide us the opportunity to start the approval process with a workable design.

We have been working with the City of Torrance Community Development Department and have developed a design which will require no waivers or variances. Our hope is that we will proceed through the development approval process with a great degree of community support toward our development plan.

Please let us know a convenient time when we could share our plans with you prior to July 8, 2009. We can be reached at (310) 378-3330.

Sincerely,

Jim Delurgio

Betsy Delurgio

CC: City of Torrance Community Development Department

October 21, 2006

Dear Barry Garrabrant,

We have started to design a remodel and addition to our existing home at 209 Via el Toro, and it is our intention to work with you throughout this process. It has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

October 21, 2006

Dear Cindy Constantino,

We have started to design a remodel and addition to our existing home at 209 Via el Toro, and as I stated to you last year, it has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

October 21, 2006

Dear Genevieve Bonn,

We have started to design a remodel and addition to our existing home at 209 Via el Toro. It has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

October 21, 2006

Dear Mrs. Becker,

We have started to design a remodel and addition to our existing home at 209 Via el Toro, and as I stated to you earlier this year, it has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

October 21, 2006

Dear Vicki Radel,

We have started to design a remodel and addition to our existing home at 209 Via el Toro, and as I stated to you last year, it has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

October 21, 2006

Dear Ramzi & Sheri Ghaby,

We have started to design a remodel and addition to our existing home at 209 Via el Toro. It has always been our intention to develop our home in a manner that is aesthetically appealing, has a minimal impact on our neighbors, affords us the privacy that we need, and provides us with the room that we desire as a family.

We would like to share our preliminary designs with each of our adjoining neighbors to gather input, cooperation and support as we move toward the approval process with the City of Torrance Community Development Department.

We realize that by reviewing our preliminary designs that you are not committing to agree to anything until we go through the required silhouette, final design review and public hearing process. Our intent is simply that we want to understand any concerns that you may have early in our design process. We hope that our consideration of your input early in our design process will minimize incremental change costs as we move forward.

Please let us know a convenient time when we could get together to review our preliminary plans so that we can best understand any potential concerns. We can be reached at (310) 378-3330.

Sincerely,

Jim & Betsy Delurgio

OCT 2 9 2009

Design Evolution - 209 Via el Toro

Since we purchased our property in October, 2005 we have done our best to communicate with our neighbors to understand any concerns they may have with regard to our plan to increase the size of our original 1,608 sq. ft. home on our 13,185 sq. ft. lot. Our communications have followed recommendations from the Planning Department, the Planning Commission, and the City Council that we have observed during other precise plan of development hearings. Our design is a thoughtful design of a reasonably sized home based on the input from our neighbors in order to preserve the many views which pass through our property at the 1st floor elevation, as well as privacy concerns which were expressed from neighbors to the north. With a FAR of only .35, our proposed design is similar to the existing build-out of our neighborhood, and is about 2,000 square feet smaller than what is allowed under the Hillside Overlay Ordinance for a property the size of ours.

We willingly opened ourselves up to accept the input and concerns expressed to us by our neighbors with regard to our proposed design. Based on the information gained through neighborly outreach and dialog, we realized that a two story design would have the least impact on neighboring properties while also capturing a reasonable portion of our property development rights. To be specific, we are not maximizing our development rights, a 1st story expansion into the rear undeveloped portion of our property would obstruct our neighbor's ocean views which pass through our property from the east. We greatly appreciate the input that we received from our neighbors during our design process.

Communication of our plans to build in 2006 and 2007 were received well by many neighbors who cooperated and provided valuable input regarding how they would prefer we develop our property. Other neighbors, primarily on Camino de Encanto, ignored our communication or in the case of Vicki Radel, told us that they "would fight us if we tried to build one square inch". Sadly, we had neighbors who took it upon themselves to go and illegally cut down trees on our property or our neighbor's property to permanently alter the facts associated with our proposed development. This criminal activity drove the Kwon family next door out of our neighborhood, as they no longer felt secure in their own home.

We decided to observe as a nearby project proceeded to go through a similar hearing while also facing unreasonable opposition. Shockingly, the illegal tree cutting conspiracy continued in their case, in fact from neighbors on Camino de Encanto. We were impressed that the City Council saw through these crimes and ruled that views acquired or expanded through illegal tree cutting could not be used to oppress development rights of others under the Hillside Overlay. The opponents refused to accept this final determination by the City Council, and sued the City in Superior Court. The Superior Court Judge again ruled in favor of the conforming development, and upheld the City's determination that they cannot allow a view which has been illegally acquired to be used to oppress a property owner's right to build. We were relieved to see justice and fairness prevail over the selfish and illegal actions taken by neighbors who are opposed to conforming development in our community.

We decided to complete and communicate our development plans despite the anti-development attitude of some of our neighbors. This was particularly uncomfortable due to the prior tree trespass crimes our neighbors on Camino de Encanto have committed to acquire view corridors through our property. We were pleased to have communication with many of our neighbors who responded positively to our continued outreach regarding our plans. A breakthrough was achieved when Vicki Radel and Cindy Constantino responded to our letter, each of whom had previously been uncooperative toward any design discussion. This was important to us, as they currently enjoy ocean views through the buildable area of our property.

June 16, 2009 - A revised set of plans was completed and we constructed temporary stakes to help illustrate and measure estimated height and location of our remodel proposal during our design review process with our neighbors.

June 23, 2009 - We sent a letter requesting the review and input of our revised plans to 18 neighboring property owners who may have an interest with our proposed remodel. These neighbors were identified by us due to proximity to our property and the possible impact. The following table (Table 1) indicates the neighbors who were included in our outreach, and the manner in which they responded to our plan review request:

Owner Name	Property Address	Review	Support w/o Review	Late Response	No Response
Mark & Patricia Boyd	202 Calle de Sirenas		X		
Robert & Genevieve Bonn	206 Calle de Sirenas	X			
Chris & Barbara Jensen	210 Calle de Sirenas			10/23/2009	
Mrs. Becker	214 Calle de Sirenas	X			
John & Lorraine Marcone	505 Camino de Encanto			9/4/2009	
Ramzi & Sheridan Ghaby	509 Camino de Encanto				X
Cynthia Constantino	513 Camino de Encanto	X			
Vicki Radel	515 Camino de Encanto	X			
Maria Kusion	523 Camino de Encanto				X
Ronald Smith	527 Camino de Encanto				X
William Crudup & Judith English	531 Camino de Encanto	X			
Jim & Nancy Miller	521 Paseo de la Playa		X		
Jean Sanders	524 Paseo de la Playa	X			
Alfredo Costa & Cristina Quesada	528 Paseo de la Playa	X			
Ken & Sherri Everhart	201 Via el Toro				X
Barry Garrebrandt	205 Via el Toro	X			
Marcia Whistler & Leonard Shapira	206 Via el Toro		X		
Joe Pardo	210 Via el Toro		X		

Table 1

Note: In addition to the neighbors which we had identified, the Planning Department has notified us that a letter of concern regarding our project has been received from the owners of 516 Camino de Encanto. We immediately left a phone message (on 10/23/2009) requesting to see their concern so that we may try to remediate any situation prior to our hearing, but have not received a response. On 10/24/2009 we went and looked from the street in front of 516 Camino de Encanto and did not observe any ocean view.

The best way to show the primary challenges in designing our proposed remodel on our property is the view diagram (Illustration 1) below which shows the many Ocean and Mountain views which pass through our property. All of these views would be obstructed by either a 1st or 2nd story development on our property. Privacy concerns are also shown in the northern portion of our property.

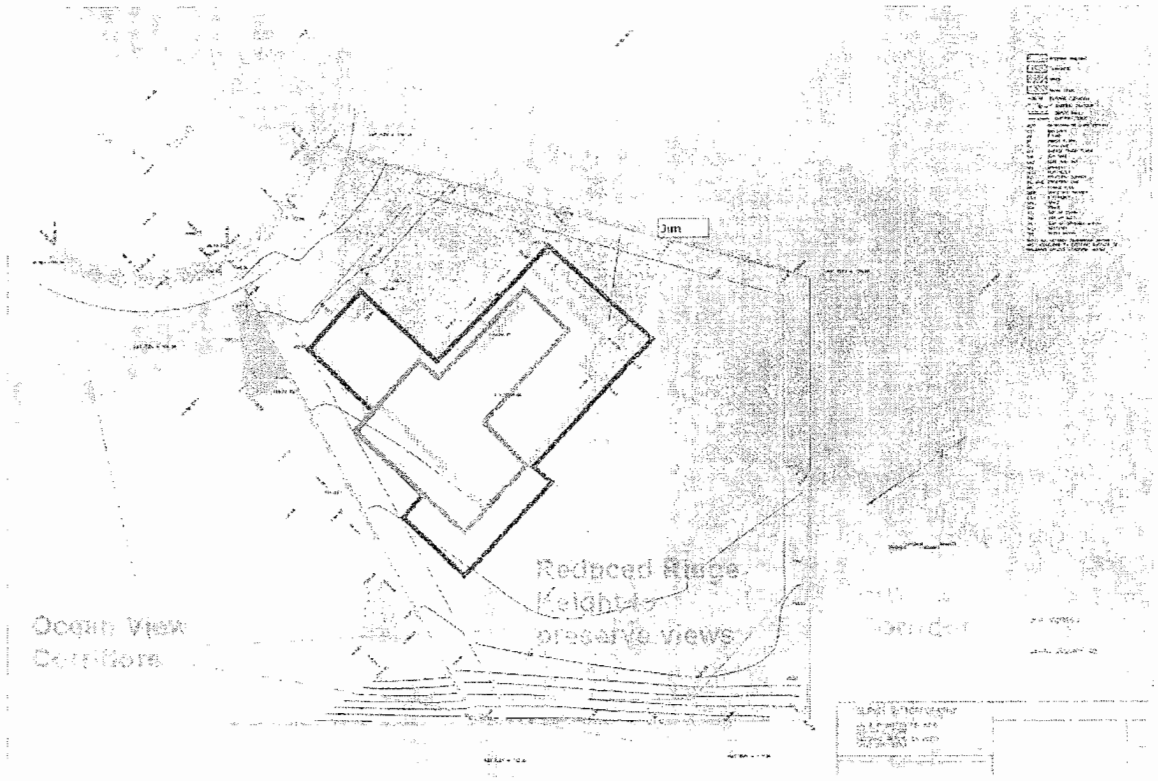


Illustration 1

Through four complete sets of plans, and many reviews with our neighbors and the Planning Department, we have significantly reduced the size and scope from our first revision (Design 1A). The details of these plans are presented in the table below (Table 2), and we are confident that we have arrived at the best design for our property and our neighborhood.

Proposed Design Measurements

Lot Size	13,185

Max Building Area (HOO) 6,593

Proposed	Design Revision 1A	Design Revision 1B	Design Revision 1C
1st Story Area	3,155	2,850	2,315
2nd Story Area	1,632	1,213	1,213
Garage Area	498	498	498
Accessory Structure	N/A	N/A	634
Total Area	5,285	4,561	4,660
Floor Area Ratio (FAR)	0.40	0.35	0.35

Table 2

Development in the Hillside areas of Torrance requires neighborly communication in order to design homes which have the least impact on neighboring properties. We are proud of the open and honest method by which we conducted our design process.

After we had invested in several complete sets of plans to accommodate the view preservation requests made by both Vicki Radel and Cindy Constantino (whose views pass entirely through the undeveloped portion of our property) as well as other neighbors who expressed view and privacy concerns, we moved forward with a silhouette that we believed would be balanced between our property development rights, and the view and privacy concerns of which we were aware.

After the silhouette was constructed, it became quite clear to us that Cindy Constantino and Vicki Radel would both stand in opposition to any development on our property, despite the fact that each had obtained in this design exactly what they had told us they wished to preserve. We responded as quickly as possible to try and understand their concerns, but our efforts were futile. They are insisting on design revisions which would never work for our family from either a lifestyle or development perspective.

They both now claim that our 2nd story blocks their "Blue Sky" view, and would cause intrusion into their privacy. Each of them has committed tree trespass and vandalism crimes against our property or our neighbor's property in order to acquire or expand their views which pass through our property. These crimes have each resulted in diminished privacy for both us and them. We would have to conclude that their privacy concern must be disingenuous to say the least.

In addition, Vicki Radel has expressed in her letters and emails an unreasonable concern over air flow from the 2nd story portion of our proposed development. This portion of our home would be over 55 feet away from her home (the typical lot width in our area).

Obviously we are highly disappointed by the many tree trespass and vandalism crimes and other disruptive activities which we have observed and experienced by some of our neighbors from Camino de Encanto. These actions clearly undermine the integrity of the Precise Plan of Development Hearing process.

The worst example of this originates from the Kusion property at 523 Camino de Encanto. Maria Kusion (property owner) and her son Eugene (an attorney), who now resides in his mother's property, could not be more uncooperative toward our design communication efforts. The examples of their despicable behavior include numerous tree trespass and vandalism crimes, offensive letters and threatening voice messages. They never agreed to allow us to see the view which they claim is important, but decided to sue us instead as Maria Kusion clearly stated in a voice message we received, to "cost us lots of money on lawyers" - which it has.

On to our New Home

Despite the challenges we have faced during the process of designing the remodel of our home, we strongly believe that we have arrived at the best design for our property and our neighborhood. We look forward to our hearing before your Commission, which we expect to be focused on the merits of our project which is a thoughtful and conforming design.

Design Review Summary - Design Plan 1A

Review Notes

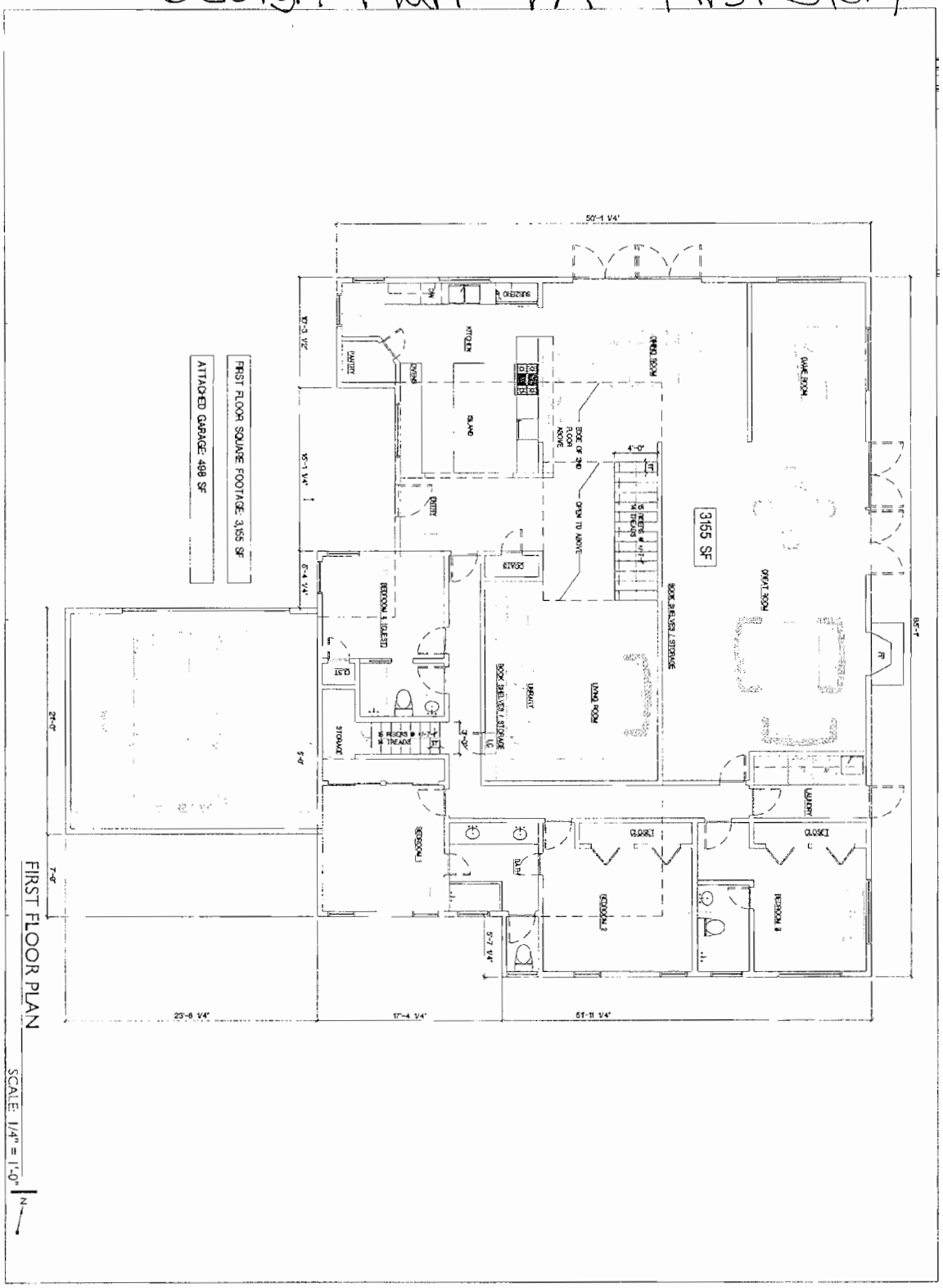
Significant ocean view and slight privacy concerns from neighbors to the east. These ocean views tend to come into our property at an elevation of only 11 feet and drop downward at a very low angle.

Privacy, light, and mountain view concerns were expressed from neighbors to the north.

No concerns either expressed or observed from neighbors to the south.

Slight concern regarding occasional mountain views which may be partially obstructed from the southwest.

Design Plan 1A - First Story



DRAWINGS ISSUED

ISSUED FOR	DATE
SCHEMATIC DESIGN	June 16, 2009
SCALE: AS NOTED	
SHEET: OF X	
PLOT DATE:	June 26, 2009
SHEET NAME	
FIRST FLOOR PLAN	
SHEET NUMBER	
A-2.0	

LICENSED ARCHITECT
ANNE MARIE KAUFMAN
C-30875
REN. 12/31/09
STATE OF CALIFORNIA

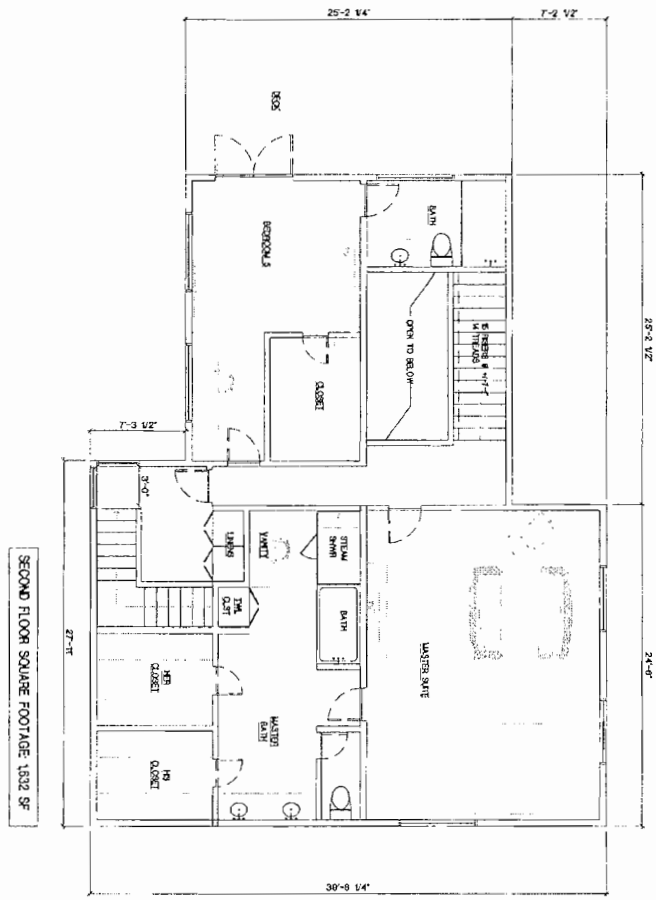
DELURGIO RESIDENCE
209 Via El Toro
Redondo Beach, CA 90277

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF THE ARCHITECT. IT MAY NOT BE REPRODUCED WITHOUT THE ARCHITECT'S PERMISSION AND UNLESS THE REPRODUCTION CARRIES THE ARCHITECT'S NAME. ALL DIMENSIONS AND OTHER INFORMATION SHOWN ON THIS DRAWING SHALL BE VERIFIED PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT. WRITTEN DIMENSIONS SHALL NOT BE PRESUMED OVER SCALE DIMENSIONS. ANY VARIATIONS, DISCREPANCIES FROM THE DRAWINGS AND CONDITIONS SHOWN ON THE DRAWING, SHOULD BE REPORTED TO THE ARCHITECT FOR ANY ADDITIONAL PROCEEDING WITH THE WORK. ANY PARTIES AND PERSONS WHO ARE NOT PARTIES TO THE ARCHITECT'S CONTRACT, SHOULD BE DEALING WITH THE ARCHITECT.
ANNE MARIE KAUFMAN ARCHITECTS

AMK ARCHITECTURE
1744 Washington Way, Venice, CA 90291
tel: 310.822.2942 fax: 310.745.1870
annemariekaufman@ca.rr.com

Design Plan 1A - Second Story

IF THIS SHEET IS SMALLER THAN 24"W X 36"H THEN IT HAS BEEN REDUCED



SECOND FLOOR SQUARE FOOTAGE: 1,632 SF

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

N

DRAWINGS ISSUED

ISSUED FOR	DATE
SCHEMATIC DESIGN	June 18, 2009

SCALE: AS NOTED

SHEET: 2 OF X

PLOT DATE: June 26, 2009

SHEET NAME: SECOND FLOOR PLAN

SHEET NUMBER: A-2.1

LICENSED ARCHITECT
ANNE MARIE KAUFMAN
C-30875
REN. 12/31/09
STATE OF CALIFORNIA

DELURGIO RESIDENCE
209 Via El Toro
Redondo Beach, CA 90277

AMK ARCHITECTURE
1744 Washington Way, Venice, CA 90291
tel. 310.822.2942 fax: 310.745.1870
annemariekaufman@ca.rr.com

Design Plan 1B

Change Summary

Due to privacy concerns expressed from Mrs. Becker and Vicki Jantzen from the north, the design was reduced from the Northeast corner by over 35 feet, and the first story area was extended to the east by over 6 feet. Resulting in a total mass reduction of 724 sq. ft.

Review Notes

Significant ocean view and privacy concern from the SE corner at 515 Camino de Encanto. Obstruction is greater than prior Design 1A, which surprised everyone. Alternative designs "courtyard" concept was suggested, and we referred back to our prior design from 2006 which included an accessory structure.

No significant concerns expressed from 513 Camino de Encanto to the east, but still would prefer that we go subterranean.

