

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement  
(916) 322-5662 322-5660 322-5901 322-6441

September 21, 1984

Stanley E. Remelmeyer  
City Attorney  
3031 Torrance Blvd.  
Torrance, CA 90503

Re: Advice Letter No. A-84-211

Dear Mr. Remelmeyer:

Thank you for your request for advice on behalf of several officials of the City of Torrance concerning their duties under the conflict of interest provisions of the Political Reform Act.<sup>1/</sup> The matter before the City for decision is a proposed ordinance containing development standards and hearing procedures for a designated area called the "hillside area" within the city of Torrance ("City").

### QUESTION PRESENTED

May the City officials participate in the decision on the ordinance?

### CONCLUSION

If the only financial interest which could be affected by the decision is the officials' interest in their residences, they may participate in the decision on the ordinance.

### FACTUAL BACKGROUND

According to your request, the background for the pending decision is as follows:

The City of Torrance is a city of 130,000 people. According to the latest census, the city contains 29,576 single-family dwelling units and 18,928 multiple-family dwelling units. The city is basically flat except for the south and west portions of the city, where the land rises

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<sup>1/</sup> Government Code Sections 81000-91014. All statutory references are to the Government Code unless otherwise stated.

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to the Palos Verdes Peninsula. In 1977, the City Council designated much of that area as a "hillside" area, and by an ordinance imposed certain development standards and a public hearing requirement for new developments or enlargement of dwellings located within that area. The hillside area contains about 6,850 single-family dwellings, which constitute 14% of the total dwellings in the City and 23% of the single-family dwellings.

The City Council has now adopted, as an emergency ordinance, a new set of development standards and hearing procedures. These development standards and procedures are considered to be somewhat temporary, and the Council, in conjunction with a committee of the Planning Commission, is commencing a series of public meetings to discuss the hillside ordinance and any proposed changes to the ordinance. It is anticipated that the Council will then amend the ordinance when a consensus is reached regarding the extent of regulation and the appropriate procedure for reviewing hillside cases.

The following public officials own their residences in the hillside area:

Councilmember Katy Geissert

Councilmember William C. Applegate

Planning Commissioner George W. Brewster

Planning Commissioner John Bramhall

City Attorney Stanley Remelmeyer

Senior Planning Commission Staff Member Rosalie Woodward

#### ANALYSIS

As you know, public officials may not make, or participate in the making of, a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect on, among other interests, an interest in real property worth over \$1,000 held by the official. Sections 87100 and 87103. Assuming that the City officials here have an interest in their residences worth over \$1,000, they must not make or participate in any decision which could have a material

financial effect on the use or enjoyment or the fair market value of their homes.<sup>2/</sup>

It is my understanding that the proposed ordinance contains more specific development guidelines than the present ordinance. The present ordinance focuses on preventing any development which would significantly impair the view, and its provisions are specifically stated to be directory rather than mandatory. The proposed ordinance contains guidelines on the issue of view, but it also has development criteria relating to privacy and the availability of air and light. You also stated that the proposed changes are consistent with the Council's current interpretation of the present ordinance. These changes may have a material financial effect on the fair market value of the properties in the hillside area in the sense that the more precise and stricter standards provide more stability to the neighborhood and neighborhood stability normally enhances property values. However, we find it unnecessary to make a determination on materiality since, assuming that there will be a material financial effect on the value of the officials' residences, the "public generally" exception to disqualification as discussed below seems to apply.

The statute includes an exception to disqualification for decisions which will affect the public official in the same or similar manner as the public generally or "a significant segment of the public generally." Section 87103; 2 Cal. Adm. Code Section 18703. While these terms have never been quantified by the Commission, it has been satisfied by such segments as 1) owners of less than four units of residential rental property in Los Angeles; 2) all tenants in Berkeley; 3) all homeowners in Davis; and 4) all retail shopowners who lease space in Davis.<sup>3/</sup>

In a staff advice letter to the City Attorney of Westminster (No. A-81-507, copy enclosed), we concluded that, in a decision on an ordinance for mediation of rent increases in mobilhome parks, mobilehome owners residing in mobilehome parks made up

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<sup>2/</sup> Commission Regulation, 2 Cal. Adm. Code Section 18702 contains guidelines on what constitutes a material financial effect on an interest in real property (copy enclosed).