No significant concerns expressed or observed from neighbors to the north.

No concerns either expressed or observed from neighbors to the south.

Slight concern regarding occasional mountain views which may be partially obstructed from the southwest.

I have included the following e-mail correspondence which demonstrates that we were working with our neighbors to arrive at a reasonable design as we progressed from Design 1B into Design 1C.

From: DrVictoriaRadel@cs.com [mailto:DrVictoriaRadel@cs.com]
Sent: Wednesday, July 15, 2009 3:48 PM
To: jim@delurgio.com; betsy@delurgio.com
Cc: lattey@sbcglobal.net; glodan@torrnet.com; DrVictoriaRadel@cs.com
Subject: Re: Revised design

Dear Jim and Betsy:
Peter and I feel very good about the civility of our meeting last Sunday as well. It bodes well for ongoing positive dialogue and a fair resolution for all concerned. Unfortunately neither of us are available on tomorrow Thursday due to prior commitments. We can avail ourselves for Friday, July 17, after work Peter will be here by 6:30pm or Saturday afternoon 2-4:30pm or Sunday after church commitments, at 1:30pm or later. Which of these options works best for you?
Once we agree on a time I will contact Cindy to check her availability as well.
Respectfully,
Vicki Radel

From: Jim Delurgio [mailto:jim@delurgio.com]
Sent: Tuesday, July 14, 2009 9:27 PM
To: Vicki Radel (drvictoriaradel@cs.com); Peter Latttey (peter.lattey@aecom.com)
Cc: Betsy Delurgio (betsy@delurgio.com); Greg Lodan (glodan@torrnet.com)
Subject: Revised design

Thank you for meeting with us last Sunday to review our plans and share with us specific concerns on our proposed design. Peter, it was great to meet you, your input

on the project was very useful, and helped keep our conversation on track and productive.

I think that we should all be proud of ourselves for what we accomplished through the review and discussion last Sunday. These are difficult conversations to have, as we both need to compromise over our conflicting interests with regard to the development of our property. We are doing our city and our community a great service by getting together and doing our best to work it out without unnecessarily tying up city resources, and putting our neighborhood through endless hearings over what should be resolved in private between neighbors.

I met with our architect yesterday to make the suggested revisions as we had discussed with you and Cindy Constantino. We believe that we have come up with a workable solution which tucks a 1st story accessory structure into the back corner of our property below the slope of your primary view which goes across our property, thereby shifting some of the 1st story mass into a "hidden" corner of our property.

Key changes that we have made in this revised design:

- Moved the Art Studio, our Home Office, and a Pool Bath/Dressing Room from our main home into a detached accessory structure.
- Tucked the new structure into the rear corner closest to your property, with an expectation that we can design a low ridge height for a roof that will fit in with the design of our main house.
- Shifted the Family Room area to the west by 15 feet, changing it to a much smaller game room only.
- Reduced the mass of the 2nd story in the northeast corner so that it is set much further to the west.
- Switched our Master Bedroom to face the front of the house toward our cul-de-sac rather than toward our yard and pool area due to privacy concerns.

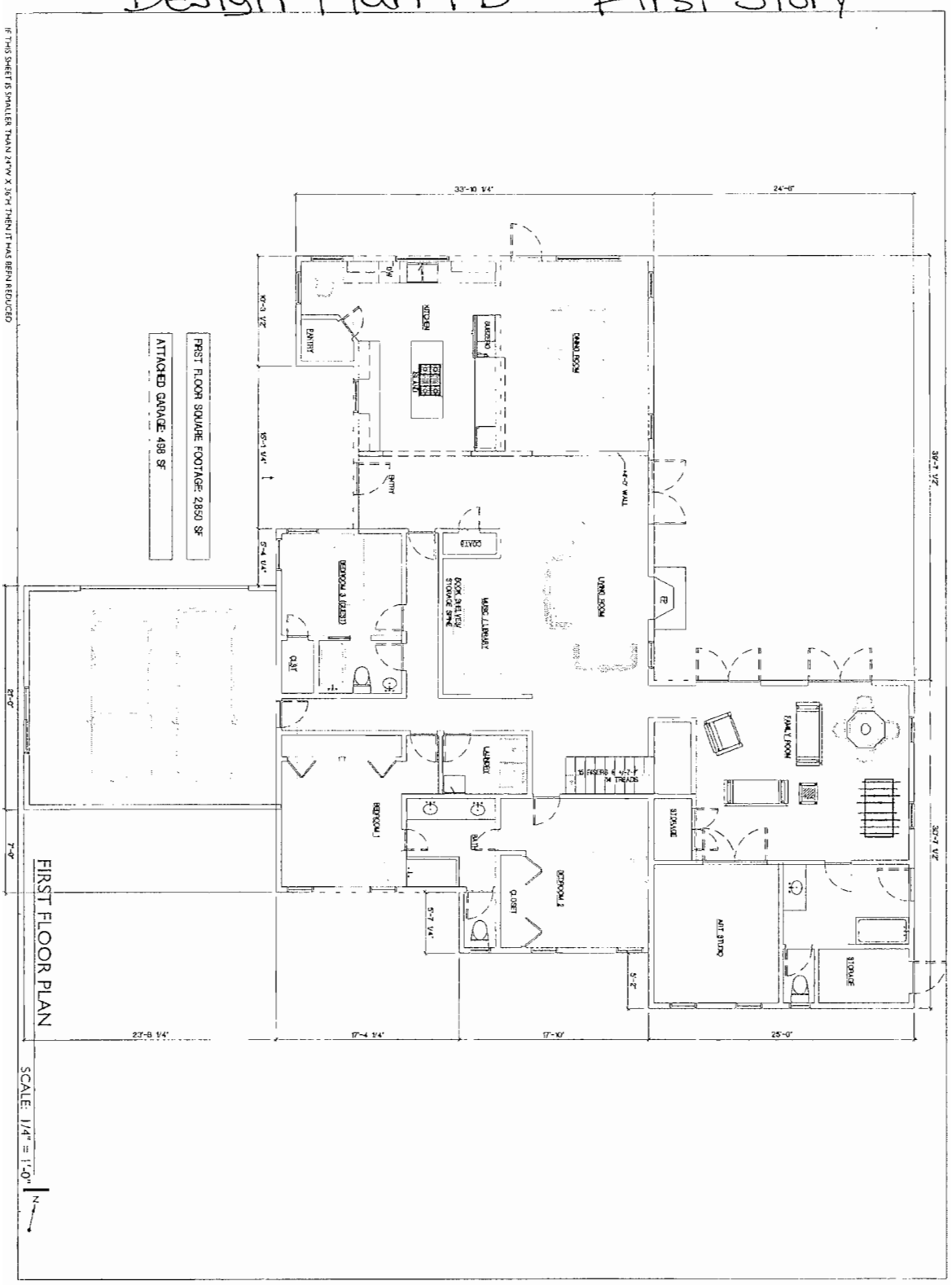
We would like to meet with you and our architect briefly on Thursday if you are available, we can meet anytime on Thursday - day or evening based on your availability, please let us know a time that will work for you.

During the proposed meeting we would like to quickly run through our proposed significant revision (rough drawings), using the same method we had used the other day, and would like to measure to establish an appropriate and agreeable roof ridge height for the accessory structure based on the angle of your primary ocean view across our property (measuring this will be easier than repeatedly testing for various proposed roof heights, and then checking with you).

Thanks again for taking the time to work with us, I feel much better about the way things are going right now. If we continue to make progress toward a reasonable design, we will certainly become a great example of how neighbors can and should work through their opposing interests while living in a Hillside Overlay area of Torrance.

Jim Delurgio

Design Plan 1B - First Story



DRAWINGS ISSUED	
ISSUED FOR:	DATE
SCHEMATIC DESIGN	June 16, 2009
SCHEMATIC DESIGN	June 26, 2009

SCALE: AS NOTED

SHEET: 2 OF X

PLOT DATE: June 26, 2009

SHEET NAME: FIRST FLOOR PLAN

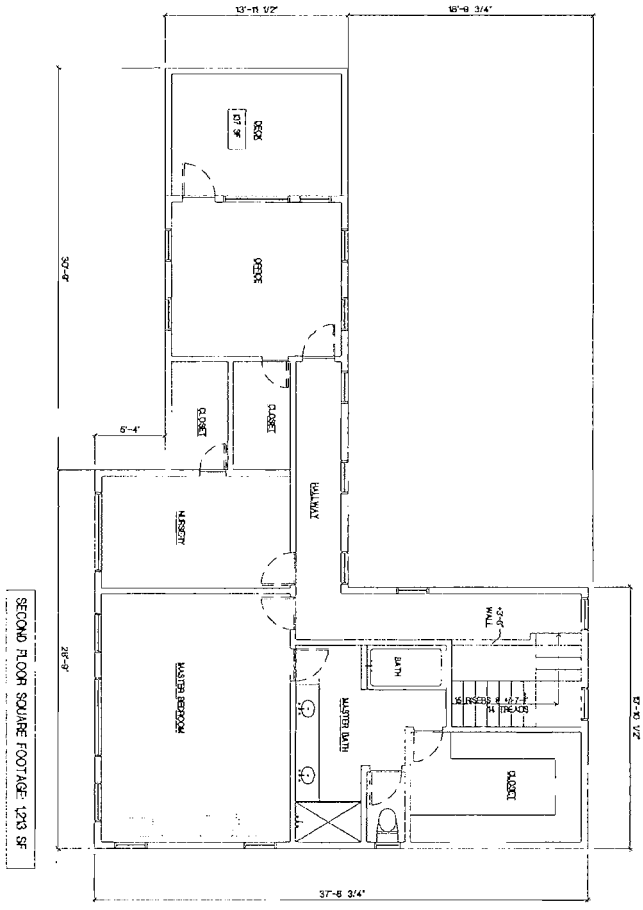
SHEET NUMBER: **A-2.0**

DELURGIO RESIDENCE
209 Via El Toro
Redondo Beach, CA 90277

AMK ARCHITECTURE
1744 Washington Way, Venice , CA 90291
tel: 310.822.2942 fax: 310.745.1870
annemariekaufman@ca.rr.com

Design Plan 1B - Second Story

IF THIS SHEET IS SMALLER THAN 24"W X 36"H THEN IT HAS BEEN REDUCED



SECOND FLOOR SQUARE FOOTAGE: 1293 SF

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

N

DRAWINGS ISSUED

ISSUED FOR	DATE
SCHEMATIC DESIGN	June 18, 2008
SCHEMATIC DESIGN	June 25, 2008

SCALE: AS NOTED

SHEET: 2 OF X

PLOT DATE: June 25, 2009

SHEET NAME: SECOND FLOOR PLAN

SHEET NUMBER: A-2.1

DELURGIO RESIDENCE
209 Via El Toro
Redondo Beach, CA 90277

AMK ARCHITECTURE
1744 Washington Way, Venice, CA 90291
tel. 310.822.2942 fax 310.745 1870
annemariekaufman@ca.rr.com

Design Plan 1C

Change Summary

Through collaborative design effort with our two neighbors who enjoy the most significant view through our property, we ended up shifting some non-living functional areas to a detached accessory structure with an extremely low ridge height which allows these neighbors to retain their view through the undeveloped portion of our property.

Change Details

- Moved the Art Studio, our Home Office, and a Pool Bath/Dressing Room from our main home into a detached accessory structure.
- Tucked the new structure into the rear corner closest to your property, with an expectation that we can design a low ridge height for a roof that will fit in with the design of our main house.
- Shifted the Family Room area to the west by 15 feet, changing it to a much smaller game room only.
- Reduced the mass of the 2nd story in the northeast corner so that it is set much further to the west.
- Switched our Master Bedroom to face the front of the house toward our cul-de-sac rather than toward our yard and pool area due to privacy concerns.

Review notes

Appreciation was expressed by our neighbors for our design which preserved the entirety of the significant ocean view, and reduced any privacy concerns which had been expressed to us.

No significant concerns expressed or observed from neighbors to the north.

No concerns either expressed or observed from neighbors to the south.

No concern expressed or observed from neighbors to the southwest.

After the silhouette for Design 1C was constructed and certified

"Blue Sky" view and Massing concern from both neighbors to the east. This massing and Blue Sky view obstruction was expected and communicated as we were shifting mass upward and toward the center of our property in order to preserve the Primary Ocean views.

Concern regarding the foliage on our property, which had already been discussed, as well as a new airflow concern expressed from Vicki Radel, 515 Camino de Encanto, was included in an email addressed to us and the entire City Council. This is the point where reasonable communication began to break down. These email communications are included below:

From: Jim Delurgio <jdelurgio@socal.rr.com>
Sent: Monday, August 31, 2009 2:25 AM
To: DrVictoriaRadel@cs.com <DrVictoriaRadel@cs.com>
Cc: lattey@sbcglobal.net <lattey@sbcglobal.net>; Scotto, Frank <FScotto@TorranceCA.gov>; Scotto, Frank <FScotto@TorranceCA.gov>; Barnett, Gene <GBARNETT@TorranceCA.gov>; Furey, Pat <PFurey@TorranceCA.gov>; Numark, Cliff

<CNumark@TorranceCA.gov>; Rhilinger, Susan <SRhilinger@TorranceCA.gov>; Sutherland, Bill <BSutherland@TorranceCA.gov>; dradel@stanfordalumni.org <dradel@stanfordalumni.org>; clbc7@hotmail.com <clbc7@hotmail.com>; betsy@delurgio.com <betsy@delurgio.com>; Lodan, Gregg <GLODAN@TorranceCA.gov>
Subject: RE: Delurgio design's impact on 515 Camino de Encanto, 90277

Dear Vicki,

I had to go to the middle east (on 18 hours notice) the day that the silhouette construction started and unfortunately have not been able to see the silhouette since it has been erected. I expect to return this Friday.

We have been careful to design a home that has the least impact on neighboring properties, and believe that including a second story in our design allows us to achieve the square footage desired without the least impact on views, air, light and privacy. The 2nd story may unfortunately obstruct a small portion of your "blue sky view", but was designed specifically to not obstruct any significant portion of your ocean view. The footprint of the 2nd story is the same as what we had reviewed earlier, but we of course did not have the benefit of the silhouette during that last review to determine precisely the impact our 2nd story may have. We would be glad to come take a look from your perspective after I return on Friday.

We have taken into consideration your fiance's suggestion for an "east wing", but as we stated during our earlier meeting, we feel that primary living areas arranged in such a manner would not be suitable for how we choose to live as a family in our new home. Supervision of our children from such a wing extension would be difficult, and the floor plan would be challenging and undesirable. Peter's idea for pushing out the structure into that portion of the lot revitalized a detached accessory structure concept that we have incorporated into our current design. This area incorporates rooms from our initial design into an area that will not block anybody's view (extremely low ridge height). Tucking this portion of our development down low into that corner of our property would work well given the topography of our lot and neighborhood. Shifting non-living functional areas (Art/Craft studio, home office, and a pool bathroom) from our initial design into this detached structure is a compromise we found acceptable after reviewing earlier designs with you, and appears to work well within our design.

The size of our accessory structure is very limited due to the way that the building code works with our unique lot dimensions. We are limited to only 679 square feet, even though we have an enormous lot! We have worked hard to put together a conforming plan, and I support the city's determination to limit the size of accessory structures in order to prevent people from building 2nd units in R-1 areas of Torrance. It is our intention to not ask for any waivers or variances in our proposal to develop and enjoy a reasonably sized home.

With regard to your concern over air-flow, I would like to point out that our proposed 2nd story is 55 feet away. It does not seem possible that our structure would have a significant impact on air circulation from that distance. Your concern over this matter will likely require a determination by the Planning Commission and/or the City Council during our precise plan hearing. Our design intentionally keeps our structure far away from neighboring properties in order to mitigate the concerns expressed (including yours) over privacy, light and air-flow. I have watched many overlay hearings in order to better understand how these subjective rules are interpreted and I do not believe that they could possibly apply to our situation. The distance for which you are concerned with regard to air-flow is approximately the same as the typical lot width in our area.

We have gone to great lengths to understand and design around our neighbors concerns, and appreciate the dialog that you have had with us regarding our recent design concept drawings and plans. Would Friday afternoon or evening work for you to have Betsy and I come over and take a look from your perspective now that the silhouette is up?

Jim Delurgio

From: DrVictoriaRadel@cs.com [mailto:DrVictoriaRadel@cs.com]
Sent: Monday, August 31, 2009 6:22 AM
To: jim@delurgio.com; betsy@delurgio.com; glodan@torrnet.com
Cc: lattey@sbcglobal.net; DrVictoriaRadel@cs.com; fscotto@torrnet.com; FScotto@TorranceCA.gov; GBarnett@TorranceCA.gov; PFurey@TorranceCA.gov; CNumark@TorranceCA.gov; SRhilinger@TorranceCA.gov; BSutherland@TorranceCA.gov; dradel@stanfordalumni.org; clbc7@hotmail.com
Subject: Delurgio design's impact on 515 Camino de Encanto, 90277

Dear Jim and Betsy:

I reiterate that it has been a pleasure getting to know you both better and I hope we can continue to have an open positive dialogue.

In all due respect, as we now see the red flag silhouette outline of the proposed add-on it is a far larger footprint for the second story than we had envisioned and it looms higher than I thought it would be as well. At this point I have real concerns about both "air flow" and "blue water view."

As I explained to you when we last met, you have already taken a good part of my "blue water view" away by allowing the green shrubbery to grow out of control on the North west corner of your property. Therefore I am not content with the "additional blue water view" the lower addition silhouette takes away. I think we could come to a compromise on that issue if you will, as Betsy indicated, remove those bushes in the North west corner to restore what the lower proposed structure takes away.

I respectfully remind you that I bought the house 38 years ago for the "air flow" (I have asthma and at times difficulty breathing, thus intentionally bought ocean breeze friendly real estate) along with the "blue water view" which I have enjoyed for nearly 4 decades. Your overgrown shrubbery has taken my original real estate "blue water view." I do not wish to loose any more of my view nor my breath of air to be taken away. I would like to work with you so that you can have a remodel that achieves this.

Peter, my architect fiance, has suggested you could wrap the single story further around the East boundary of your property rather than the massive second story. This could not only provide you with a courtyard home around your proposed pool but also give the new addition an ocean view.

Please come over and see for yourselves my concerns. Then let's work this out so that we do not waste the city's time, nor our own attending council meetings. I believe that we can set an example for others of how good neighbors can get along and come to civil agreement.

Sincerely,
Vicki Radel

Her communication of her concerns regarding our project to the entire City Council seem to indicate to us that she will try to use the common anti-development tactic of applying political pressure to influence the outcome of a determination regarding our conforming property development. This intent is further corroborated by her extensive effort to get many residents of our neighborhood to sign a petition against our proposed development rather than leaving that determination up to individual property

owners within the notification zone to deal with effectively through the existing precise plan of development hearing process.

As she stated to us before, she "will fight us if we try to build one square inch" it is clear to us that she will, despite the enormous effort we put forward in our design to preserve her ocean view.

From: Jim Delurgio [mailto:jim@delurgio.com]
Sent: Friday, October 02, 2009 2:03 AM
To: 'Cindy Constantino'
Cc: Betsy Delurgio (betsy@delurgio.com)
Subject: RE: your proposed project

We have gone to great lengths to work with all of our neighbors, and have made significant revisions and compromises in our plans to try to preserve the view from your property as well as the views from other nearby properties.

The topography and site placement of our existing structure does not support a subterranean garage. We have studied the feasibility of doing this, and such a design will not meet code due to the slope of the driveway unless we significantly raise the garage ridge height which would then obstruct views from other properties. It is simply not an option.

Even if it was feasible we would not want to build a subterranean structure for the following reasons:

- Significantly adds cost to our project.
- Reduces the appeal and livability of our home.
- Decreases the views from our property.
- Potential moisture and flooding problems.
- Removes much needed off-street parking.

We do not have plans for a wine cellar. We rarely drink wine, and such a feature has never been high on our priority list, particularly since we have given up over 1,220 square feet of living area from our initial design.

When I returned from the middle east on September 4th and came over to your house to view the silhouette from your perspective you stated that "it is just too big". I agreed that the mass of our design is definitely much larger than our existing little home. We understand that you are not used to seeing a house in the area indicated by our silhouette, and that you are opposed to us building anything at all. You must understand that we have property development rights, and that our proposed design is 42% smaller than code will allow and 30% smaller than the restrictive FAR suggested within the Hillside Overlay. We have significantly reduced the size of our design and placed it in the optimal position on our property to comply with the Hillside Overlay Ordinance.

You specifically called out the ridge height as a concern, but our proposed second story is four feet below code and is actually lower than the ridge height of your own home. While it is a little lower than the initial design, it appears a little bit higher than our initial guesstimate (prior to silhouette construction) but this difference will have a nominal impact on your blue sky and palm tree view (which will continue to grow). We were shocked that this has now become an issue when you know that we have worked so hard, and given up so much house size to preserve your ocean view.

Building in the north portion of our property would affect other primary mountain views from other neighbors on Paseo de la Playa, as well as the ocean view that we observed from Vicki Radel's home on Camino de Encanto, building in this area would impact your ocean view as well. But we agree with you that it would be the ideal location for a first story development.

The solar panels on our accessory structure are for heating our swimming pool. We are committed to minimizing the environmental impact of our home and solar panels are a great way to do so and we are sorry that you may not like their appearance. We were asked by the planning department manager to include them in our drawings even though we are not required to do so. We are trying to be open and honest in our communication of our plans, the last thing we want is for our neighbors to think that we snuck something by them during this process. A flat roof design on our accessory structure will actually impact views more significantly than our existing 3:12 roof pitch design, and a potential flat roof design would have an even greater impact with solar panels due to the required installation angle.

I have some diagrams that may help you to understand the design, view, and code constraints that we are working under.

Please call me or drop by if you have time to look at the diagrams. It may also help for you to observe the minimal slope of our lot in order to understand the complexity of any subterranean development options.

Jim Delurgio

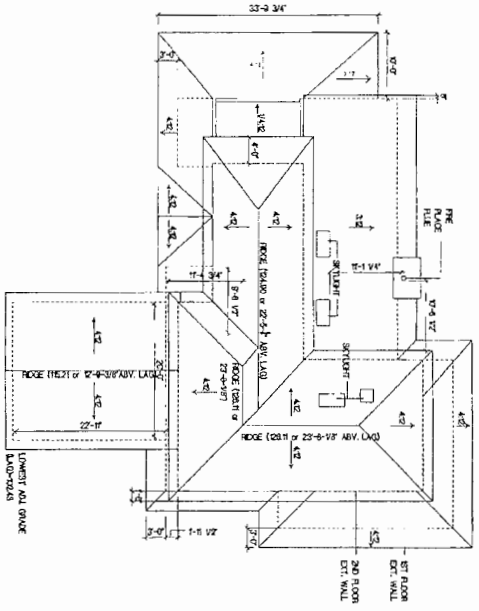
From: clbc7@hotmail.com
To: delurgio@socal.rr.com
Subject: your proposed project
Date: Thu, 1 Oct 2009 09:04:13 -0600

Hi Jim and Betsy,I know you feel you have somewhat tried to work with some of us on your plans. I just want to reiterate that the thought of not going subterranean for at least your garage and possible wine cellar, while maintaining your existing roofline,pushing structure allot further north and incorporating allot of windows on the north side to achieve the Queens Necklace view has been what I have suggested all along.As you stood in my living room while looking at your latest silhouettes, your remarks were "wow we didn't think it would be high enough to cover that one palm tree" and "it is quite a mass". I was glad to hear you say those two comments in hope of a revision. I have more concerns because you now have plans to place solar panels on top of yourr other structure which is directly below my wall, and I am sure they will be quite visable.I still feel a flat roof there would be best especially if you want these panels now .

Thank You Cindy Constantino

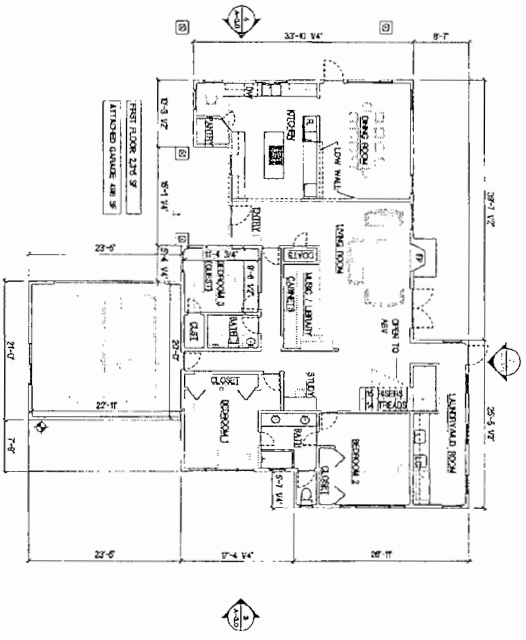
Design Fun 1C - First Story

IF THIS SHEET IS SMALLER THAN 24"W X 36"H THEN IT HAS BEEN REDUCED



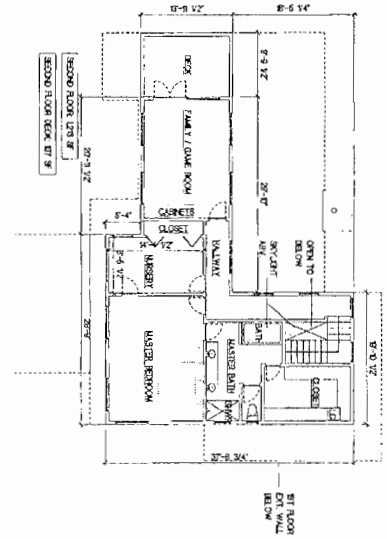
ROOF PLAN

SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

DRAWINGS ISSUED

DELIVERED FOR	DATE
SCHEMATIC DESIGN	June 16, 2009
SCHEMATIC DESIGN	June 26, 2009
SCHEMATIC DESIGN	August 2, 2009
SCHEMATIC DESIGN	September 2, 2009

SCALE: AS NOTED

SHEET 8 OF 10

PLOT DATE: September 12, 2009

SHEET NAME: FIRST FLOOR, SECOND FLOOR AND ROOF PLANS

SHEET NUMBER: A-2.0

DELURGIO RESIDENCE
209 Via El Toro
Redondo Beach, CA 90277

AMK ARCHITECTURE
1744 Washington Way, Venice , CA 90291
tel: 310 482 9555
annemariekaufman@ca.rr.com

Design Plan 1C - Second Story

IF THIS SHEET IS SMALLER THAN 24"W X 36"H THEN IT HAS BEEN REDUCED

ACCESSORY BLDG: ELEVATION 6
SCALE: 1/8" = 1'-0"

ACCESSORY BLDG: ELEVATION 3
SCALE: 1/8" = 1'-0"

ACCESSORY BLDG: ELEVATION 4
SCALE: 1/8" = 1'-0"

ACCESSORY BLDG: ELEVATION 5
SCALE: 1/8" = 1'-0"

ACCESSORY BLDG: ROOF PLAN 2
SCALE: 1/8" = 1'-0"

ACCESSORY BLDG: FIRST FLOOR PLAN 1
SCALE: 1/8" = 1'-0"

DRAWINGS ISSUED

ISSUED FOR	DATE
SCHEMATIC DESIGN	June 16, 2006
SCHEMATIC DESIGN	June 28, 2006
SCHEMATIC DESIGN	August 7, 2006
SCHEMATIC DESIGN	September 2, 2006
SCHEMATIC DESIGN	September 12, 2006

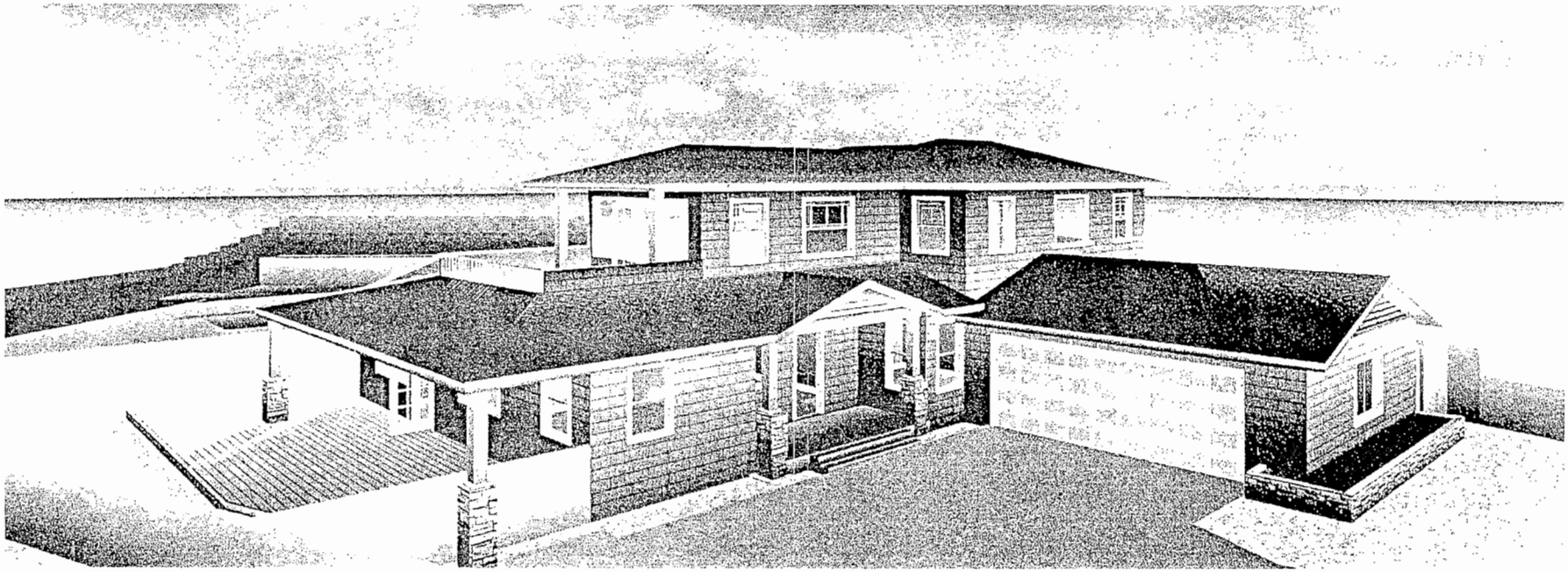
SCALE: AS NOTED
SHEET: 9 OF 10
PLOT DATE: September 12, 2006
SHEET NAME: ACCESSORY BLDG PLANS & ELEVATIONS
SHEET NUMBER: **A-2.1**

DELURGIO RESIDENCE
209 Via El Tora
Redondo Beach, CA 90277

AMK ARCHITECTURE
1744 Washington Way, Venice, CA 90291
tel: 310.482.9555
annemariekaufman@cs.rr.com

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE PROPERTY OF THE ARCHITECT. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE USED FOR ANY WORK EXCEPT WITH THE WRITTEN AGREEMENT OF THE ARCHITECT. ALL DIMENSIONS SHALL BE VERIFIED ON THE JOB BY THE CONTRACTOR BEFORE ANY WORK IS STARTED. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS. USE DIMENSIONS AS SHOWN. ALL CONSTRUCTION SHALL CONFORM TO THE 2001 CALIFORNIA RESIDENTIAL CODE, 2001 CALIFORNIA PLUMBING CODE, 2001 CALIFORNIA MECHANICAL CODE, 2001 CALIFORNIA ELECTRICAL CODE, 2001 CALIFORNIA ENERGY CODE, 2001 CALIFORNIA FIRE CODE AND ALL OTHER APPLICABLE CODES, ORDINANCES AND REGULATIONS. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK OF SUBCONTRACTORS AND SHALL COORDINATE THE WORK OF ALL TRADES. THE CONTRACTOR SHALL GUARANTEE ALL WORK AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION. THE CONTRACTOR SHALL REMOVE ALL DEBRIS AND LEAVE THE JOB SITE CLEAN AT THE END OF EACH WORK DAY. THE CONTRACTOR SHALL PROTECT ADJACENT PROPERTY AND IMPROVEMENTS FROM DAMAGE DURING CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ADEQUATE SHORING AND BRACING AS REQUIRED TO PROTECT ADJACENT PROPERTY AND IMPROVEMENTS. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED BY CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY PROPOSED CHANGE. NO CHANGE SHALL BE MADE WITHOUT THE ARCHITECT'S WRITTEN APPROVAL. THE CONTRACTOR SHALL PROVIDE SHOP DRAWINGS AS REQUIRED BY THE ARCHITECT FOR REVIEW BEFORE ANY FABRICATION OR INSTALLATION OF THE WORK. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR REVIEW BEFORE ANY FABRICATION OR INSTALLATION OF THE WORK. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO THE ARCHITECT FOR REVIEW BEFORE ANY FABRICATION OR INSTALLATION OF THE WORK.

Proposed Remodel - 209 Via el Toro



SUPPLEMENTAL #1 TO AGENDA ITEM 11C

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: PRE09-00007 JIM & BETSY DELURGIO

LOCATION: 209 Via el Toro

The attached correspondence was received subsequent to the preparation of the agenda item.

Staff notes that on Page 3 of the staff report, the last sentence should read as follows: "Findings of fact in support of denial without prejudice of the precise plan are set forth in the attached Resolution."

Staff continues to recommend denial without prejudice of the project.

Prepared by,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg D. Lodan, AICP
Planning Manager

ATTACHMENTS

1. Correspondence

Martinez, Oscar

From: Barry Garrabrant [bg@torrancebeach.com]
Sent: Sunday, November 01, 2009 6:10 PM
To: Martinez, Oscar
Subject: 209 Via el Toro

Planning associate,
I have been visited by 2 planning commission representatives regarding the planned remodel at 209 Via El Toro. I have no issues with the planned remodel.
Barry Garrabrant
205 Via El Toro

Martinez, Oscar

From: Chris Jensen [ccjmd@hotmail.com]
Sent: Monday, November 02, 2009 10:07 PM
To: Lodan, Gregg; Martinez, Oscar
Subject: 209 Via El Toro precise plan hearing November 4th

Dear Mr. Lodan and Mr. Martinez,

I am not able to attend the hearing regarding, PRE09-00007: JIM & BETSY DELURGIO. I am their neighbor to the back at 210 Calle de Sirenas on a small lot with a small historic single story hillside bungalow.

Jim and Betsy generously invited me to their home to present the remodel plans and they have visited my home to see the silhouette from my property. We discussed the plans extensively including their reasons for the type of remodel they chose, the efforts they have made to inform their neighbors and the challenges they face. I understand their need to expand to make a comfortable home and yard for their family and I understand their want to do this as a second story addition. I have also spoken to all of my neighbors about the remodel.

In this context, I would like to offer my thoughts.

I support a single story remodel at 209 Via El Toro. I have concerns about a second story addition. While the impact is small, the silhouette is very visible from my front yard, east side yard and back windows. The silhouette casts an imposing presence over my house as seen when one drives up to my property and when one faces south along the east side of my property. It significantly changes the presentation of my home as seen from the street. It gives a different feel to the area like you might get in one of our neighboring beach cities to the north.

Unlike the actual construction, the silhouette does not block light or air, does not significantly block sight lines and does not impact the privacy of other properties in the vicinity. Therefore, it is difficult to get a feel for how my property will actually be impacted. Silhouettes do not accurately represent what a structure will do to the surroundings and therefore they do not fully inform or fully disclose impacts.

I fear that the new views from a second story addition at 209 Via El Toro could be used as a justification for limiting any future development I may consider, either single or second story.

My concerns are written with apprehension and regret because the current process of hearings pits neighbor against neighbor, promotes ill will, encourages hostile behavior and can result in litigation. In short, it is detrimental to our community. I do not want this kind of conflict with my neighbor. At the same time I am forced to represent my interests in this forum.

Thank you for your consideration,

Chris Jensen
210 Calle de Sirenas

Hotmail: Trusted email with powerful SPAM protection. Sign up now.

Roberta Blowers
621 Camino de Encanto
Redondo Beach, CA 90277

NOV 0 3 2009

Most people want to be good neighbors and follow the Hillside Overlay Ordinance as it is written. Some people are aware of the Hillside Overlay Ordinance when they buy a home within the ordinance zone, others may not be or just do not understand it well. In the case of Mr. Delurgio, when he bought his home at **209 Via El Toro** in October of 2005, he was very much aware of the Ordinance. I knew the seller's real estate agent representing the sale of this home for quite some time at the time of the sale of this home. This agent and I spoke on quite a few occasions about Mr. Delurgio's decision on purchasing this property. This agent told me that Mr. Delurgio was well informed of the Ordinance. Mr. Delurgio decided before he bought this property, to go to the neighbors homes near the property to visualize and get first hand knowledge as to what limitations he would have on remodeling and or expanding this home. I confirmed with the neighbors that he in fact did so in 2005 just before purchasing the home and expressed that almost any building or expansion of this home would have an adverse impact on these neighbors.

Then in 2007, he approached one of his back yard neighbors, Cindy Constantino, who lives at 513 Camino de Encanto, and asked if she would sign his plans to build on his property, and Cindy told him that if he planned on going up or blocking her view or causing privacy issues that she would not sign. Since his plans were to add a second story on top of his home, she did not sign. Then just after this, Mr. Delurgio planted fast growing trees that obstructed the Kusion family's ocean views from their home at 523 Camino de Encanto and then asked the Kusion's to sign his plans for a second story. The trees were planted right where the second story was already planned to be built, which you can see currently where these trees clearly fall inside of the silhouettes presently there now.

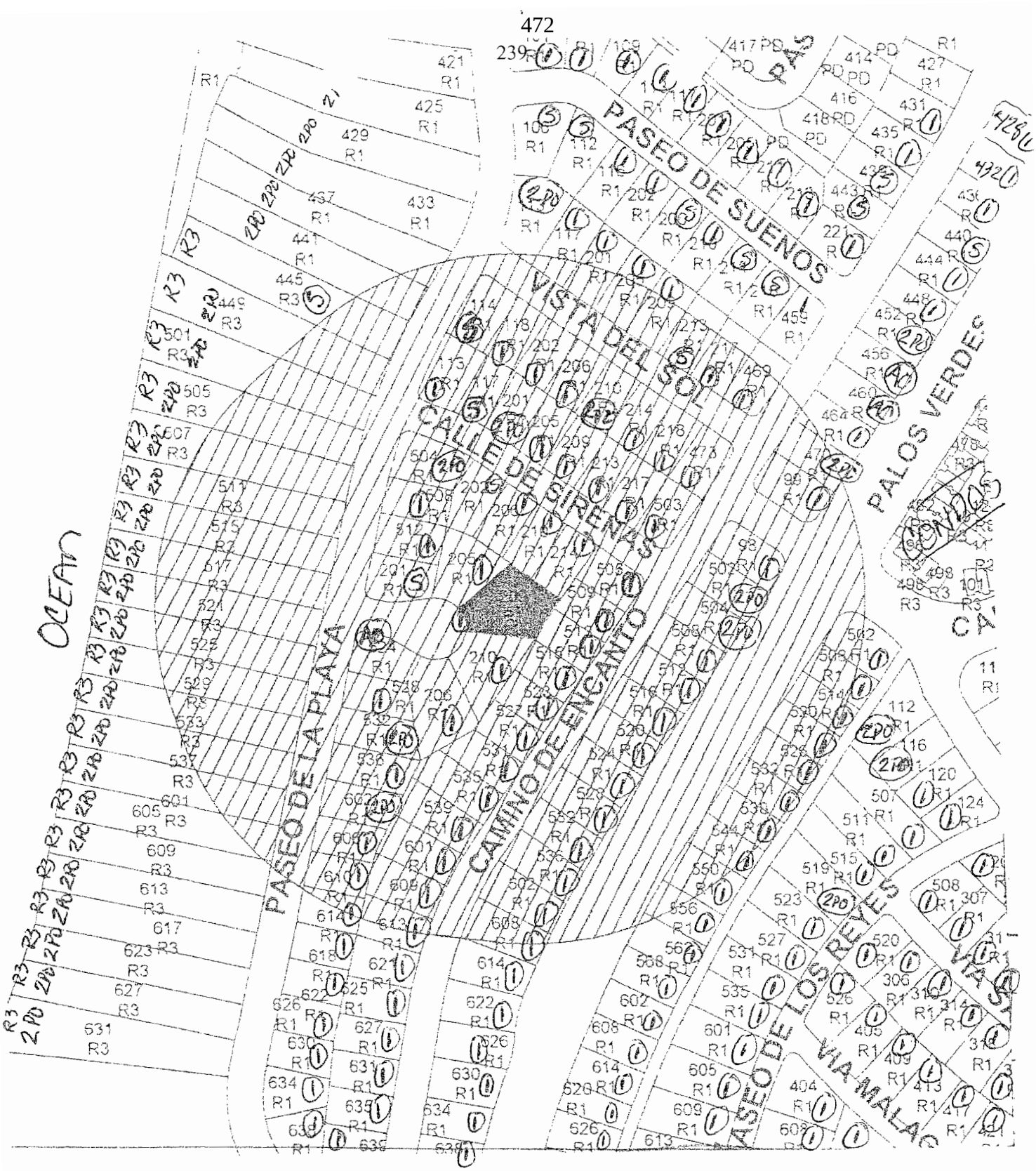
In July of this year, Mr. and Mrs. Delurgio met with some of the immediate neighbors; Vicki Radel, Peter Lattey who live at 515 Camino de Encanto, Cindy Constantino who lives at 513 Camino de Encanto and me to discuss his options. During this meeting, Mr. Delurgio and his wife placed a self-constructed pole that was 14 feet high in their yard at 209 Via El Toro and moved it to various places in his yard so that he and his wife, the neighbors and myself could view the impacts from these neighbor's homes and the result was made obvious that adverse ocean view impacts to these neighbor's homes would be caused if a single story 14 foot high expansion of his existing home into his back yard would be built. Even Mr. Delurgio himself said that no expansion of his home into his back yard would work. Peter Lattey, an architect, suggested at this meeting to design a wing. This wing that was suggested to Mr. Delurgio was somewhat similar to how Mr. Delurgio's current projected accessory building sits now except the suggestion was with a flat roof and longer into the depth of his back yard and connected to his

home, just as long as it w. built at the same level as the cur it pad that his house is sitting on and kept a flat roof and not high ceilings. The second story was also discussed again and opposed by the neighbors. Mr. Delurgio also told us at this meeting that he had met with the Mayor concerning his addition, and the Mayor had told him to build subterranean. When I asked Mr. Delurgio at this meeting what were his reasons that he was not building subterranean, he said that it would cost him $80,000 and his wife said that they do not like living that way. These reasons do not add up to that denial of this project would cause an unreasonable hardship when you apply the Ordinance section 91.41.10, Limitation on Increases in Height. The Delurgios current and or future projects should not be allowed to go any higher than their existing roofline and should not allow the existing home to be expanded directly into their back yard as confirmed by this 14 foot test, except possibly the discussed specifically placed wing or accessory building with a flat roof and low ceiling height.

I have included an enlarged page of the notification circle and some of the neighboring homes just outside of the circle. On this page, I have drafted out what this neighborhood consists of in the way of single story homes, subterranean homes, pre-ordinance second story homes and after ordinance non subterranean second story homes. Determined from my research, out of approximately 150 homes, the majority of homes in this neighborhood are single story homes along with some pre-ordinance second story homes and a few subterranean second story homes. Only 3 homes were possibly after ordinance, non subterranean second story homes, of which one second story is very small and angled to accommodate any adverse impacts. This project at 209 Via El Toro is not in harmony with this neighborhood. As you can also see by the numerous petition signatures in opposition of this case, this neighborhood does not believe that this house follows the Ordinance as it was written and is opposed to this project.

I believe in order to be a good neighbor you should follow the Hillside Overlay Ordinance when designing a project and you should maintain your landscape to prevent adverse view impacts. I and most of the neighbors in this neighborhood and neighbors that live in the Ordinance zone that I have spoken to are not against development and remodeling of the homes in the area. We are only opposed to development that does not comply with the Hillside Overlay Ordinance. I have viewed the silhouettes from many of the homes on Camino de Encanto and believe that this project does not follow the guidelines of the Hillside Overlay Ordinance. This project would cause adverse impacts, mostly due to privacy and view impacts, to the nearby neighbors. This project is not located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of the other properties in the vicinity. The applicant has the burden of proving that all the requirements of the Ordinance have been met and I believe that the applicant has failed to do so. As such, I am opposed to this project.

Roberta Blowers



(1) = single story

(2PD) = pre-ordinance 2ND story

(S) = subterranean 2ND story

(AO) = After ordinance (non-subterranean) 2ND story

Martinez, Oscar

From: Dan Mullin [dan.mullin@verizon.net]
Sent: Tuesday, November 03, 2009 2:00 PM
To: Martinez, Oscar
Cc: Lodan, Gregg
Subject: 209 Via el Toro support

Dear Planning Commissioners,,

My name is Dan Mullin and I live at 505 Paseo de Playa which is within the notification area of the proposed remodel at 209 Via el Toro in the Hillside Overlay area. I strongly support this project and hope you will too.

I am an active real estate agent have lived and worked the South Bay area for 20 years and have sold many homes in the Riviera and homes west of PV Blvd. I represented buyer or sellers at 615 Camino de Encanto, 505 Paseo de la Playa, 417 Paseo de la Playa , 421 Paseo de la Playa, 211 Calle de Sirenas, and 208 Via el Toro.