<sup>3/</sup> Ferraro, 4 FPPC Opinions 62 (No. 78-009, Nov. 7, 1978); Overstreet, 6 FPPC Opinions 12 (No. 80-010, March 12, 1981); Owen, 2 FPPC Opinions 77 (No. 76-005, June 2, 1976).

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10.9% or more of all households in Westminsters and thus constituted "a significant segment of the public generally."

In this situation 14% of all residential dwellings, and 23% of all single family dwellings, will be affected by the proposed ordinance in the same or similar manner. This is a large and diverse enough group to constitute a significant segment of the public generally. Accordingly, named in this letter as a part the city officials of this group may participate in the decision on the proposed ordinance.

Please feel free to contact me at 916/322-5901 if I can be of further assistance.

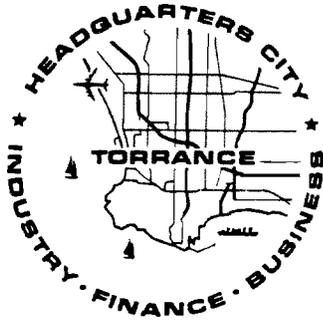
Sincerely,



Diane Maura Fishburn  
Counsel, Legal Division

DMF:km  
Enclosures

STANLEY E. REMELMEYER  
CITY ATTORNEY



3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA  
TELEPHONE (213) 328-5310

90503

August 17, 1984

AUG 20 9 44 AM '84

Fair Political Practices Commission  
P.O. Box 807  
Sacramento, California 95804

Gentlemen:

SUBJECT: Request for Advice

The City of Torrance is a city of 130,000 people. According to the latest census, the city contains 29,576 single-family dwelling units and 18,928 multiple-family dwelling units. The city is basically flat except for the south and west portions of the city, where the land rises to the Palos Verdes Peninsula. In 1977, the City Council designated much of that area as a "hillside" area, and by an ordinance imposed certain development standards and a public hearing requirement for new developments or enlargement of dwellings located within that area. The hillside area contains about 6,850 single-family dwellings, which constitute 14% of the total dwellings in the City and 23% of the single-family dwellings.

The City Council has now adopted, as an emergency ordinance, a new set of development standards and hearing procedures. These development standards and procedures are considered to be somewhat temporary, and the Council, in conjunction with a committee of the Planning Commission, is commencing a series of public meetings to discuss the hillside ordinance and any proposed changes to the ordinance. It is anticipated that the Council will then amend the ordinance when a consensus is reached regarding the extent of regulation and the appropriate procedure for reviewing hillside cases.

The problem we bring to you is this: Two of the City Council members, two of the Planning Commissioners, a senior member of the Planning Commission staff (who is drafting suggestions for modifications), and myself all reside in the hillside area. Each of us owns the single family dwelling in which we live. We need your advice whether each of us

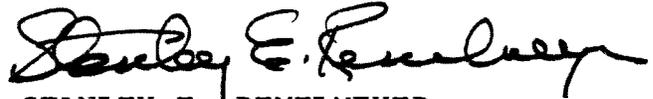
August 17, 1984

(or any of us) are prohibited from participating in the decision-making process in regard to the proposed ordinance changes.

I attach for your reference a copy of the former hillside ordinance and a copy of the present ordinance, which is the subject of the discussions. Also, I attach a map of the city, indicating the location of the hillside area and showing the approximate location of the homes of the six of us who are involved.

Your prompt response would be appreciated since this issue is one of some controversy in the City, and the Council will need to make a determination soon.

Very truly yours,



STANLEY E. REMELMEYER  
City Attorney

rs  
Enclosures

TORRANCE MUNICIPAL CODE

## ARTICLE 41 - R-H HILLSIDE AND LOCAL COASTAL OVERLAY ZONE

(Added by 0-2747; Amended by 0-2760; 0-2961; 0-2982; 0-3027; 0-3110)

## SECTION 91.41.1. HILLSIDE AND COASTAL ZONE.

a) The Hillside and local Coastal Overlay Zone shall consist of the area designated in the maps attached following this Article, marked Exhibits A, B, and C to Section 91.41.1, which are hereby incorporated in this Code by this reference.

b) The provisions of this Article shall apply to all properties within the Overlay Zone in addition to the requirements of the underlying zone, except as provided in this Article. No permits shall be issued for development in the Hillside and Coastal Zone unless the requirements of this Article have been met.