It is my opinion this remodel will be great for the overall property values in our neighborhood. Currently 209 Via El Toro is one the the homes in our neighborhood that is need of a remodel. A well designed two story home that meets all the cities building requirements would improve the look and value and be in harmony with our neighborhood. This tastefully designed remodel that conforms with the principles of the Hillside Overlay shows a pride of ownership and commitment to the Torrance community.

I have watched as the Delurgios's have reached out and tried to include the neighbors in the planning process. I have also seen the neighborhood mob turn against them. This mentality divides the neighborhood and drives quality citizens out of our city and up to the Peninsula. I know I have represented some of them in their moves and I know their leaving our city is a loss for our city.

Generally I don't express opinions about property owners projects in the Hillside Overlay for fear it may upset potential future clients however I have reached a breaking point watching the ridiculous and untrue arguments that people make to keep projects that better our neighborhood from being built. I am also tired of the same people who live outside subject property's area get up and oppose nearly every project for the sake of opposing development. The Guzman's project up our street is a classic example of untrue arguments to kill a project. The arguments I heard against the project were often comical. The new home the Guzman's are building will be an asset to our neighborhood and to our property values as will the Delurgio's. Please support this project.

Dan Mullin
Remax Palos Verdes/Execs
310 871-3058
www.danmullin.com

TO: Torrance Planning Commission

Date: 11-2-09

NOV 03 2009

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
LORRAINE MARCONE	705 CAMINO DE ENCANTO	Lorraine Marcone
JOHN MARCONE	705 CAMINO DE ENCANTO	J A. Marcone
Kevin Handsaker	213 Calle de Sirena	Kevin Handsaker
THOMAS HANDSAKER	213 CALLE DE SIRENA	Thomas Handsaker
Barbara Shoemaker	503 Camino de Encanto	Barbara Shoemaker

Date: 11-2-05

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Natalie Ketterbarn	113 Vista del Sol, RB CA 90277	Natalie Ketterbarn
MICHAEL CONSTANTINO	113 VISTA DEL SOL, RB 90277	MAConstantino
Pamela Ketterbarn	113 Vista del Sol RB 90277	
Vanessa Ketterbarn	113 Vista del Sol RB 90277	

TO: Torrance Planning Commission

Date: 10/21/09

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
Sheri + Ramzi Ghaby	509 Camino de Encanto Redondo Beach, CA	Sheri Ghaby
ELKE ROLFES	508 CAMINO DE ENCANTO RED. BEACH, CA 90277	
RAMZI GHABY	509 CAMINO DE ENCANTO REDONDO BEACH, CA	Ramzi Ghaby

TO: Torrance Planning Commission

Date: 11-2-09

From: Homeowners in the Hollywood Riviera

WE THE UNDERSIGNED HOMEOWNERS AND OCCUPANTS STRONGLY OBJECT TO THE PROPOSED SECOND STORY ADDITION TO THE RESIDENTIAL PROPERTY LOCATED AT 209 VIA EL TORO, REDONDO BEACH, CALIFORNIA (LOCATED IN THE CITY OF TORRANCE). THIS ADDITION/REMODEL CLEARLY VIOLATES THE HILLSIDE OVERLAY ORDINANCE BY BLOCKING VIEWS OF MANY PROPERTIES, INFRINGING ON THE LIGHT, AIR AND PRIVACY OF EXISTING PROPERTIES.

NAME	PROPERTY ADDRESS	SIGNATURE
DEAN R. SPITTLE	609 CAMINO DE ENCANTO REDONDO BCH. CA. 90277	Dean R Spittle
Tina M. Spittle	609 Camino de Encanto Redondo Bch, CA 90277	Tina M Spittle

NOV 04 2009
COMMUNITY DEVELOPMENT DEPT

City of Torrance
Community Development Department
3031 Torrance Blvd.
Torrance, CA 90503

November 4, 2009

Attn: Oscar Martinez, Planning Associate - omartinez@torranceca.gov

Re; 209 Via el Toro, Redondo Beach

My name is Deloris Becker and I live at 214 Calle de Sirenas. The south side of my back yard backs up to the property of Mr.and Mrs. Delurgio at 209 Via el Toro ..

The first notice I received from the Delurgio's in regards to their building an extension to their home was in October 2006. He also stopped by my house to discuss the plans. He also invited me (and neighbors) to come and review his plans for an addition to his house. I did not take him up on his invitation at the time since I was recovering from surgery.

The next letter I received was in June 2009 inviting the neighbors and me to come view the plans at his home or he could bring them by my house before the silhouette went up. I did go to their home and looked over the plans with Mr. Delurgio. I was mainly concerned about the distance between my property line and his new addition. . After reviewing the plans with Mr. Delurgio, I was satisfied with the distance from my property line and his new addition and also with the rest of the design plans. About a month later he told me he had another set of plans drawn up in an effort to accommodate some of the neighbors' concerns. This was all before the silhouette went up.

I feel the Delurgio's have been really diligent in notifying the neighbors and me of the progress of their intending remodeling.

I have lived in the same house for 43 years. In all that time there was nothing in that yard (now the Delurgio's yard) except over-grown bushes and some small trees. When the silhouette went up, it was quite a change and it took some getting use to. Frankly, I had expected the addition to infringe more on the surrounding space. It is a big lot and the house will not be as imposing as one would think. .

Their addition will have no impact on my view of the sky, (I have never had an ocean view from my back yard). There would be no privacy issue for me. No more than what I have from my neighbors on the left of me. In fact, once I am in the yard I would not see the house at all. I also think they have done an excellent job with the design of the addition and it will fit into the neighborhood just fine.

If I had my druthers, I would like to see NO CHANGES and NO MORE BUILDING in our area. However, I know that is not realistic! I believe that Mr. Delurgio has been sincere in his efforts to accommodate people's concerns about his remodeling. With the changes he has made to the original design of the addition, he has managed to stay within the allowed standards of the development. In fact he is below the allowed standards.

Thank you,

Deloris Becker

Deloris Becker
214 Calle de Sirenas
Redondo Beach, CA 90277
(310) 378-5170

Submitted to the Planning Commission at the 11/4/04 Public Hearing.

Attachment 12

PETER LATTEY ARCHITECT PMP
1545 Hauser Blvd., Los Angeles, CA, 90019-3900 USA Phone 310-968-3252 email: lattey@sbcglobal.net

November 4, 2009

209 VIA EL TORO APPLICATION

Ladies and gentlemen of the Planning Commission.

My name is Peter Lattey.

I am a resident of 515 Camino de Encanto.

I am a California licensed architect with over 30 years experience, much of it in residential architecture.

The proposed development will have the following effects on our home:

1. It will remove approximately 50% of the bluewater view that was there before the Delurgio's purchased the property.

2. It will almost completely block any view of the sky from the dining area and replace it with a large wall with windows looking directly into our dining area.

3. It will seriously affect the sky and ocean view from the living room.

The challenge of developing a property in this area is to take full advantage of the views and other features while minimizing the impact on the neighbors per the Hillside Overlay Ordinance. It is possible with a skilled designer to do this. Unfortunately, the design that Mr. Delurgio has submitted does not. It has significant impact on the neighbors and fails to take full advantage of the unique aspects of the site.

As I understand it Mr. Delurgio instructed his architect that the renovation was to have certain criteria. All of these reduce the possibility of minimizing impact and maximizing opportunities. He required that the design be:

1. a two story, craftsman style home,
2. without underground or subterranean portions and
3. have a pitched roof.

In other words, he directed his designer that the home be typical of that found in suburban tract homes on flat sites all over the country.

If the architect was removed from the design strait jacket imposed by these criteria, it would be feasible to create a development that met the intent of the Hillside Ordinance and provided the

Submitted to the Planning Commission at the 11/4/09 Public Hearing.

Delurgio's with the space they need. It could also be much improved from the current plans and enhance Delurgio's economic return on his investment.

Some of the ways the design could be enhanced while reducing the impact are:

1. Placing the garage below grade
2. Placing offices or other home work areas below grade with a courtyard adjacent to provide a workspace that has an abundance of light. A very nice example of this is at 410 ~~406~~ Paseo de la Playa.
3. Using a flat roof instead of a pitched roof to reduce the height of the building between 3 and 8 feet.
4. Creating a single story home around a courtyard or pool with portions of the development below grade.
5. Extending the home to the west of the site. This could be done with one story below grade with a courtyard and the typical 4' wall along this boundary.

In summary, I submit to the members of the Planning Commission the following points:

1. the proposed development significantly impacts the views and light of the neighbors
2. a better, well thought out design would greatly enhance both the Delurgio's investment and lessen the impact on their neighbors

Thank you for your attention and consideration of my comments.

Peter Lattey, PMP, RA, Leed AP,

It will negatively impact my airflow which due to asthma, is a medical concern: Even my MD after viewing silhouette proximity to my home readily wrote this note reflecting my need of adequate air flow for my health.

DEA # _____

NANCY CLARE GRIFFITH, M.D.
3701 SKYPARK DRIVE
SUITE 100
TORRANCE, CA 90505
(310) 378-2234 FAX. (310) 791-7994

NAME Vicki Radel

ADDRESS _____ DATE 9-24-09

℞ (Please Print)

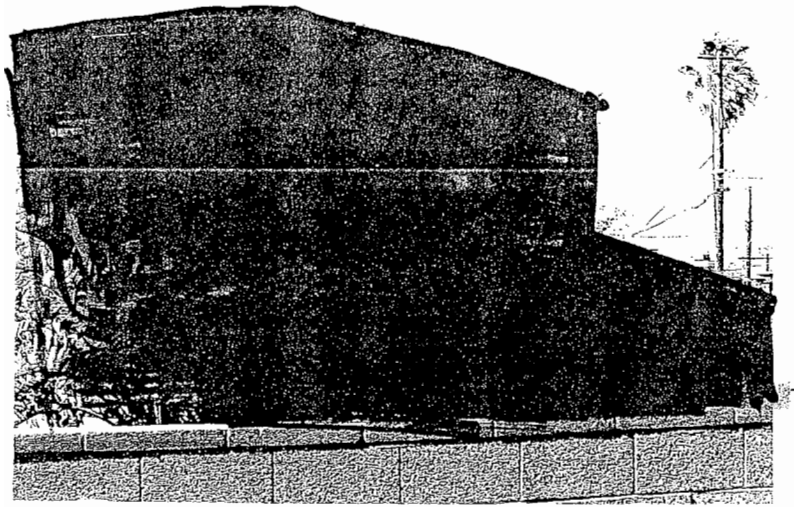
Vicki has asthma
and must have
adequate air flow
for her health

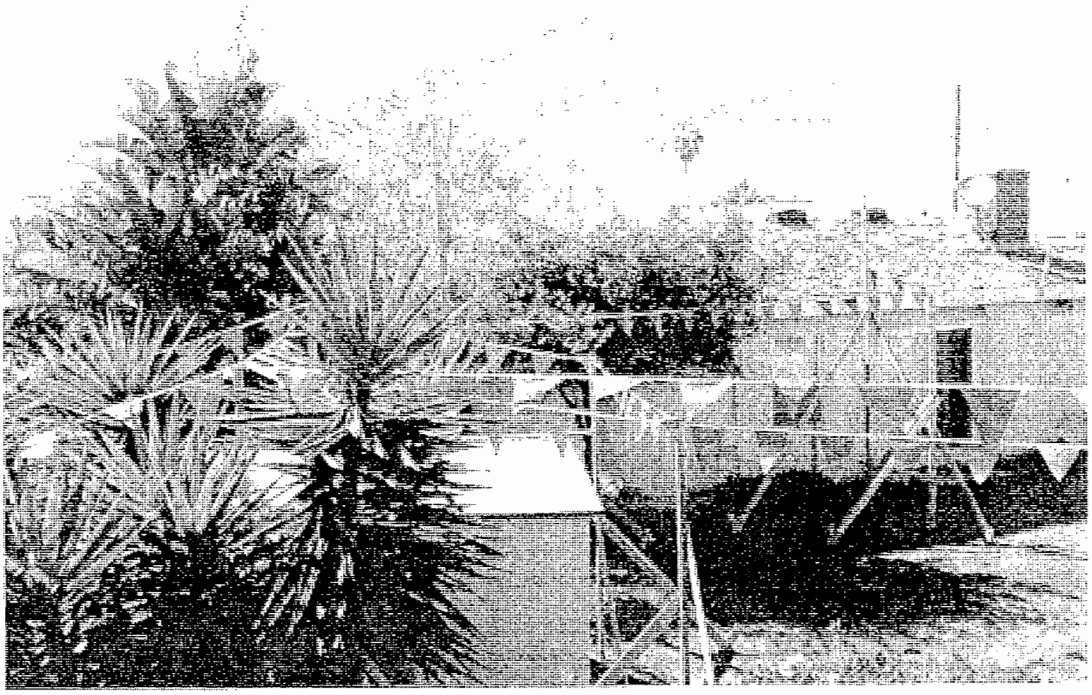
☐ LABEL

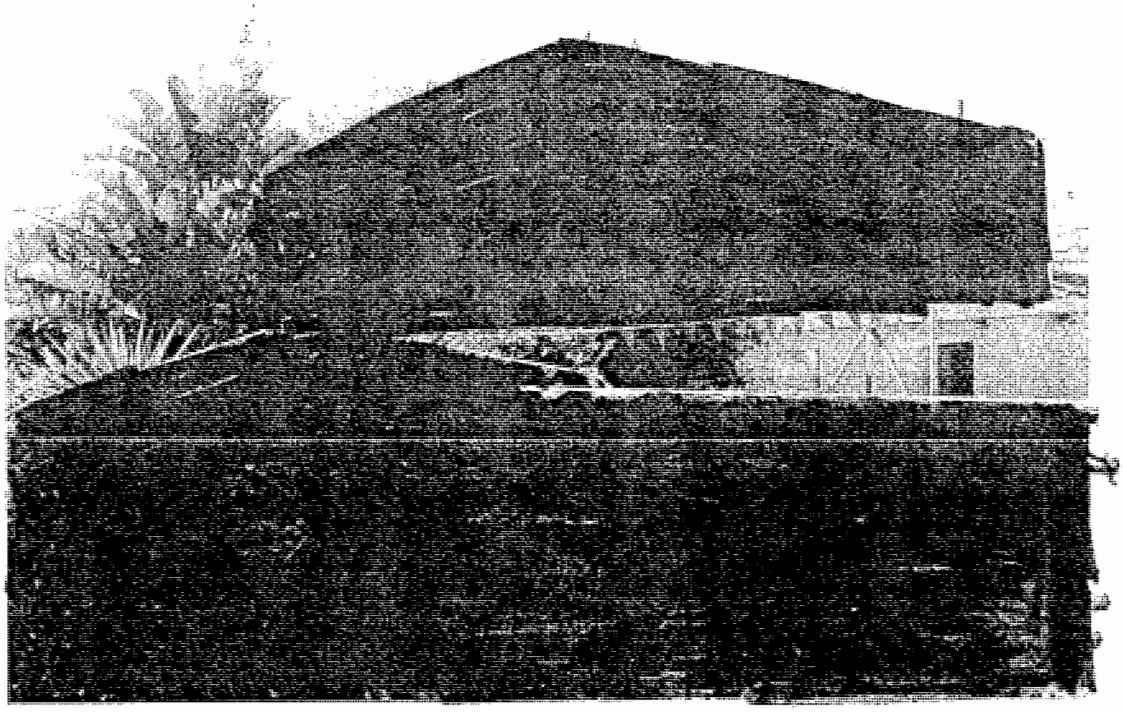
REFILL _____ TIMES PRN NR

☐ DO NOT SUBSTITUTE INITIALS _____

Submitted to the
Planning Commission
at the 11/4/09
Public Hearing.







11/4/09 Esteemed Commissioners:

My name is Vicki Radel and I have owned my home for 38 years. I bought it due to its original real estate VIEW, Privacy, air-flow and light. The terraced topography assured a clear Ocean view.

I have opened my home more than once to Jim and Betsy Delurgio regarding the remodel. I sincerely had every intention of signing off on his plans and not coming tonight if he abided by what I have told him consistently, including years ago when he first asked if I would oppose a remodel? I said, "my ocean view is most important to preserve so if you obstruct any of that I cannot agree to your plans." After that conversation he began to vigorously grow many shrubberies and trees which radically impact my ocean view and with the current plans as the silhouette indicates. If it is allowed…or any such blocking, of so much of my ocean view, it will not only Devalue my property $125,000 plus but it will also reflect a 50% reduction in my ocean view from when he first moved in…

The proposed remodel is in clear violation of the Hillside Overlay Ordinance for reasons besides obstructing my precious blue water view:

It is inconsistent with the other homes in the overlay area.

38 yrs ago I bought in the lower Riviera not Manhattan Beach. I do not want to live under the gaze of my neighbor's close view. Privacy is a

Human Right the current plans impact my privacy immensely.
It will feel as if I'm living next to a high rise apartment building or a cruise ship that will be there as long as I live, never leaving port.

It will negatively impact my airflow which due to asthma, is a medical concern: Even my MD after viewing silhouette proximity to my home readily wrote this note reflecting my need of adequate air flow for my health.

It will decrease my light.

I bought this home due to its views, light, air flow and privacy all protected under the Hillside Overlay Ordinance. I emphatically oppose one person increasing the value of his property at the expense of devaluation of so many others. He can easily build subterranean as he has no hardship reason for needing a 2 story. Time and again we have encouraged extending his east wing or that he build subterranean.

Bottomline, I bought my home for its ocean view etc. and the current silhouettes, coupled with the other intentional growing of shrubs, reflect a self-serving attitude. Please Mr. Delurgio, go back to the drawing board and come up with something considerably less offensive. THANK YOU!

AGENDA ITEM NO. 12A

TO: Members of the Planning Commission

FROM: Development Review Division

DATE: June 16th, 2010

SUBJECT: PRE09-00007 (Jim & Betsy Delurgio)

LOCATION: 209 Via el Toro

A public hearing for consideration of a proposal to construct first and second story additions to a one-story residence in conjunction with an accessory structure was conducted at the Planning Commission Meeting on May 19, 2010. At that meeting, a motion for denial for PRE09-00007 passed by a vote of 6 to 1 with Commissioner Horwich abstaining. Resolutions for denial of this project were not prepared for the Planning Commission's consideration since staff had recommended approval of this project. A resolution of denial without prejudice has been provided for the Planning Commission's consideration.

Prepared by,

Oscar Martinez
Planning Associate

Respectfully submitted,

Gregg D. Lodan, AICP
Planning Manager

ATTACHMENTS:
1. Resolution

PLANNING COMMISSION RESOLUTION NO. 09-053

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE 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 an 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 the construction of an accessory structure in the rear 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 Planning Commission of the City of Torrance does hereby find and determine as follows:

a) That the property is located at 209 Via el Toro; and

b) 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

c) That the proposed residence will have an adverse impact upon the view, light, air and privacy of other properties in the vicinity; and

d) That the proposed residence has not 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 of impacts to views of 515 Camino de Encanto and privacy of 513 Camino de Encanto; and

WHEREAS, the Planning Commission by the following roll call votes DENIED WITHOUT PREJUDICE PRE09-00007:

AYES:	COMMISSIONERS:	BROWNING, BUSCH, GIBSON, SKOLL, UCHIMA, CHAIRPERSON WEIDEMAN
NOES:	COMMISSIONERS	
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	HORWICH

NOW, THEREFORE, BE IT RESOLVED that PRE09-00007, filed by Jim & Betsy Delurgio 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 DENIED WITHOUT PREJUDICE:

Introduced, approved and adopted this 16th day of June, 2010

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 16th day of June, 2010, by the following roll call vote:

AYES:	COMMISSIONERS:	BROWNING, GIBSON, HORWICH, SKOLL, UCHIMA, CHAIRPERSON WEIDEMAN
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	BUSCH
ABSTAIN:	COMMISSIONERS:	

Secretary, Torrance Planning Commission

Attachment H

Daily Breeze

21250 HAWTHORNE BLVE, STE 170 * TORRANCE CALIFORNIA 90503-4077
(310) 543-6635 * (310) 540-5511 Ext. 396

PROOF OF PUBLICATION
(201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published

in the City of Torrance*
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974
Case Number SWC7146
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

June 11,

all in the year 2010

the foregoing is true and correct.
Dated at Torrance

California, this 11 June 2010

Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Marina Del Rey, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Redondo Beach, San Pedro, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

2010 JUN 15 AM 10:16
CITY CLERK'S OFFICE

Proof of Publication of

DB

DB 6-55

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., June 22, 2010 in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE09-00007 JIM & BETSY DELURGIO: City Council consideration of an appeal of a Planning Commission denial 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.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

SUE HERBERS
CITY CLERK

Pub: June 11, 2010

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **June 11, 2010**, I caused to be mailed **138** copies of the within notification for City Council **PRE09-00007: JIM & BETSH DELURGIO** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.
Executed **June 11, 2010** at Torrance, California.

Denise Aoki

(signature)

RECOMMENDED CONDITIONS IF APPROVED:

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 Planning Commission 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 nine inches as represented by the elevation of 126.21 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 nine inches as represented by the elevation of 126.21 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)

CODE REQUIREMENTS

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

Building and Safety:

- Comply with the State Energy Requirements.
- Provide underground utilities.
- Pre-wire each unit for cable television.
- Provide a land survey.

Engineering:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way on Via El Toro.

Environmental:

- The front yard of any property zoned for residential use shall not be more than 50% paved (92.5.14)
- The property shall be landscaped prior to final inspection (92.21.9)
- Provide 4" (minimum) contrasting address numerals for residential, condo, etc. uses
- Obtain a separate permit for the pool and spa. Equipment for pool/spa shall not be located within the sideyard setback areas. Provide minimum five foot high fencing with all gates having self-closing/latching mechanisms 4'6" above the ground.

Development Review:

- Comply with State Department of Water Resources Landscape Design & Irrigation requirements.

Grading Division:

- Obtain Grading Permit prior to issuance of building permit.
- Submit 2 copies of grading/drainage plan with soil investigation report. Show all existing and proposed grades, structures, required public improvements and any proposed drainage structures.

Attachment J

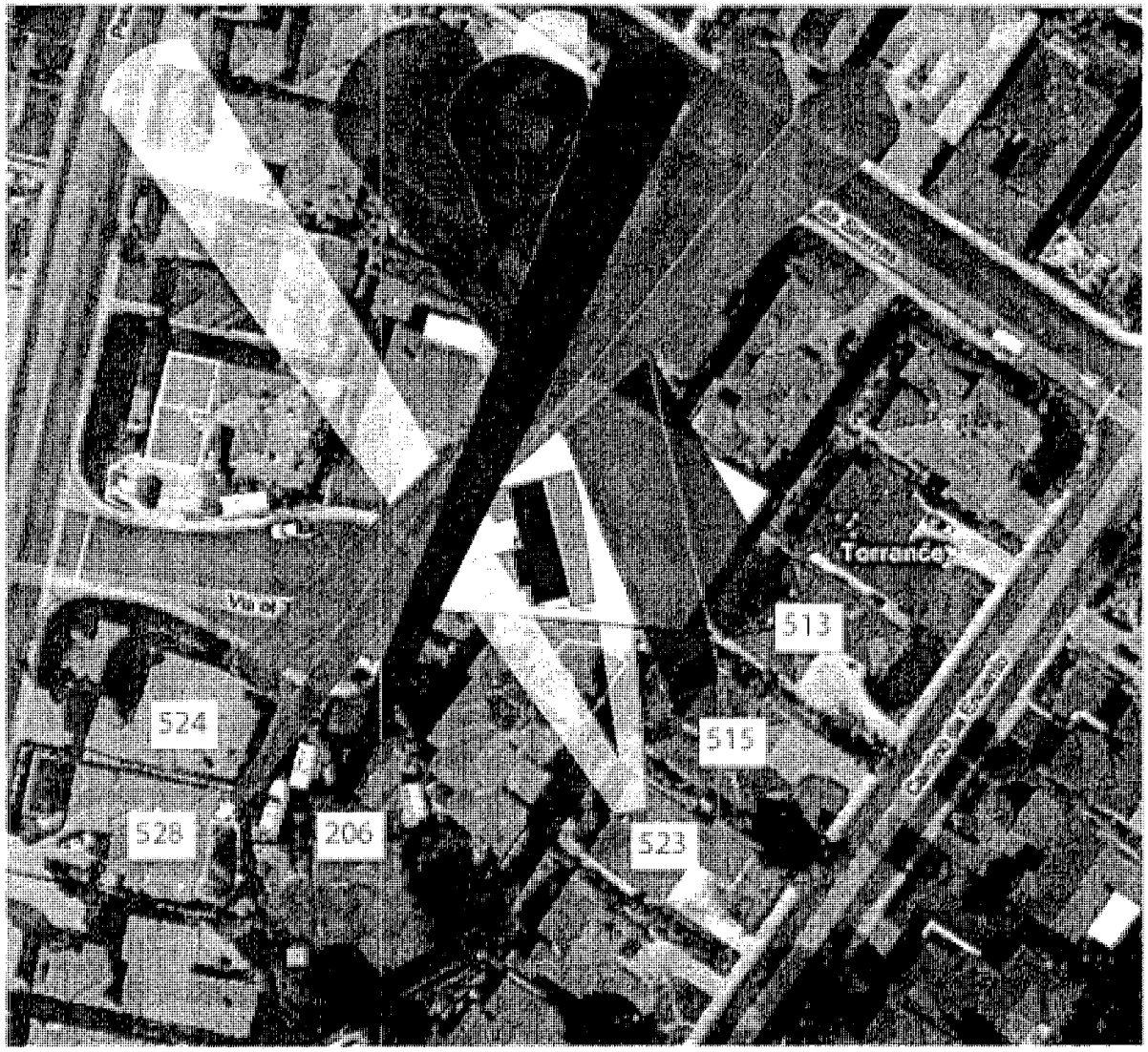
OBELISK
ARCHITECTS, INC.

209 VIA EL TORO REDONDO BEACH CALIFORNIA

Submitted to the
Planning Commission
at the 5/19/15
Public Hearing.

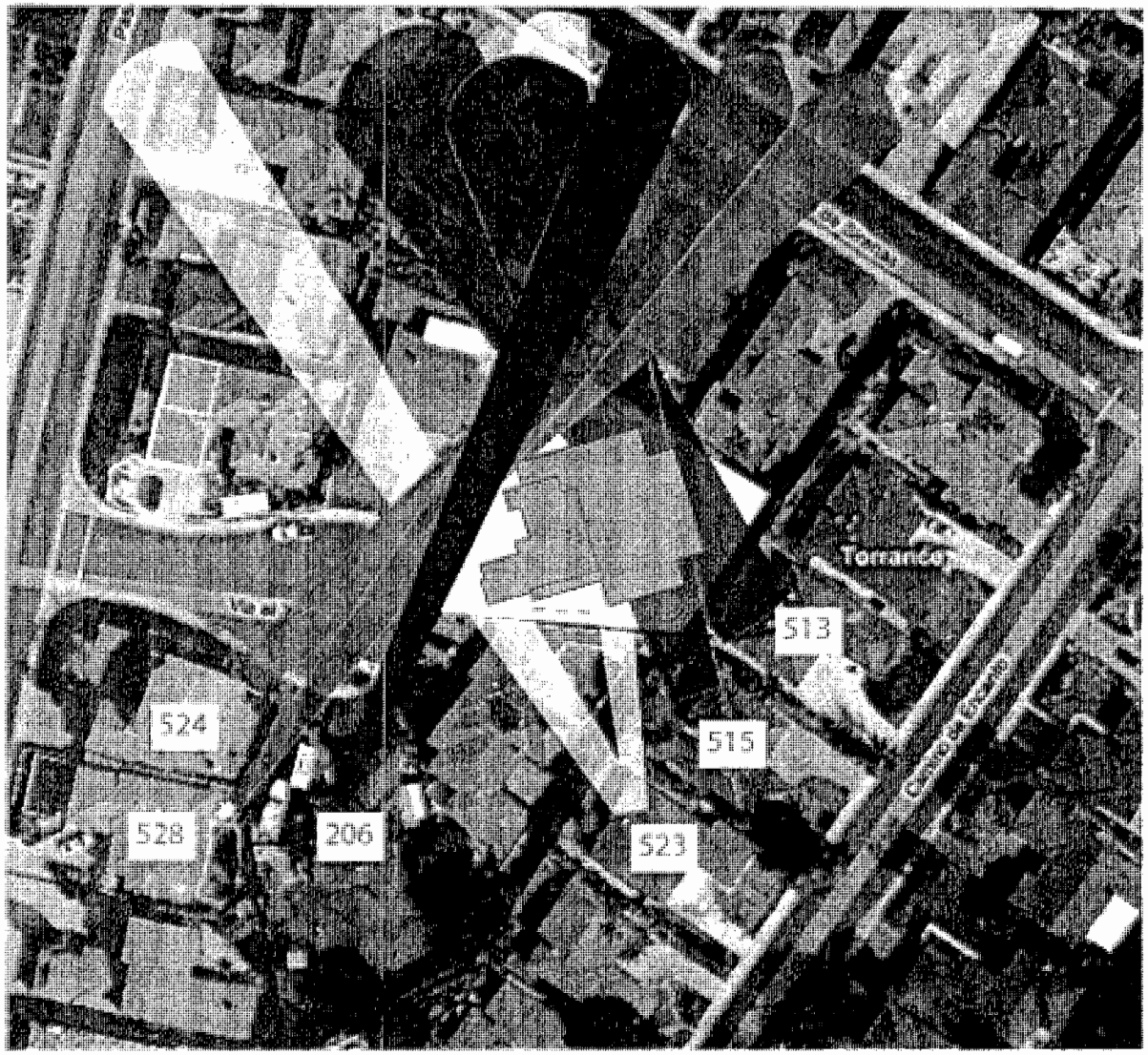
Proposed 1st Floor

Proposed 2nd Floor

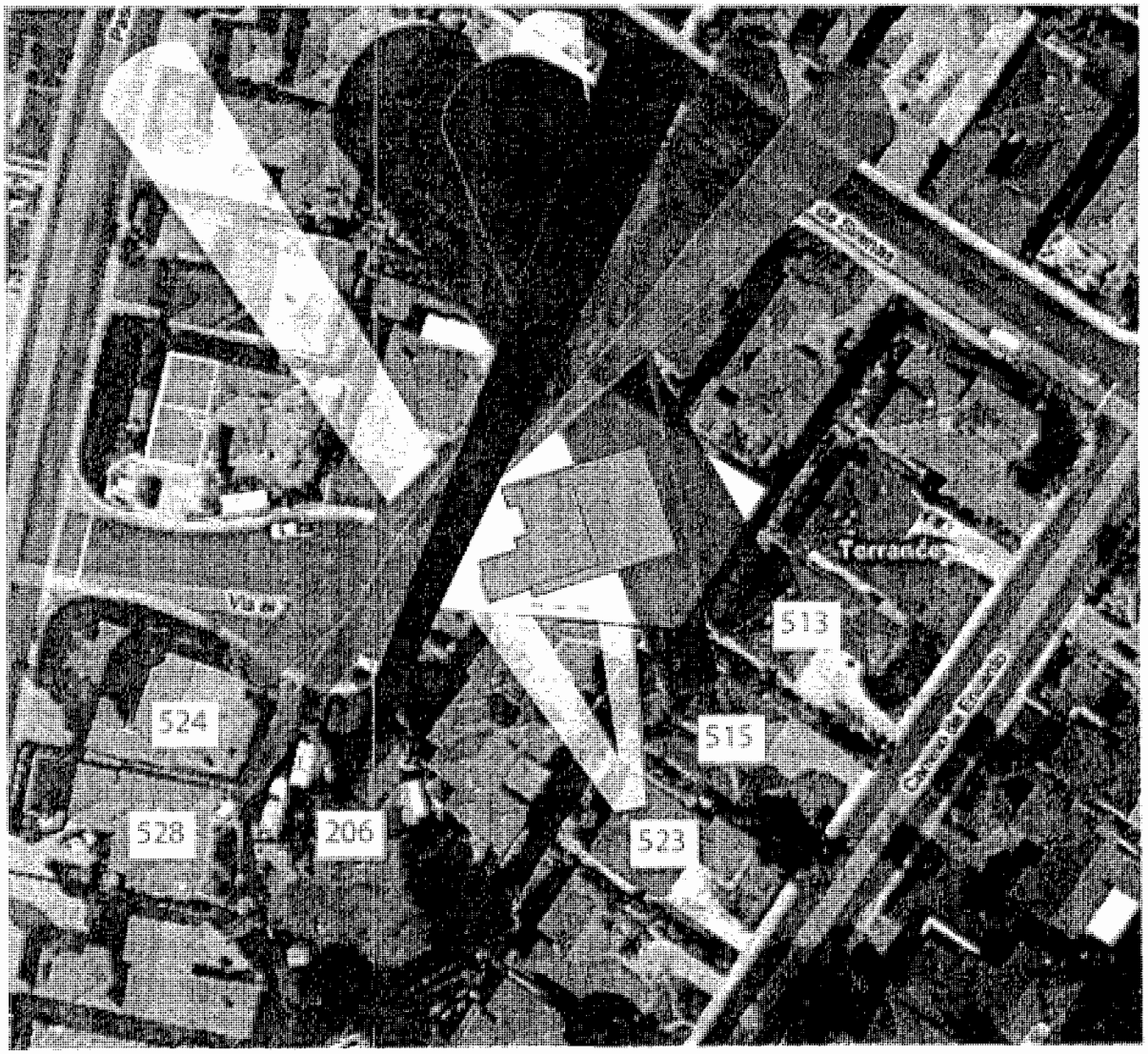


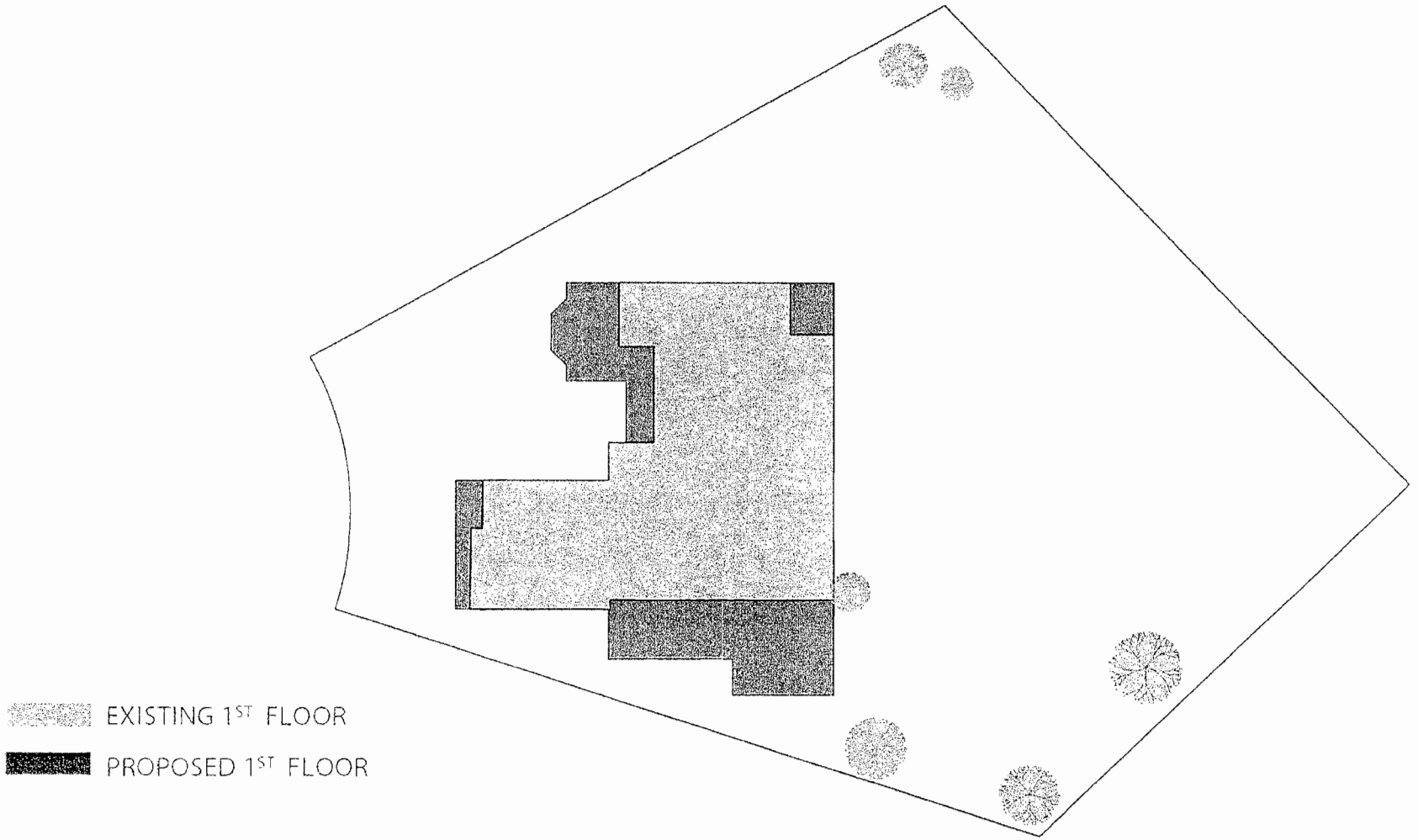
- 1 Story @ 6592.56 SQ. FT.

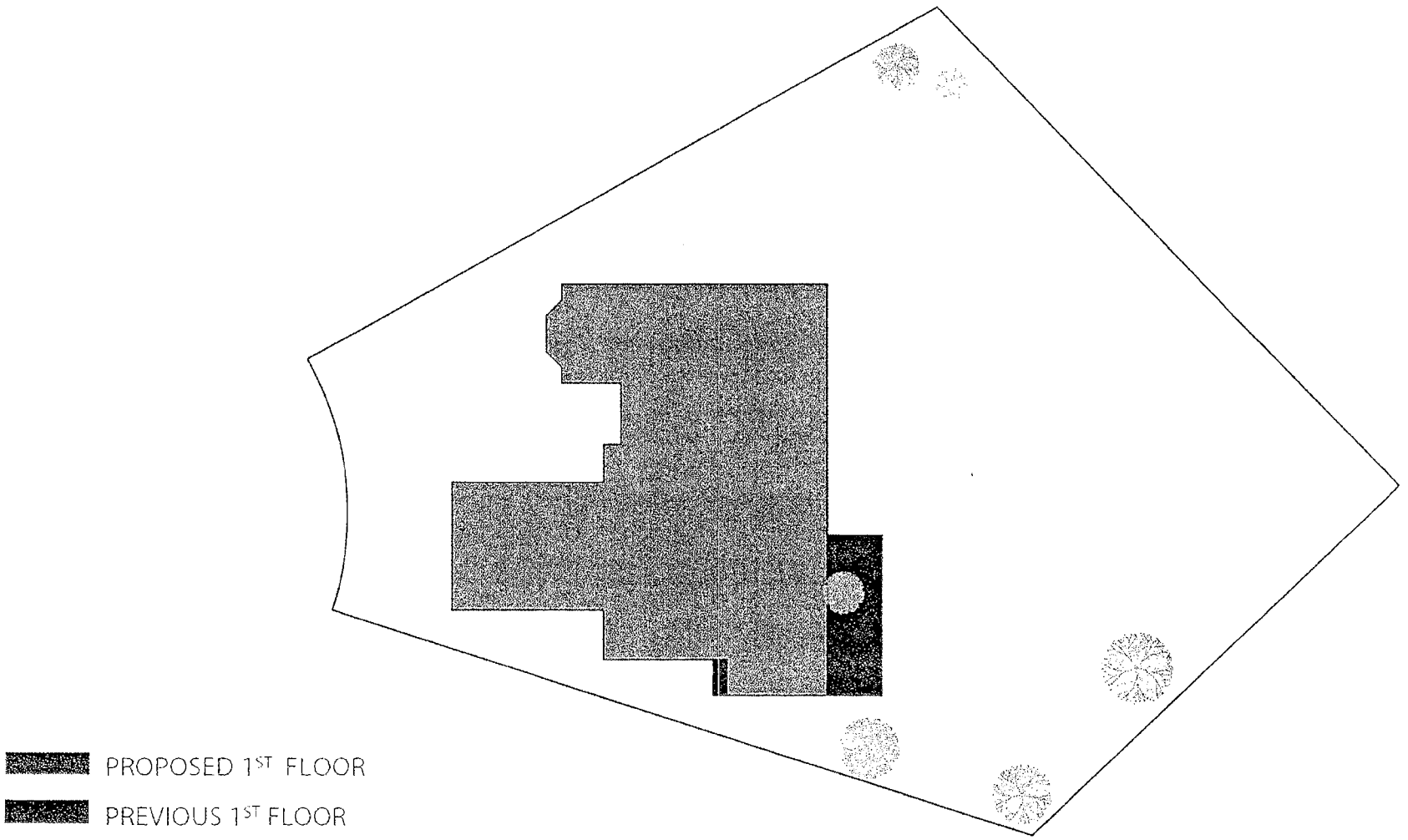
  50 % F.A.R.

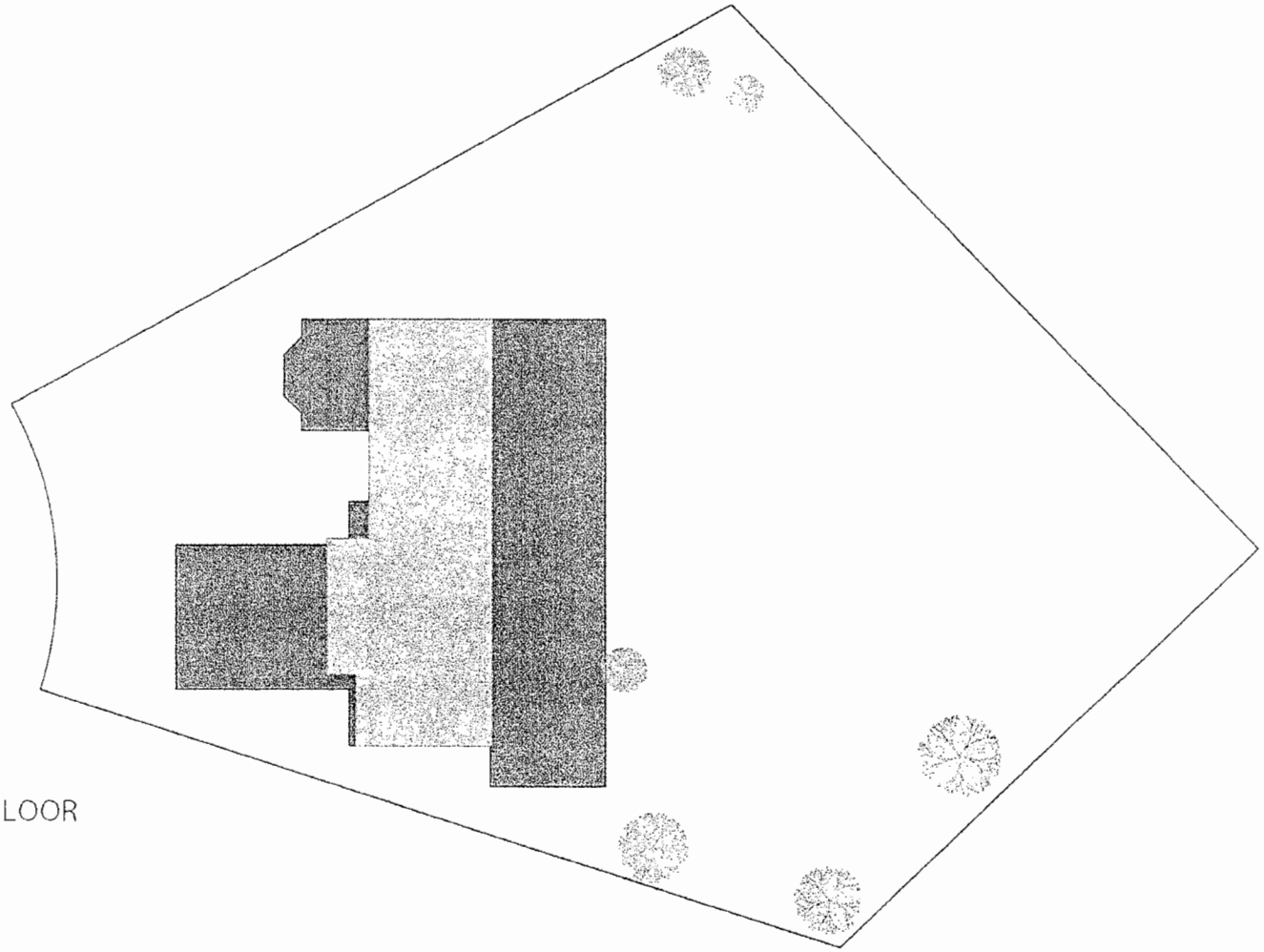


- 1 Story @ 4431.50 SQ. FT.
  33.60 % F.A.R.
  (currently proposed as a 2 story)