## SECTION 91.41.2. APPLICATION OF PREEXISTING ZONE.

Nothing contained in this Article shall be deemed to repeal any provision of this Code, and the requirements of all preexisting zones in existence in the area encompassed by this Overlay Zone shall be and remain in full force and effect in addition to the requirements of the Overlay Zone, except that the requirements of the Overlay Zone shall be applied where the requirements and standards contained therein are more restrictive than those of the preexisting underlying zones.

## SECTION 91.41.3. PUBLIC HEARING.

a) Upon receipt of the complete application, the Planning Director shall set a date, time and place for a public hearing thereon as soon as practicable and shall send notice thereof to the owners of land included within a three hundred (300) foot radius of the exterior boundaries of the land for which the permit is sought as shown on the last equalized assessment roll. The Planning Commission may conduct said hearing in an informal manner. The rules of evidence shall not apply. The hearing may be adjourned to a future time at the discretion of the Planning Commission without the giving of further notice, other than announcement by the Commission of the date, time and place of such adjourned meeting at the time of said adjournment.

b) The applicant shall have the burden of proving that all the requirements of this Article have been met.

c) The Planning Commission may consider all measures which are proposed by the project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce the adverse impacts of the project, if required as conditions.

## SECTION 91.41.4. DEVELOPMENT STANDARDS.

a) For slope control:

1) All structures shall have roof drainage directed to the street or other approved drainageways by approved methods;

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2) All excavations, paving, hillside and slope earthwork construction, landscaping and grading, including fills and embankments, shall meet building and grading Code requirements;

b) For safety, general welfare, aesthetic control, and to help stabilize land values and investments:

1) Stilt-type structures shall be constructed in such a way that there is no exposure to public view of plumbing, electrical, mechanical equipment, ducts, pipes or other construction appurtenances normally associated with a residential structure;

2) Swing-in garages and circular driveways are encouraged on wide lots to allow vehicles to enter the public way in a forward manner when such drives are landscaped appropriately;

3) There shall be a level setback of no less than five (5) feet on that portion of a hillside lot between the wall of any structure on such lot and any adjacent slope of greater than 15% of such lot;

4) The proposed development will not result in a substantial change in the physical conditions which exist in the area affected by the proposed project.

SECTION 91.41.5. WAIVERS.

Waivers may be granted pursuant to the provisions of Chapter 4, Article 2, of this Division, provided however, that the building height requirements of this Article may be changed only pursuant to a Precise Plan. Where both a Waiver and a Precise Plan are necessary, both may be processed as a single matter.

SECTION 91.41.6. PRECISE PLAN.

a) Any development on a lot within the Hillside and Coastal Zone shall be subject to approval by the Planning Commission of a Precise Plan in accordance with Chapter 6 of this Division 9, except as provided in Sections 91.41.6, 91.41.7 and 91.41.13.

b) Nothing herein shall be construed to permit the Planning Commission to impose restrictions which are less restrictive than those established in the Torrance Municipal Code, or in the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined by the California Coastal Act.

c) Nothing herein 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.

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d) The requirements, restrictions and conditions of the California Coastal Act, commencing at Section 3000 of the Public Resources Code of the State of California and any implementing regulations authorized by law, are hereby incorporated by this reference as to the properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

SECTION 91.41.7. PERMITTED DEVELOPMENT - RESIDENTIAL.

Notwithstanding the provisions of this Article 41, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay Zone is for the purpose of constructing, remodeling or enlarging a dwelling, provided the following requirements are met:

a) The net interior area of the completed dwelling, whether it is new construction or remodeled or enlarged, including the area of the garage whether attached or detached, will not exceed fifty percent (50%) of the area of the lot or parcel on which the dwelling is located; and provided further, that if the dwelling is remodeled or enlarged, the net interior area of the dwelling will not be increased by more than fifty percent (50%) as a result of the remodeling or enlargement.

b) The dwelling (or in the case of remodeling or enlargement, the portion remodeled or enlarged) will be one (1) story; and provided further, that no portion of the roof of the dwelling (or in the case of remodeling or enlargement, no portion of the remodeled or enlarged roof) will be used as a deck, sub-deck or patio, nor will any equipment or appurtenances be mounted on the roof or protrude through the roof (except for ordinary plumbing or heater vents) nor extend above the roof eave line; provided further, that a chimney will be permitted if the portion extending above the roof eave line is no larger than the minimum dimensions required by the Torrance Building Codes.