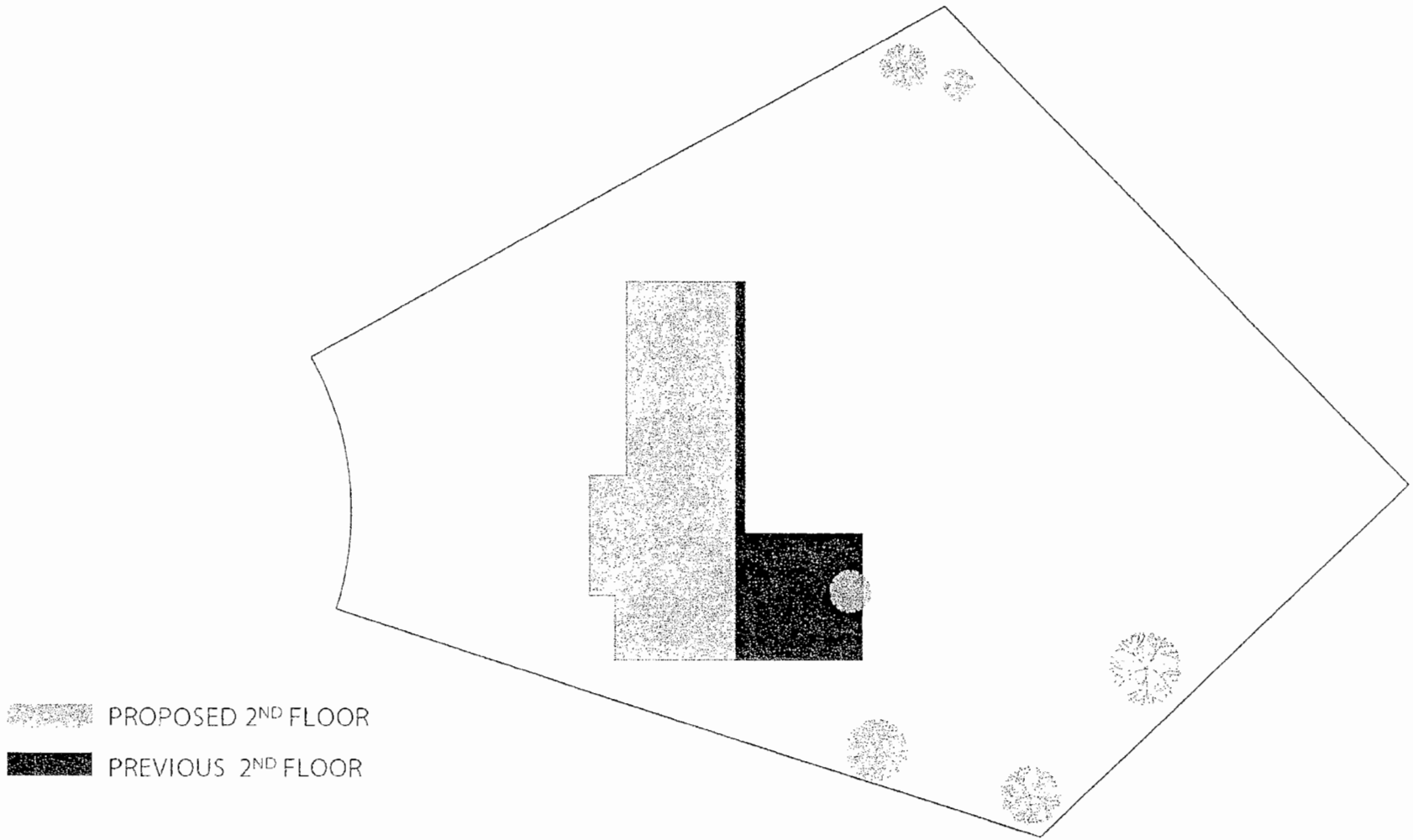


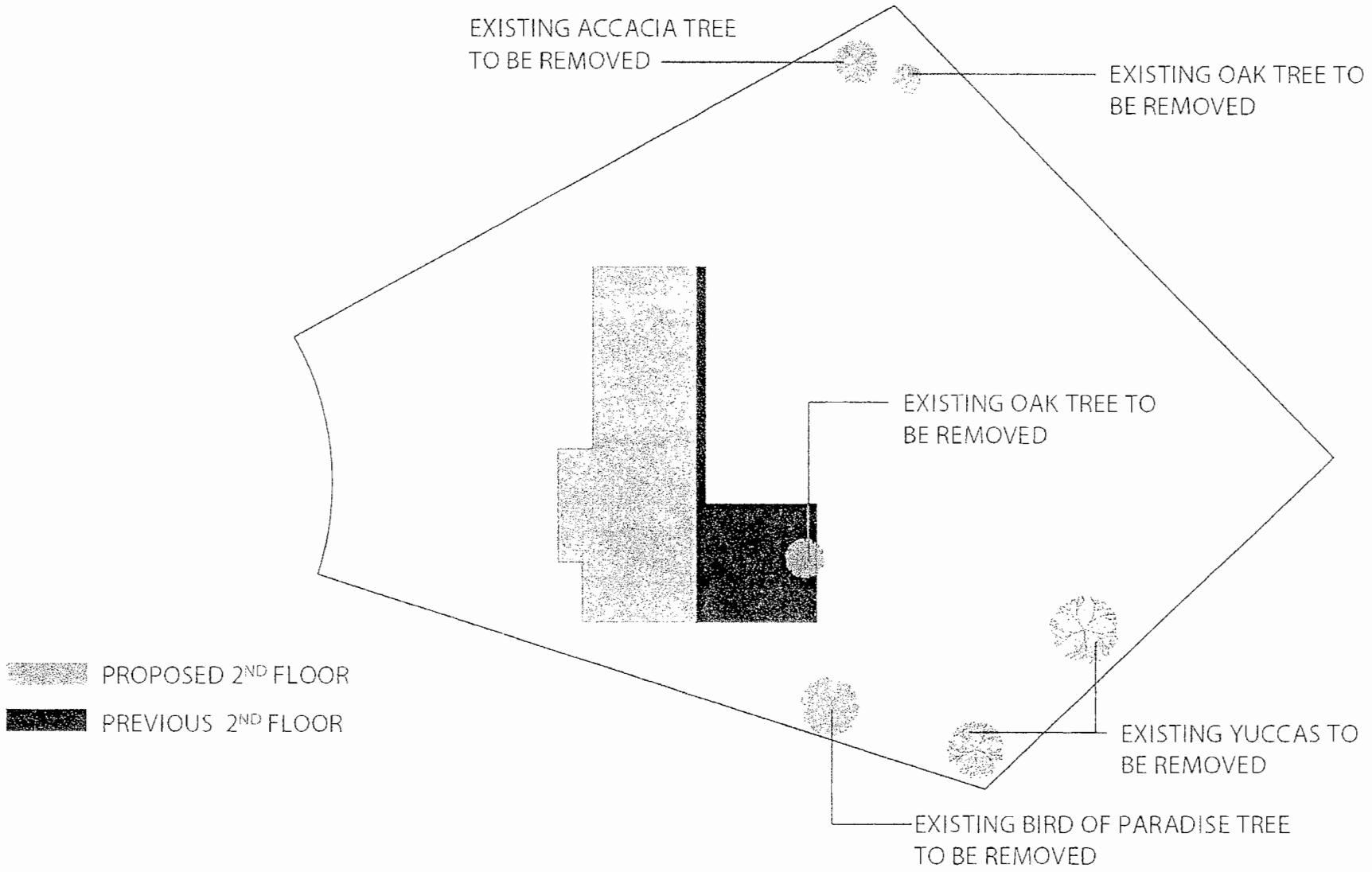

EXISTING 1ST FLOOR
PROPOSED 1ST FLOOR

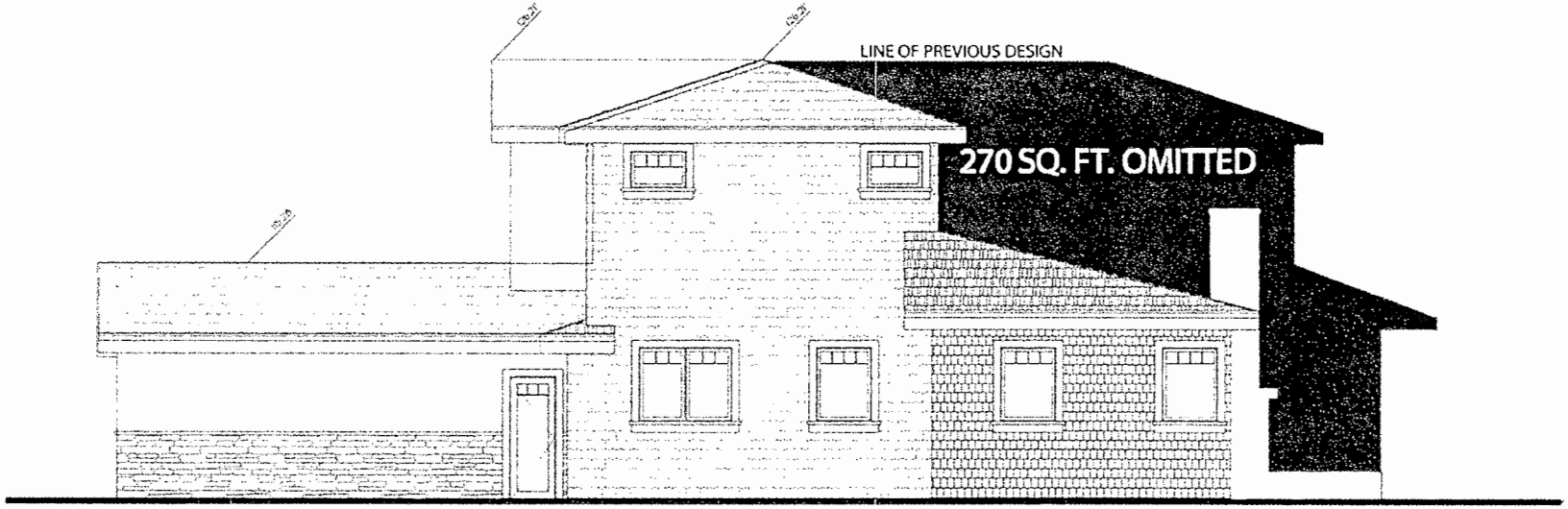

PROPOSED 1ST FLOOR
PREVIOUS 1ST FLOOR



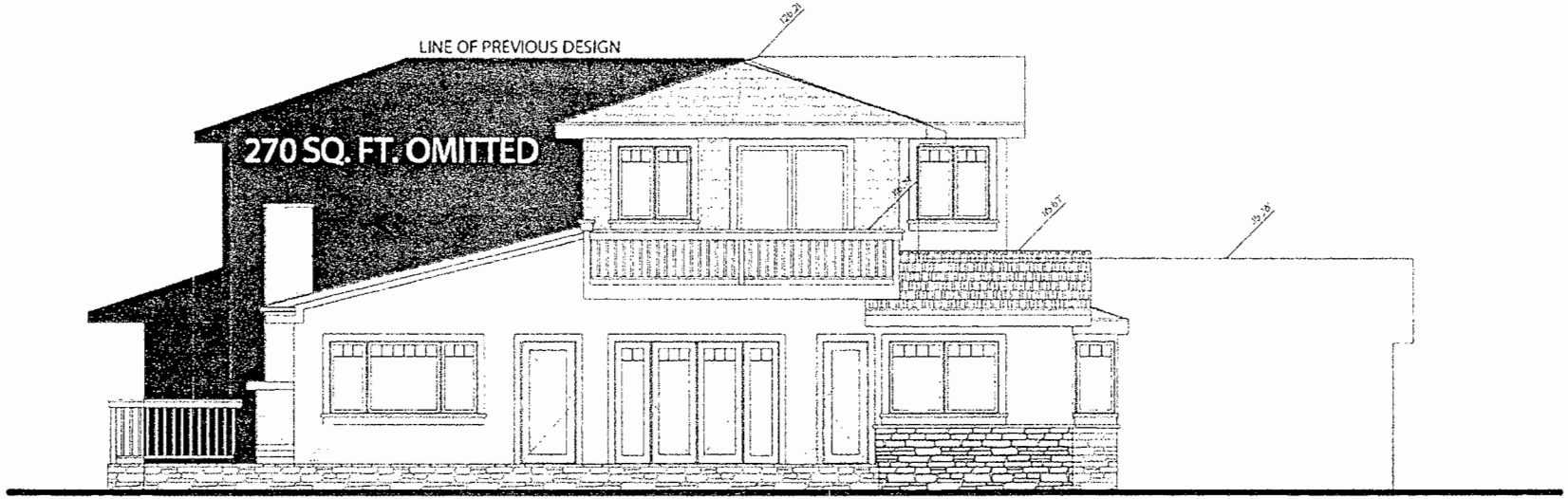
PROPOSED 2ND FLOOR


PROPOSED 2ND FLOOR
PREVIOUS 2ND FLOOR


EXISTING ACCACIA TREE
TO BE REMOVED
EXISTING OAK TREE TO
BE REMOVED
EXISTING OAK TREE TO
BE REMOVED
PROPOSED 2ND FLOOR
PREVIOUS 2ND FLOOR
EXISTING YUCCAS TO
BE REMOVED
EXISTING BIRD OF PARADISE TREE
TO BE REMOVED



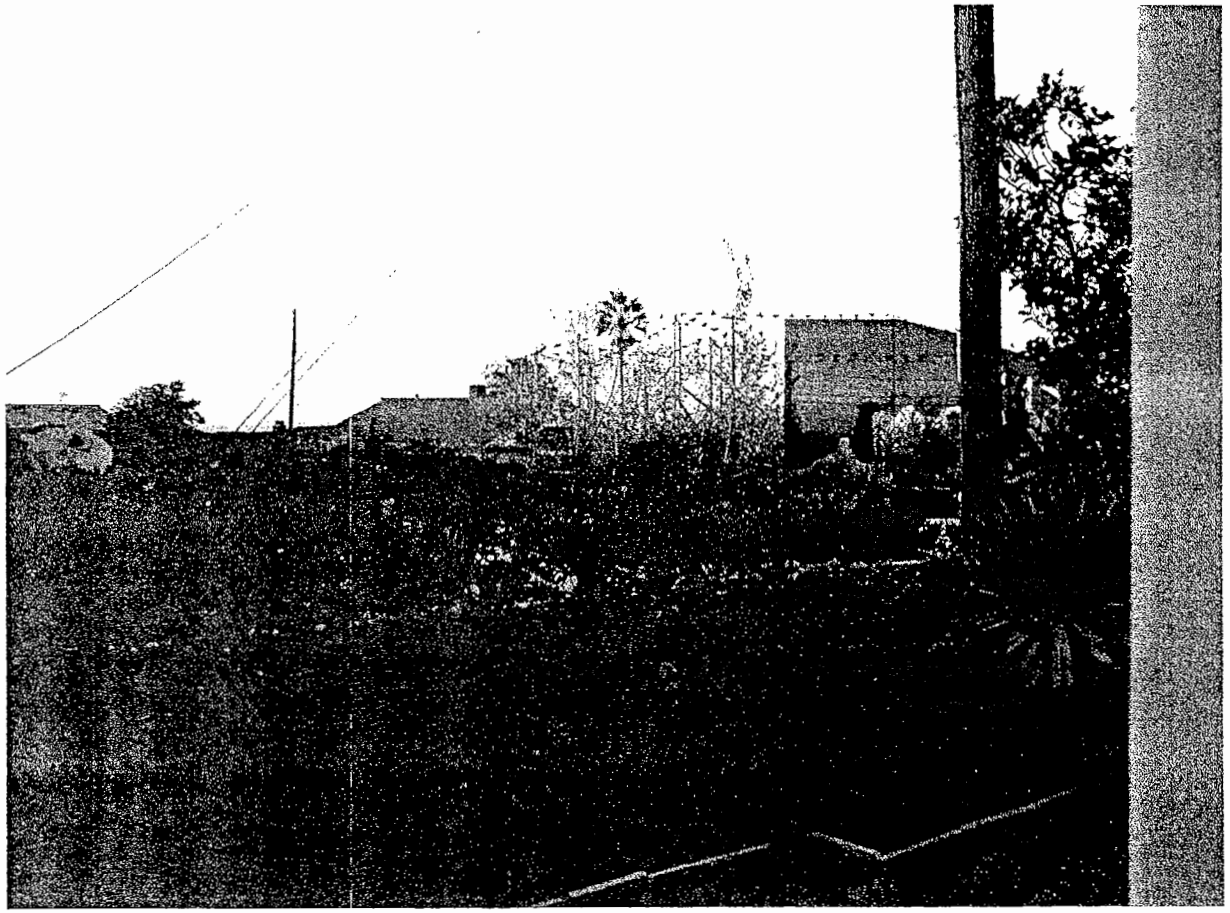
REVISED SOUTH ELEVATION



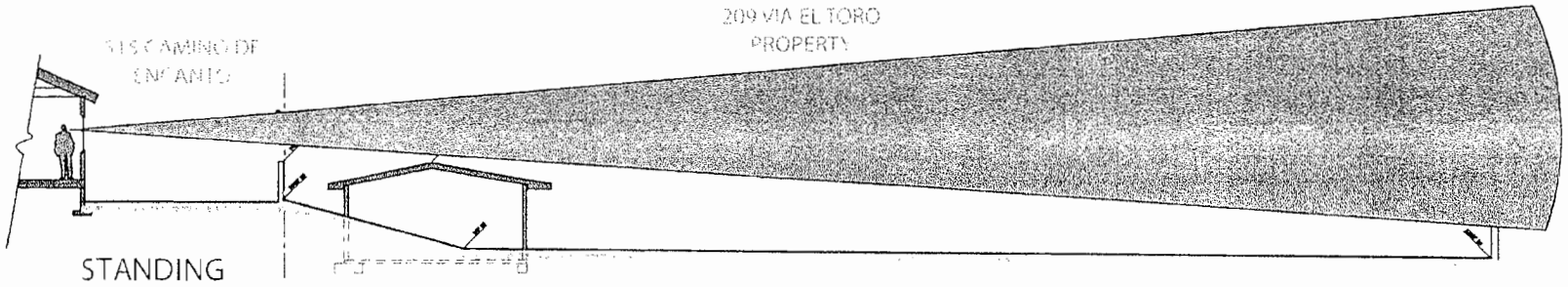
REVISED NORTH ELEVATION

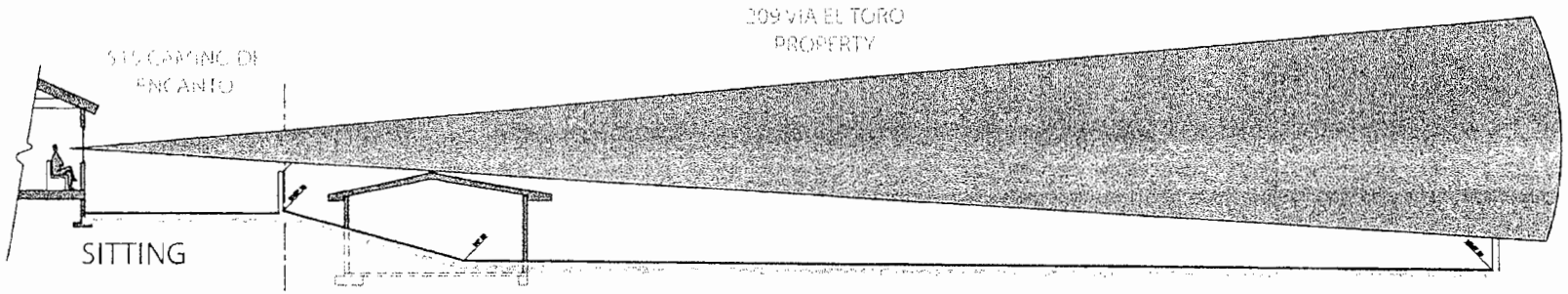
PRIOR DESIGN SILHOUETTE 10/2009

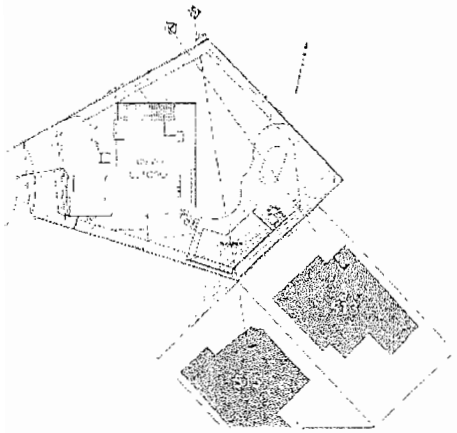
CURRENT DESIGN PROPOSAL 5/2010



Staff photo taken from 523 Camino de Encanto in October 2009 during review of previous development proposal at 209 Via el Toro

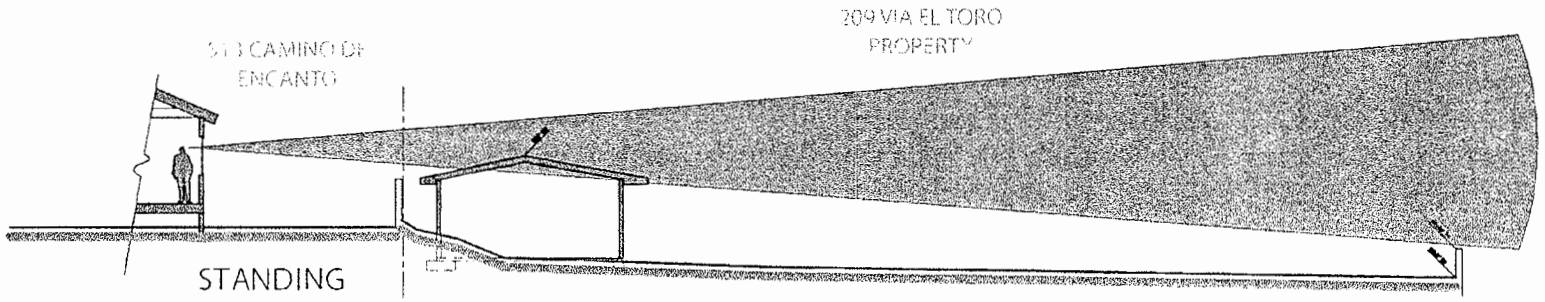


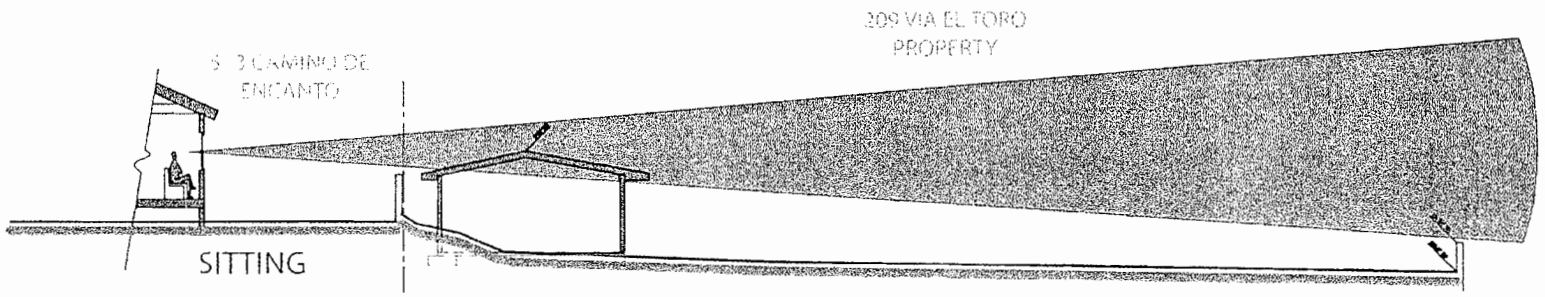


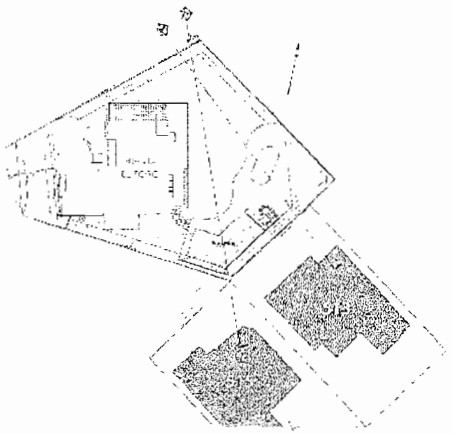


SITE SECTION

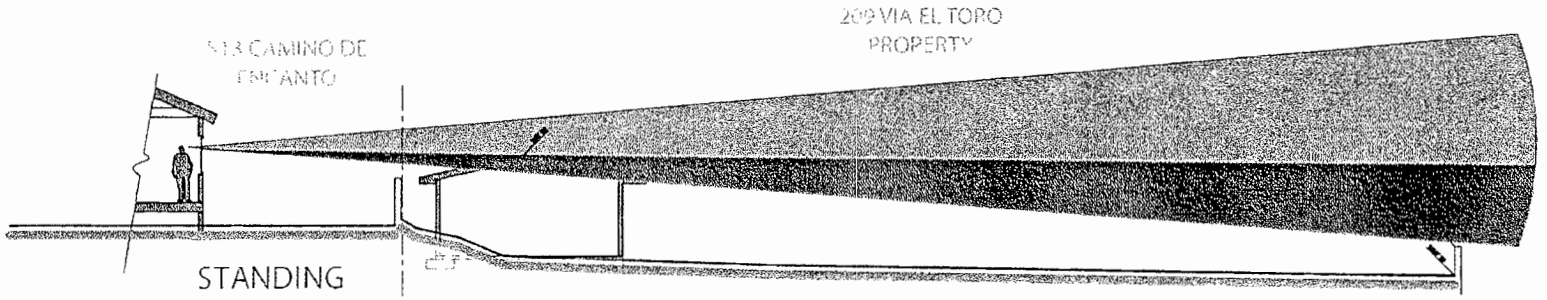
Demonstrates that placement of building will not impact view

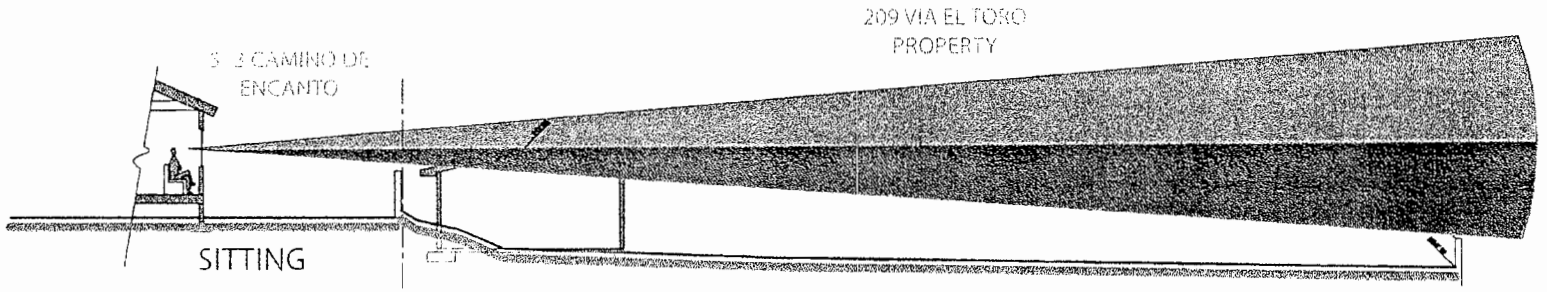


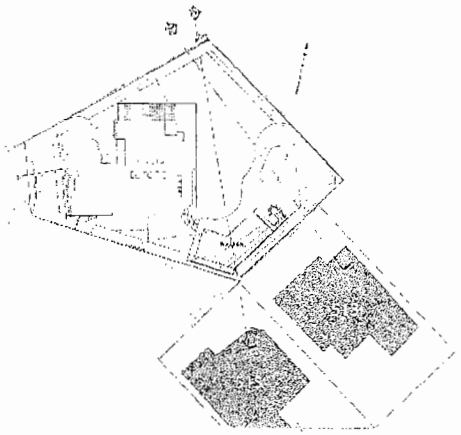




SITE SECTION







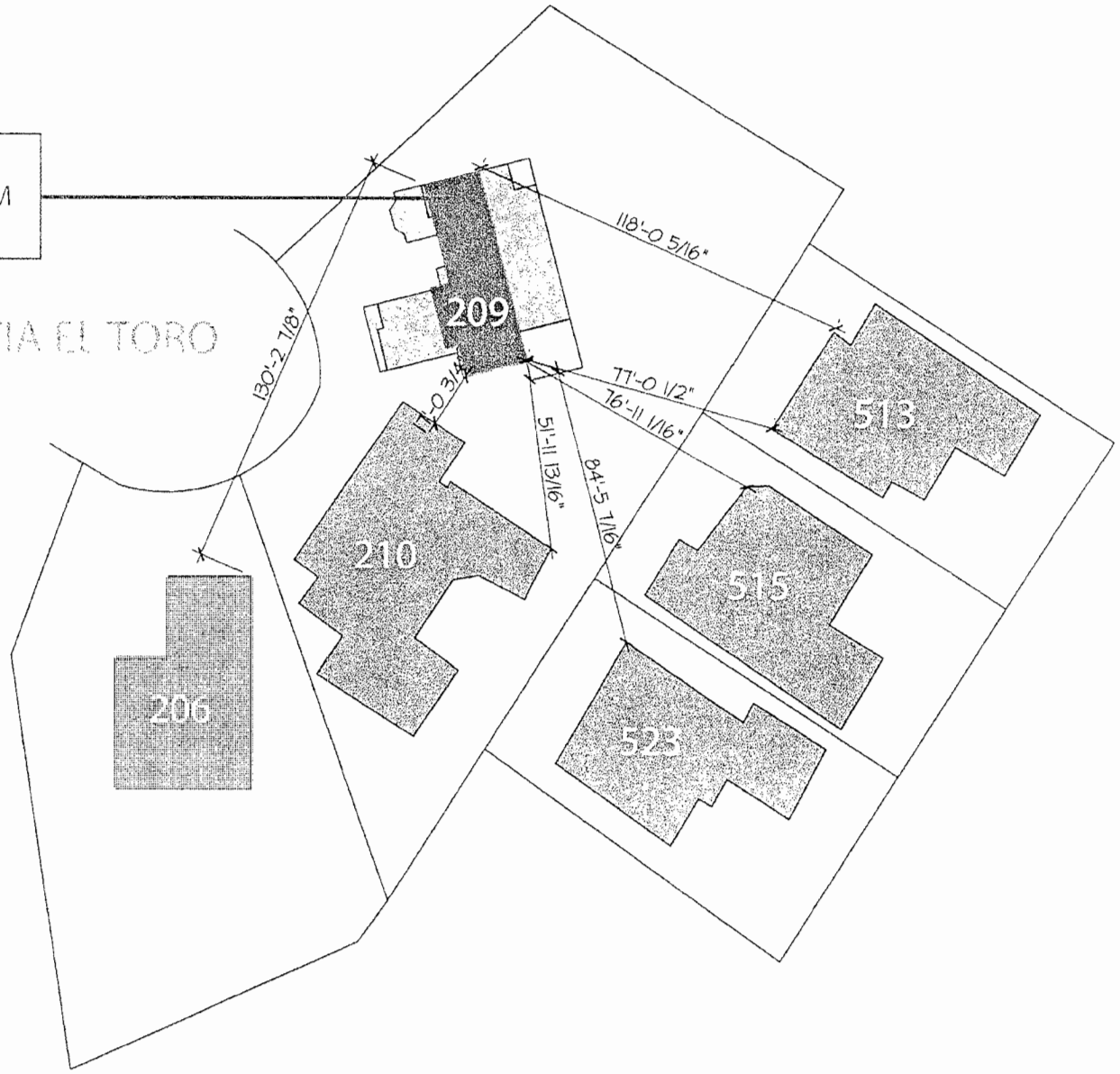
SITE SECTION

Demonstrates that placement of building will impact view from property at 513 Camino De Encanto

NOTE

Building shifted North and lowered 9 inches

PROPOSED BUILDING REMODEL
HOLDS A SIGNIFICANT DISTANCE FROM
NEIGHBORING STRUCTURES

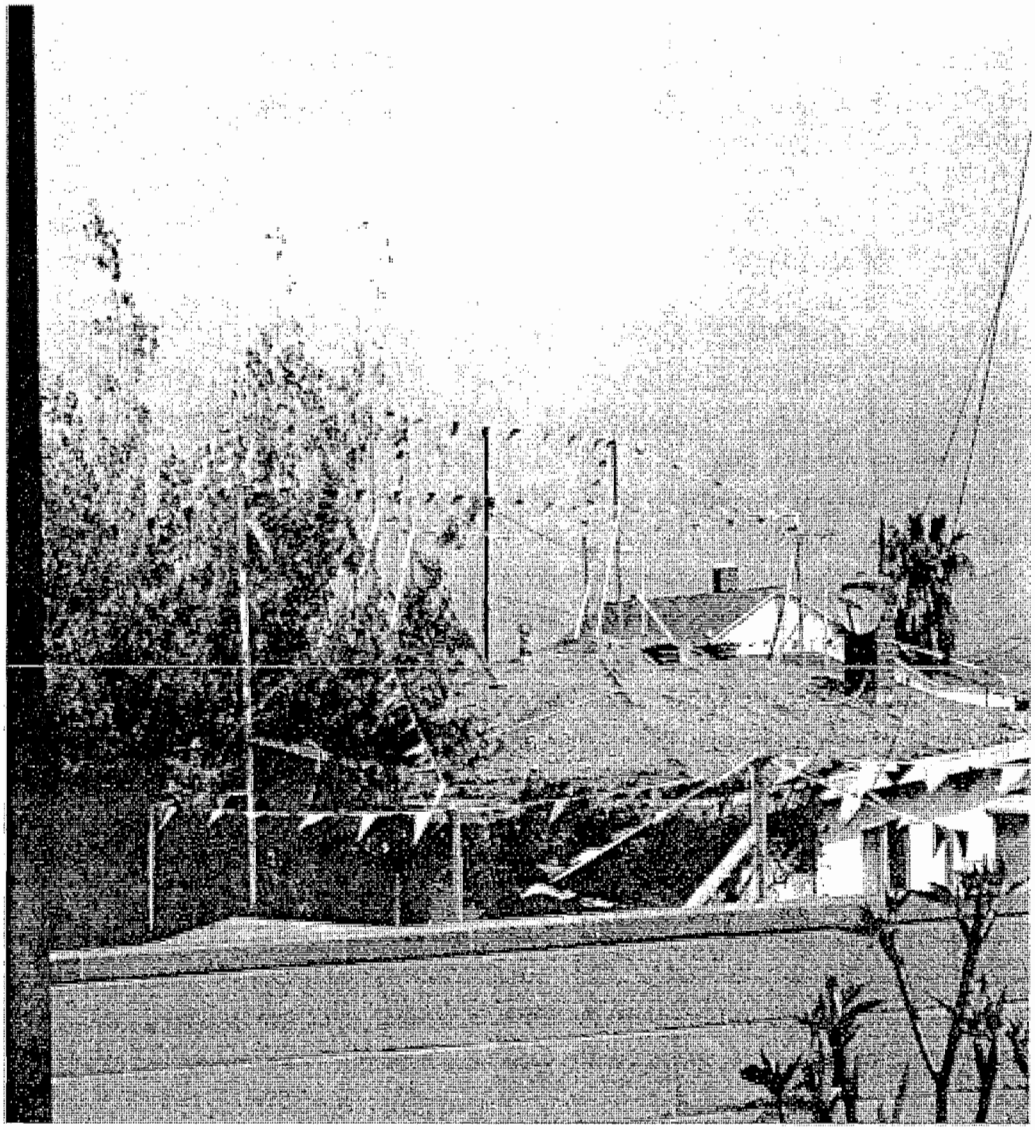


Site			13,185
	Existing	Prior Proposal	Current Proposal
Square Footage	2023	4834	4432
F.A.R.	15.34%	36.66%	33.6%

	Existing	Prior Proposal	Current Proposal
1st Floor	1608	2315	2275
2nd Floor	N/A	1213	965
Pool Bldg.	N/A	634	677

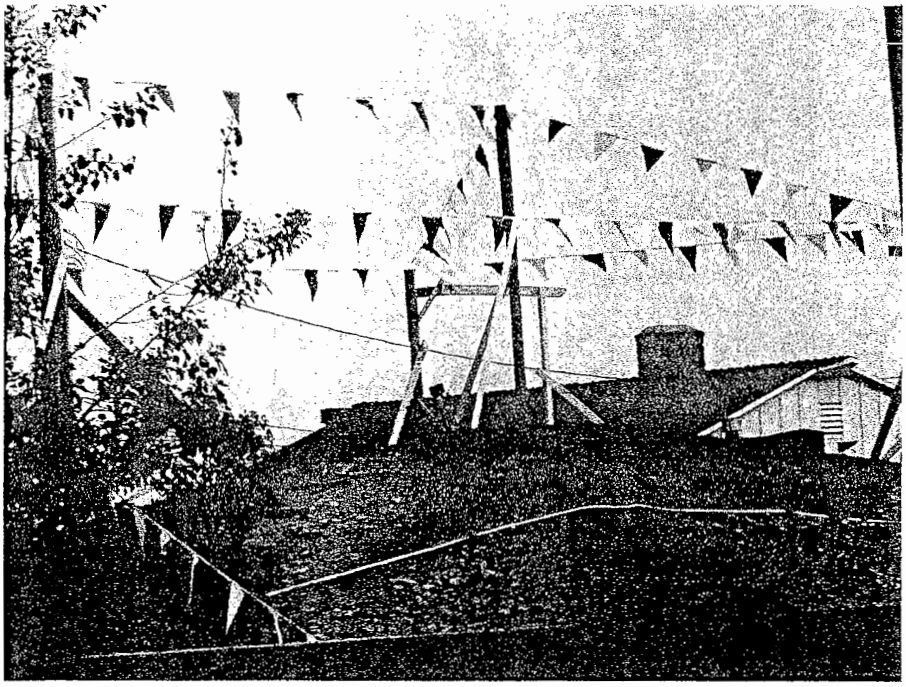
Summary

- Reduction of 2nd floor square footage
- Reduction of 1st and 2nd floor building mass
- Pushed proposed 1st and 2nd floor away from view corridor
- Increased the separation between 2nd floor and neighbors
- Increased separation between pool house and home for view
- Proposed removal of trees in view/Open added views
- Reduction of overall square footage/FAR
- Reworked the design of the home to respond to neighbors concerns

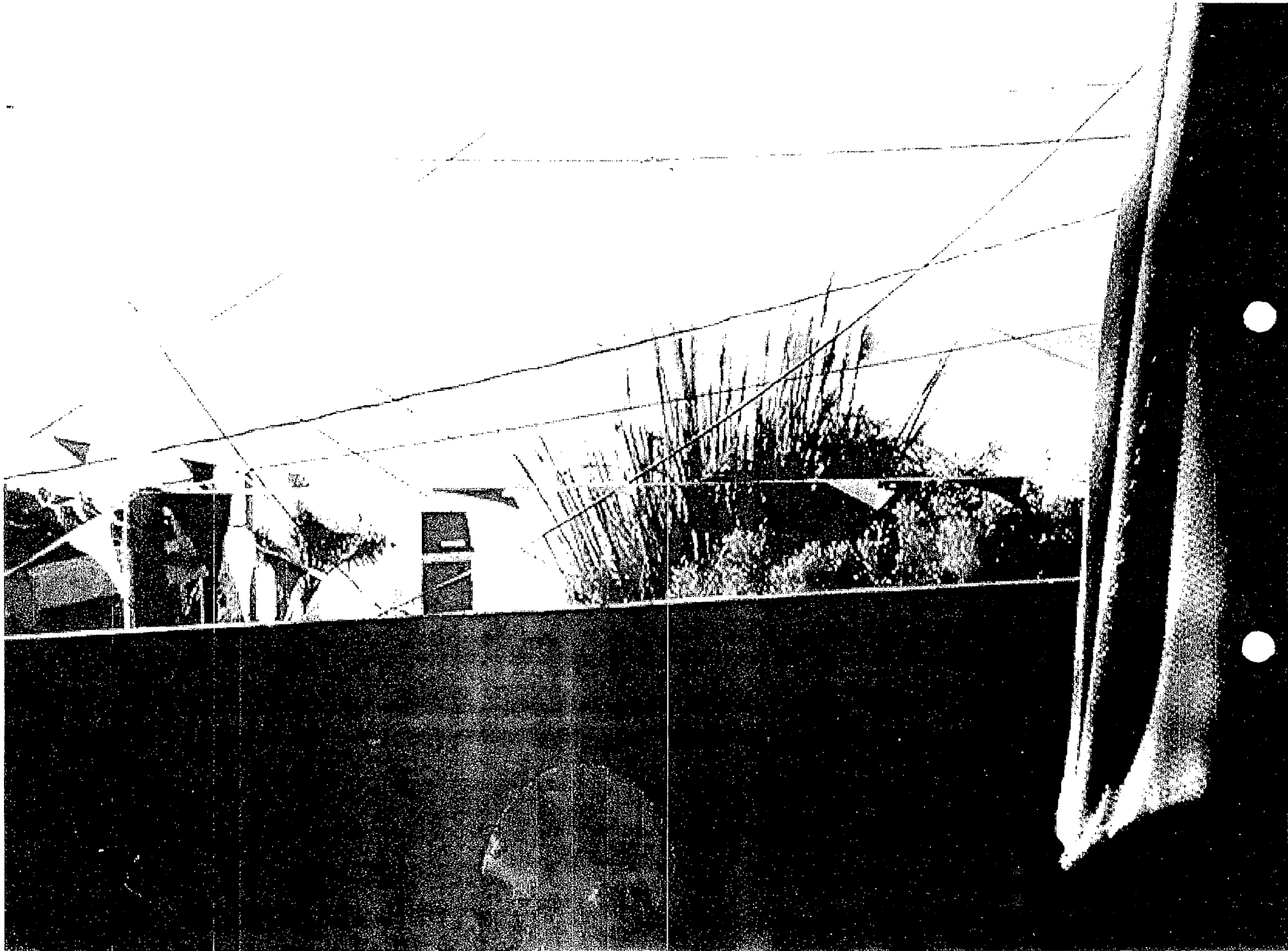


515 Camino de Encanto
VIEW FROM OFFICE if apartment type bldg is allowed! As evidenced by this photo, a much higher massive and obstructive proposal than anything in our immediate terraced neighborhood.

Submitted to the
Planning Commission
at the 5/19/2010
Public Hearing



515 Camino de Encanto:
VIEW FROM DINING ROOM TABLE
If remodel allowed it will be like living next to an apartment bldg or cruise ship that will be there as long as we live, never leaving port.