c) No portion of the dwelling, in the case of new construction, will exceed fourteen (14) feet in height, measured from the ground at finished grade, but not including any berm. In the case of remodeling or enlargement, the portion remodeled or enlarged shall not exceed the height of the lowest portion of the remainder of the dwelling, or fourteen (14) feet measured from the ground at finished grade, but not including any berm, whichever is less. Vents and a chimney, as provided in (b) above, shall not be considered in the height measurements.

d) The Planning Director has determined that the proposed development will not have a significant adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.

SECTION 91.41.8. PERMITTED DEVELOPMENT - COMMERCIAL.

Notwithstanding the provisions of this Article 41, no Precise Plan shall be required if the proposed development within the Hillside and Coastal Overlay Zone is for the purpose of constructing, remodeling or enlarging a commercial building, located in a commercial zone, if the following requirements are met:

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a) In the case of remodeling or enlargement of a building, the net interior area of the resulting building will not be increased by more than fifty percent (50%) as a result of the remodeling or enlargement.

b) The commercial building (or in the case of remodeling or enlargement, the portion remodeled or enlarged) will be one (1) story; and provided further, that in the event the commercially zoned lot adjoins any lot used for residential purposes, no portion of the roof (or in the event of remodeling or enlargement, no portion of the remodeled or enlarged roof) will be used as a deck, sun-deck or patio, nor will any equipment or appurtenances be mounted on the roof, protrude through the roof, or extend above the roof eave line (except for ordinary plumbing or heating vents).

c) No portion of the building, in the case of new construction, will exceed fourteen (14) feet in height, measured from the ground at finished grade, but not including any berm. In the case of remodeling or enlargement, the portion remodeled or enlarged shall not exceed fourteen (14) feet in height, measured from finished grade, but not including any berm, or shall not exceed the height of the lowest portion of the remainder of the building, whichever is less. Ordinary plumbing or heating vents, as provided for in (b) above, shall not be considered in the height measurement.

d) The Planning Director has determined that the proposed development will not have a significant adverse effect on other properties in the vicinity, and there is no significant public controversy thereon.

## SECTION 91.41.9. MINIMUM INTRUSION.

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

1) The proposed development will not have a significant impact upon the view, light, air and privacy of other properties in the vicinity;

2) 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;

3) The design provides an orderly and attractive development in harmony with other properties in the vicinity;

4) The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;

5) Denial of such an application would constitute an unreasonable hardship to the applicant;

6) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity.

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## SECTION 91.41.10. LIMITATION ON INCREASES IN BUILDING SPACE.

a) No remodeling or enlargement shall be made to any building or structure, except for commercial uses in a commercial zone, which remodeling or addition increases the net interior floor space of the said building or structure by more than fifty percent (50%), unless the Planning Commission (or the City Council on appeal) shall find that:

1) Denial of such application would constitute an unreasonable hardship to the applicant; and

2) Granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity.

b) For purposes of this Section, the term "commercial zone" shall mean any zone in which commercial uses are permitted or are permitted with a Conditional Use Permit.

## SECTION 91.41.11. LIMITATION ON INCREASES IN HEIGHT.

No enlargement in any building or structure, or any remodeling of any building or structure shall be permitted which causes the height of such building or structure or any part thereof, to be higher than before said remodeling or enlargement, unless the Planning Commission (or City Council on appeal) shall find that:

a) 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;

b) If such lack of feasibility is proved:

1) Denial of such application would result in an unreasonable hardship to the applicant; and

2) Granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity.

## SECTION 91.41.12. LIMITATION ON INCREASES IN LOT COVERAGE.

a) No remodeling or enlargement shall be made to any building or structure, except for commercial uses in a commercial zone, which remodeling or addition increases the net interior floor area of the building or structure so that it exceeds fifty percent (50%) of the number of square feet in the lot or parcel of land upon which said building or structure is located unless the Planning Commission (or the City Council on appeal) shall find that:

1) Denial of such application would constitute an unreasonable hardship to the applicant; and

2) Granting of such application would not be materially detrimental to the public welfare, and to other property in the vicinity.