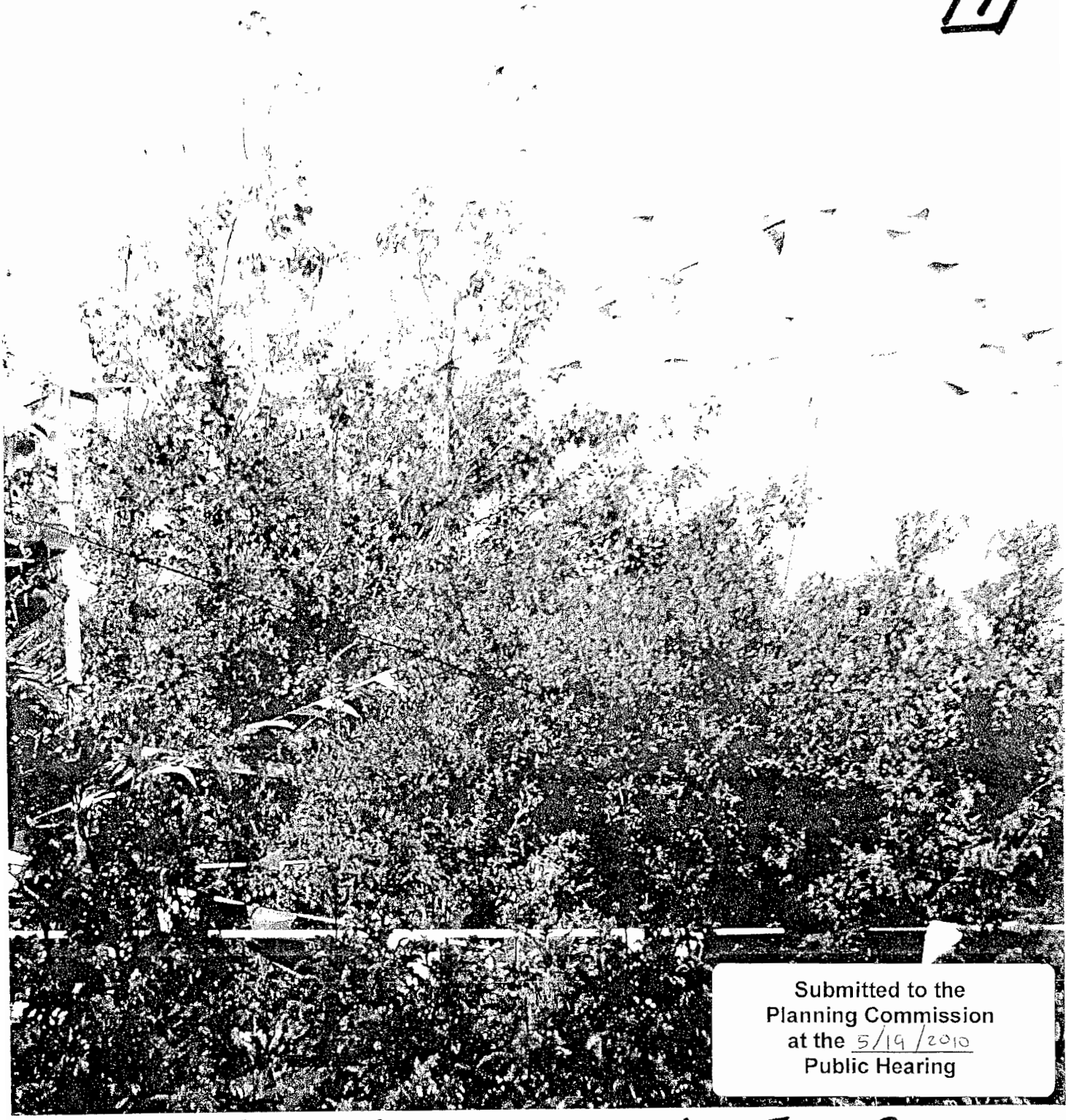


Living room view phase modified to that [illegible] [illegible] [illegible]

VIEW FROM 513 CAMINO DE ENCANTO

CONSTANTINO

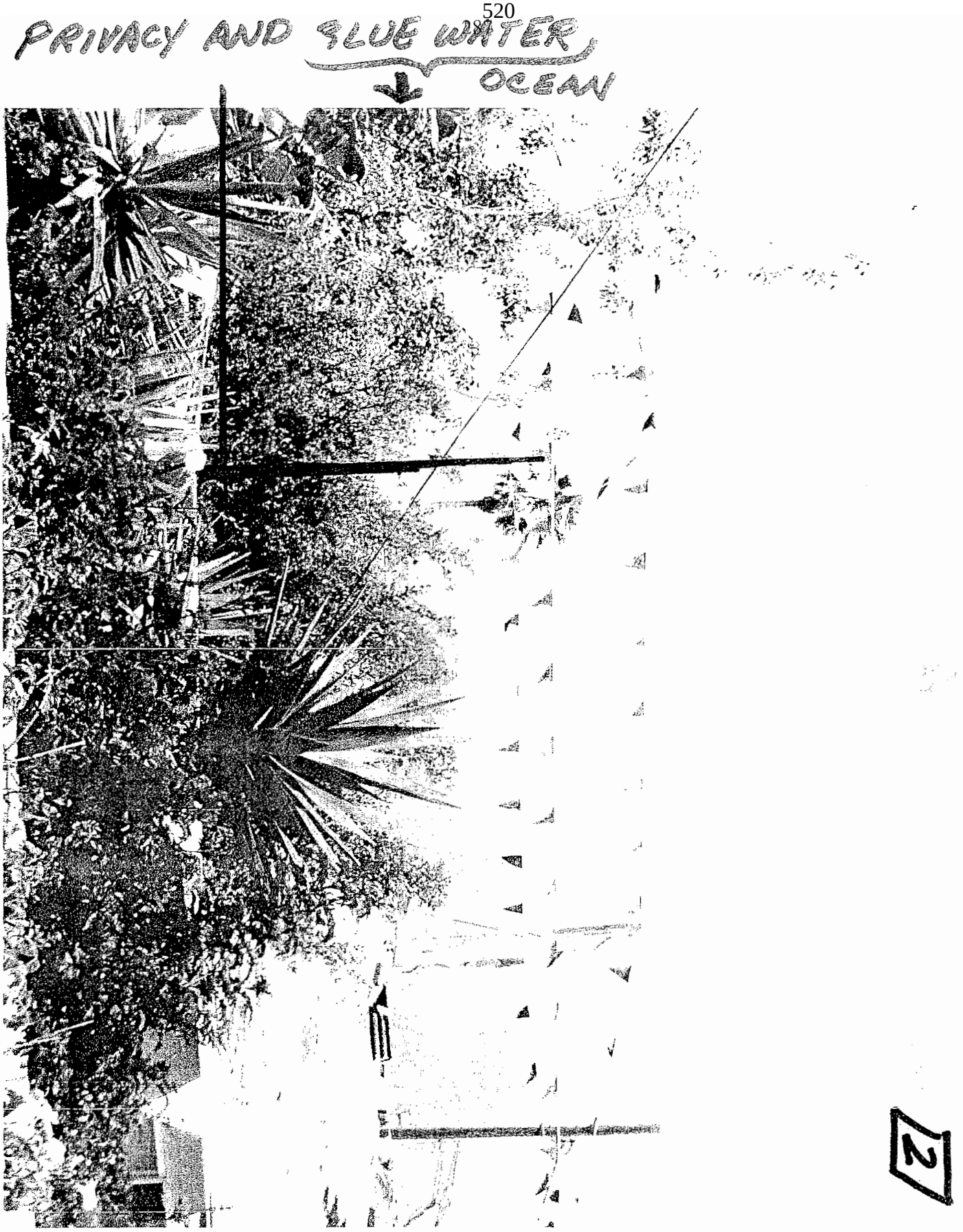
1



Submitted to the
Planning Commission
at the 5/19/2010
Public Hearing

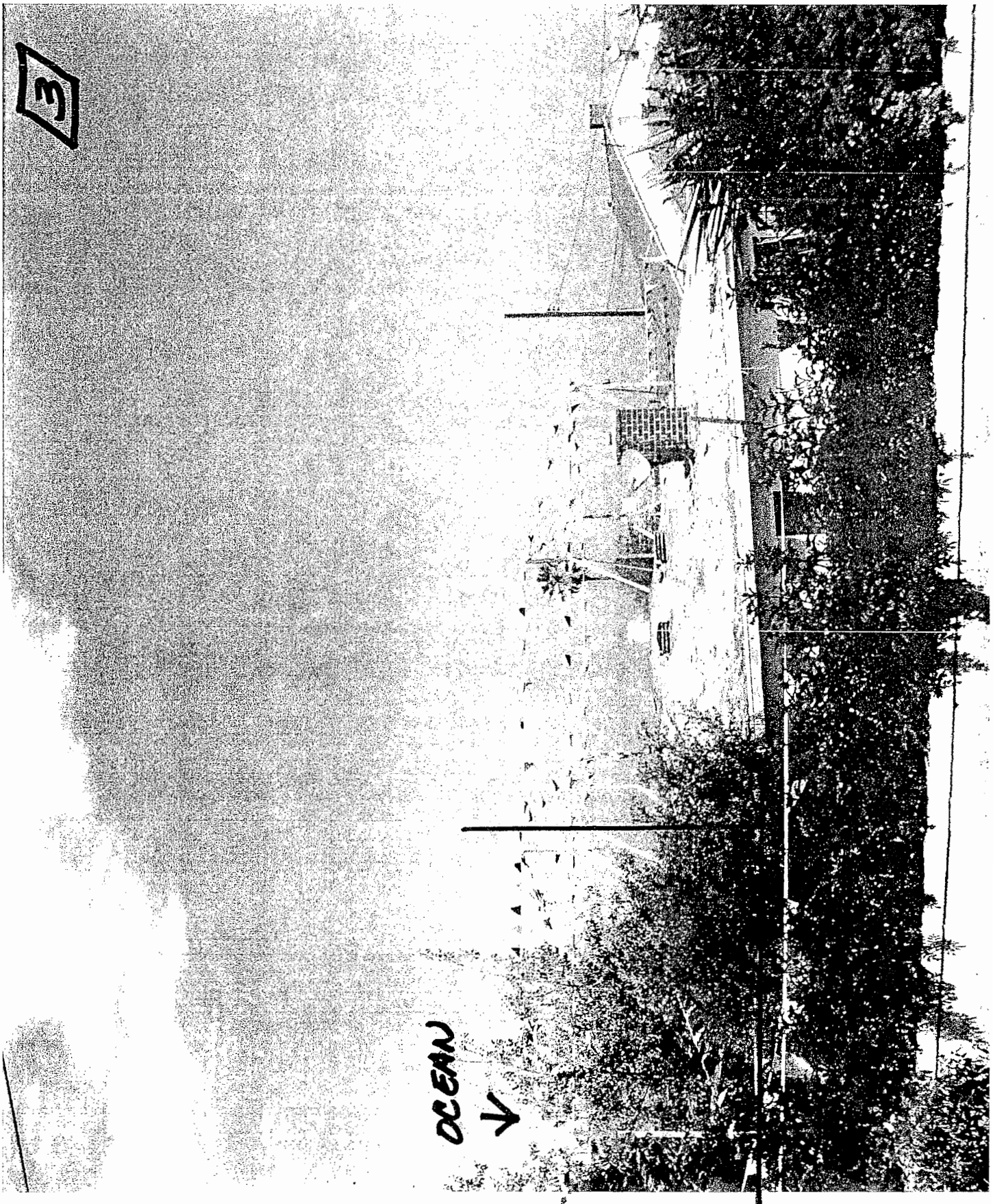
POOR VISIBILITY OF SILOHETTES OR PROPOSAL

"Due to Poplers"



VIEW FROM 513 CAMINO DE ENCANTO
CONSTANTINO

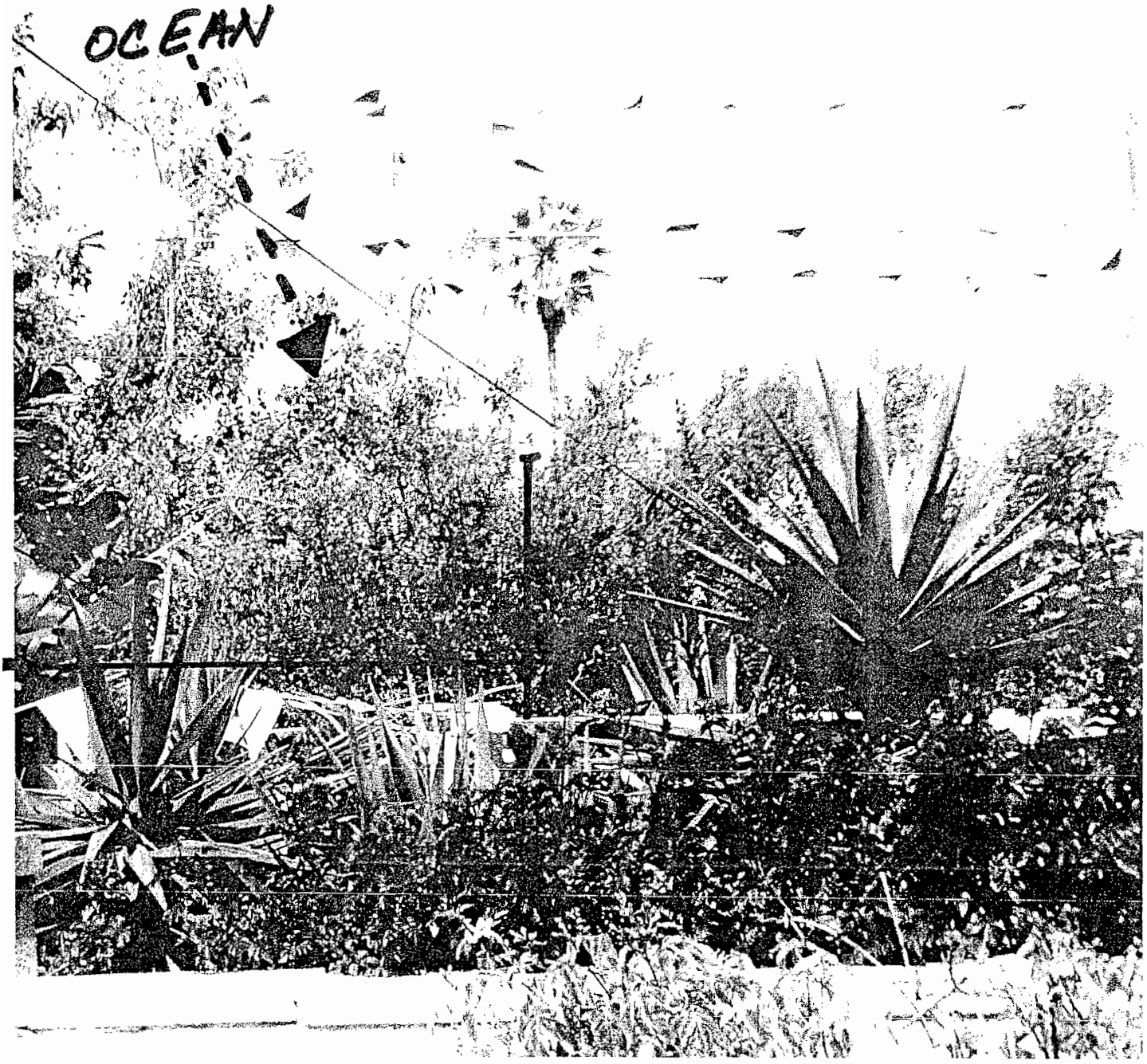
BLUE WATER - PRIVACY AND VIEW



VIEW FROM CAMINO DE ENCA. TO 513

VIEW FRO. / 513 CAMINO DE ENCANTO

4



VISIBILITY INTENTIONALLY BLOCKED BY SPITE FENCE

290 PH 1-3/0-3

Attachment K

RECEIVED
JUN 16 2010
CITY OF TORRANCE
COMMUNITY DEVELOPMENT DEPT

Kathleen and Edward Lahey
470 Camino de Encanto
Redondo Beach, California 90277-6529

June 15, 2010

~~Torrance City~~ Council Re: PRE09-00007 J & B Deliugios

We cannot attend the June 22 Council meeting, so we are submitting this letter to strongly urge the Council to uphold The Planning Commission denial of the subject Precise Plan at 209 Via El Toro. I shall not reiterate here the objections that have been recorded previously and that you will hear again tonight, except to say that we are in complete concurrence that the size of the proposed structures, etc. would have a very damaging impact on neighboring views and that the potential possible parking and night lighting would definitely diminish the privacy and property enjoyment of the hillside neighbors on Camino de Encanto.

In the 1970's I served on the Boards of Directors of the Riviera Homeowners Association and the Hollywood Riviera Community Assoc., both of which were keenly aware of the unique terrain that makes this section of Torrance such a beautiful and special place to live. These associations worked very hard with Riviera residents and the City of Torrance to develop a fair and legally enforceable Hillside Ordinance that would be binding upon all then current and future property owners in the covered area.
Riviera residents and the City both recognized and agreed that the contours of the hills that make the Riviera so special could often mean that construction appropriate for one parcel would not be permitted on a neighboring lot.
The Hillside Ordinance has helped maintain the integrity of the Riviera Community for over 30 years and is needed even more today to prevent this lovely area from succumbing to the uncontrolled mansionization we have all seen in neighboring So. Calif. cities.
The Deliugios property lies within the 180 plus home tract built in 1955/56 and known as Riviera Beach Estates. Today a large number of these homes, including several currently under construction or recently completed, have been significantly expanded. All, including our own, have been in compliance with the Hillside Ordinance.

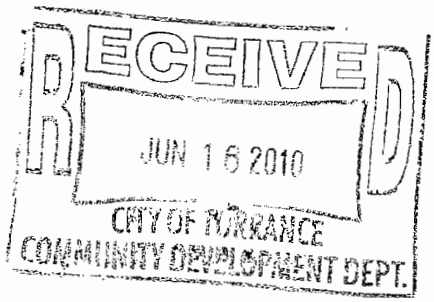
I was appalled when I first saw the proposed El Toro project. Never before have my husband and I seen such an egregious violation of the very communal spirit of the Hillside Ordinance, of which the Deliugios were well aware when they purchased their property.

Please send this project back to the drawing board and uphold the Planning Commission denial and protect the future tone of a very beautiful and special residential area of our City.

Sincerely,
Kathleen M. Lahey
Edward T. Lahey

June 14, 2010

City of Torrance
Community Development Dept.
3031 Torrance Blvd.
Torrance, Ca 90503



Torrance City Council,

Please be advised that we, Armando and Fredo Montano, owner and residents of a single family residence at 526 Palos Verdes Blvd, are opposed to:

the Delurgio construction project, PRE 09-00007.

Specifically it directly impacts our Ocean Views and lessens the value of our home.

Respectfully,

Armando Montano
Torrance, Ca 90505
(310) 375-3995

Mr. & Mrs. A. R. Montano
526 Palos Verdes Blvd.
Redondo Beach, CA 90277

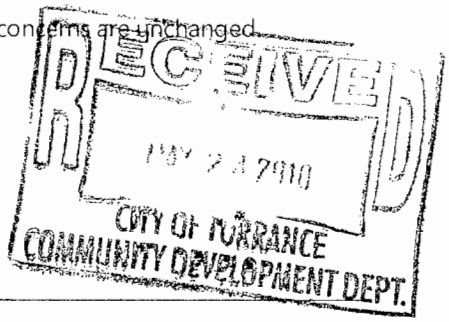
FW: 209 Via El Toro precise plan hearing May 19th

From: **Chris Jensen** (ccjmd@hotmail.com)
Sent: Wed 5/19/10 10:11 AM
To: glodan@torrnet.com; omartinez@torrnet.com; jgibson@torrnet.com

Dear Mr. Lodan, Mr. Martinez, and Gibson,

Attached please find my letter from the previous hearing regarding PRE09-00007.

The newest silhouette is not significantly changed from the prior one and my concerns are unchanged.



Thank you,

Chris Jensen
210 Calle de Sirenas
Redondo Beach, CA 90277

From: ccjmd@hotmail.com
To: glodan@torrnet.com; omartinez@torrnet.com
Subject: 209 Via El Toro precise plan hearing November 4th
Date: Mon, 2 Nov 2009 22:06:36 -0800

Dear Mr. Lodan and Mr. Martinez,

I am not able to attend the hearing regarding, PRE09-00007: JIM & BETSY DELURGIO. I am their neighbor to the back at 210 Calle de Sirenas on a small lot with a small historic single story hillside bungalow.

Jim and Betsy generously invited me to their home to present the remodel plans and they have visited my home to see the silhouette from my property. We discussed the plans extensively including their reasons for the type of remodel they chose, the efforts they have made to inform their neighbors and the challenges they face. I understand their need to expand to make a comfortable home and yard for their family and I understand their want to do this as a second story addition. I have also spoken to all of my neighbors about the remodel.

In this context, I would like to offer my thoughts.

I support a single story remodel at 209 Via El Toro. I have concerns about a second story addition. While the impact is small, the silhouette is very visible from my front yard, east side yard and back windows. The silhouette casts an imposing presence over my house as seen when one drives up to my property and when one faces south along the east side of my property. It significantly changes the presentation of my home as seen from the street. It gives a different feel to the area like you might get in one of our neighboring beach cities to the north.

Unlike the actual construction, the silhouette does not block light or air, does not significantly block sight lines and does not impact the privacy of other properties in the vicinity. Therefore, it is difficult to get a feel for how my property will actually be impacted. Silhouettes do not accurately represent what a structure will do to the surroundings and therefore they do not fully inform or fully disclose impacts.

I fear that the new views from a second story addition at 209 Via El Toro could be used as a justification for limiting any future development I may consider, either single or second story.

My concerns are written with apprehension and regret because the current process of hearings pits neighbor against neighbor, promotes ill will, encourages hostile behavior and can result in litigation. In short, it is detrimental to our community. I do not want this kind of conflict with my neighbor. At the same time I am forced to represent my interests in this forum.

Thank you for your consideration,

Chris Jensen
210 Calle de Sirenas

Hotmail: Trusted email with powerful SPAM protection. Sign up now.

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. Get busy.

Martinez, Oscar

From: Mmccammack@aol.com
Sent: Monday, May 24, 2010 7:53 AM
To: Martinez, Oscar
Subject: Attn: Oscar Martinez

Mr. Martinez,

Recently I received an anonymous letter from someone in our neighborhood regarding the hearing today against the Delurgio second story project at 209 Via El Toro. If someone went to the trouble to write such a letter, I don't understand why they couldn't sign their name. Seems like our neighborhood has been at war with each other for some time. This isn't the first time that this has happened on our street. I believe that if the Delurgio are within their height limititation and follow the city codes that they are entitled to improve their home, and that if someone in our neighborhood can stop this project only because their privacy may be jeopardized is not a "good enough" reason to impede this project. This same thing happened at the end of this cul-de-sac a few years ago. The family wanted to enlarge their home by a second floor addition, only to be stopped by a neighbor that had just put a pool in, and did not want them to have a view of their back yard. Too bad. This family because it was expecting an additional had to sell their home and leave. This type of thing seems to be a "theme" on our street. Certainly doesn't make for a friendly neighborhood. It is very sad that a few people can obstruct an improvement that can only enhance our area. I for one am not against this improvement, and wish the Delurgio's good luck.

Mary Lou McCammack
525 Paseo de la Playa
Redondo Beach, CA 90277
310 373-6252

I would be their in person, but I am leaving today on a trip.
my email is: mmccammack@aol.com
Please let me know you received this email.

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **December 27, 2012**, I caused to be mailed **44** copies of the within notification for City Council **MIS12-00085 (Revised): Jim Delurgio** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.
Executed **December 27, 2012** at Torrance, California.

Denise Adams

(signature)

CITY OF TORRANCE
Community Development Department
3031 Torrance Boulevard
Torrance, CA 90503

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at **7:00 p.m., January 8, 2013** in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

MIS12-00085 (Revised) Jim Delurgio: City Council consideration of an appeal of a Planning Commission denial of a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: **December 28, 2012**

SUE HERBERS
CITY CLERK

Forty four (44) notices mailed 12-27-12. da

Daily Breeze

21250 HAWTHORNE BLVE, STE 170 * TORRANCE CALIFORNIA 90503-4077
Direct: (310) 543-6635 Fax: (310) 316-6827

PROOF OF PUBLICATION
(201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the **THE DAILY BREEZE**

a newspaper of general circulation, printed and published

in the City of **Torrance***
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of

June 10, 1974

Case Number **SWC7146**
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

December 28,

all in the year 2012

the foregoing is true and correct.
Dated at Torrance

California, this 28 December 2012

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

RECEIVED

2013 JAN -2 AM 11:00

CITY OF TORRANCE
CITY CLERK'S OFFICE

DB 12-72
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at **7:00 p.m., January 8, 2013** in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

MIS12-00085 (Revised) Jim Delurgio: City Council consideration of an appeal of a Planning Commission denial of a Minor Hillside Exemption to allow single-story additions under 14-feet in height to the front, sides, and rear of the residence on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

SUE HERBERS
CITY CLERK

Published: December 28, 2012