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b) For purposes of this Section, the term "commercial zone" shall mean any zone in which commercial uses are permitted, or are permitted with a Conditional Use Permit.

## SECTION 91.41.13. GUIDELINES FOR REVIEW OF COASTAL DEVELOPMENT.

a) The following factors, in addition to the California Coastal Act, related State regulations and the other provisions of this Article, shall be considered by the Planning Commission when reviewing any development regardless of zone as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

1) Multiple-family dwellings should not exceed thirty-five (35) feet above existing grade elevation;

2) Roof signs should not be permitted; and

3) Ground signs should be limited to monument-type signs with a maximum height of eight (8) feet above the front property line.

b) The following factors should be considered during review of any development proposed for the coastal bluffs or adjacent to the sandy beach areas:

1) No improvement will be allowed west of the safe building line established by the Department of Building and Safety for Lots 184 through 164, Tract 18379;

2) No construction will be allowed between the safe building line and the west side of Paseo de la Playa, or on any lots north of Lot 164, Tract 18379, without a soils and geologic investigation being filed with the Department of Building and Safety;

3) No development will be allowed without supporting data showing proof of bluff and supporting soils stability being filed with the Department of Building and Safety;

4) Whether the proposed development impairs access to the beach areas for use by the general public;

5) Whether the proposed development is incompatible with recreational usage by the general public; and

6) Whether the proposed development will result in blockage of coastal views from public right-of-ways.

## SECTION 91.41.14. EXEMPTIONS.

a) Unless in the opinion of the Director of Building and Safety, based upon the criteria of Section 91.41.9 of this Code, such improvements may have a significant adverse effect on surrounding properties, the following shall be exempt from review under Sections 91.41.7 and 91.41.8 of this Code, regardless of the valuation of such improvements: retaining walls three (3) feet or less in height; interior

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modifications; maintenance or replacement of existing improvements; fences six (6) feet or less in height; grade walls; architectural appurtenances; and non-occupied areas, including but not limited to uncovered decks, swimming pools, jacuzzis, and open patios and those developments exempted by the California Coastal Act where applicable.

b) The Planning Director may exempt the following from review under Sections 91.41.7 and 91.41.8 of this Code upon determining that there is no significant public controversy thereon unless in the opinion of the Planning Director or the Director of Building and Safety, based upon the criteria of Section 91.41.9 of this Code, the improvements may have a significant adverse effect on such surrounding properties, regardless of the value of such improvements: retaining walls over three (3) feet in height; balconies; patios, covered decks or any other occupied areas; and those developments exempted by the California Coastal Act where applicable.

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## ARTICLE 41 - R-H HILLSIDE AND LOCAL COASTAL OVERLAY ZONE

(Added by 0-2747)

## SECTION 91.41.1. HILLSIDE AND LOCAL COASTAL OVERLAY ZONE.

(Amended by 0-2982)

a) The Hillside and Local Coastal Overlay Zone shall consist of the area designated in the maps attached following this Article, marked Exhibit A, B and C to Section 91.41.1., which are hereby incorporated in this Code by this reference.

b) The provisions of this Article shall apply to all residential properties within the Overlay Zone in addition to the requirements of the underlying zone, except as provided in this Article.

## SECTION 91.41.2. APPLICATION OF PREEXISTING ZONE.

(Amended by 0-2982)

Nothing contained in this Article shall be deemed to repeal any provision of this Code and the requirements of all preexisting zones in existence in the area encompassed by this Overlay Zone shall be and remain in full force and effect in addition to the requirements of the Overlay Zone, except that the requirements of the Overlay Zone shall be applied where the requirements and standards contained therein are more restrictive than those of the preexisting underlying zone.

## SECTION 91.41.3. LOT DIMENSIONS.

(Amended by 0-2982)

Residential lots within the Overlay Zone shall provide at finished grade a minimum lot width of fifty (50) feet for interior lots or sixty (60) feet for exterior lots, plus one (1) foot for each one percent of slope in excess of fifteen (15) percent.

## SECTION 91.41.4. DEVELOPMENT STANDARDS.

(Amended by 0-2982)

a) For slope control:

1) All structures shall have roof drainage directed to the street or other approved drainageways by approved methods;

2) All excavations, paving, hillside and slope earthwork construction, landscaping and grading, including fills and embankments, shall meet building and grading Code requirements.

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b) For safety, general welfare and aesthetic control:

1) The yard area of residential lots shall be one-third (1/3) of the total lot area in dimensions of not less than ten (10) feet by fifteen (15) feet. Uses required by other provisions of the Code, such as driveways located within the required front yard setback will not qualify as yard area;

2) Stilt-type structures shall be constructed according to Building Code for safety and shall be constructed in such a way that there is no exposure to public view of plumbing, electrical, mechanical equipment, ducts, pipes or other construction appurtenances normally associated with a residential structure;

3) Swing-in garages and circular driveways are encouraged on wide lots to allow vehicles to enter the public way in a forward manner when such drives are landscaped appropriately;

4) There shall be a level setback of no less than five (5) feet on that portion of a hillside property between the wall of any structure on such lot and any adjacent upward slope of such lot. For purposes of this Section, level shall mean a slope of less than fifteen (15) percent.

#### SECTION 91.41.5. EXCEPTIONS FOR HILLSIDE LOTS.

Modification of Code requirements or regulations, due to topographic features or other conditions that create unnecessary hardships or unreasonable situations making it impractical to require compliance, may be obtained through the Waiver process (Chapter 4) for all developed parcels. Where both a Waiver and Precise Plan are necessary, both may be processed as a single matter.

#### SECTION 91.41.6. USABLE OPEN SPACE.

Open space shall constitute not less than one-third (1/3) of the total lot area in one (1) or more areas having minimum dimensions of ten (10) feet by fifteen (15) feet. Open space shall be defined as yards unobstructed from ground to sky, except as provided in Article 5, Chapter 2, Division 9, and excepting covered patios enclosed on not more than two (2) sides.

#### SECTION 91.41.7. PRECISE PLAN; HILLSIDE AND LOCAL COASTAL OVERLAY ZONE.

(Amended by 0-2760; 0-2961; 0-2982)

a) Any development on a lot within the hillside and <sup>coastal</sup> overlay zone shall be subject to approval by the Planning Commission of a Precise Plan in accordance with Chapter 6 of this Division 9, except as provided in Sections 91.41.8. and 91.41.11.

b) Subject to the provisions of Section 91.41.9. and 91.41.10., the Planning Commission may impose development restrictions as to height, setbacks, lot coverage, siting of structures and open space which are more restrictive than the restrictions established by this Code, or by the California Coastal Act.

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c) Nothing herein shall be construed to permit the Planning Commission to impose restrictions which are less restrictive than those established in the Torrance Municipal Code, or in the California Coastal Act as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined by the California Coastal Act.

d) Nothing herein 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.

e) The requirements, restrictions and conditions of the California Coastal Act, commencing at Section 30000 of the Public Resources Code of the State of California and any implementing regulations authorized by law, are hereby incorporated by this reference as to the properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

f) The provisions of this Section shall apply to all properties regardless of zone located westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

### SECTION 91.41.8. PLANNING COMMISSION REVIEW.

(Amended by 0-2982)

a) Minor improvements of lots within the Overlay Zone shall be subject to Planning Commission review instead of Precise Plan review, except as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

b) For purpose of this Section, those improvements having a value of less than Two Thousand Five Hundred Dollars (\$2,500) shall be deemed to be minor improvements, except as otherwise specified in Section 91.41.10.

### SECTION 91.41.9. GUIDELINES FOR REVIEW OF DEVELOPMENT.

(Amended by 0-2982; 0-3027)

a) The provisions of this Section are directory and not mandatory and should be applied in review of development in order to effectuate the purposes of this Article.

b) The purposes of reviewing development are:

1) To protect life and property by insuring development in conformity with accepted safety standards;

2) To promote those qualities in the hillside and coastal environment which bring value to the community;

3) To preserve the character and functional utility of the hillside and coastal zone as a place to live;

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- 4) To protect the value of property within the hillside and coastal area;
  - 5) To encourage individual initiative, innovation and sensitivity in the development of hillside and coastal area; and
  - 6) To coordinate compliance with municipal ordinances and staff recommendations.
- c) The examination of applications for hillside and coastal development should consider, but need not be limited to, the following:
- 1) In no case shall a structure exceed thirty-five (35) feet from existing grades. If a cut is required or desired, the thirty-five (35) feet shall be measured from the finished outside grade. On lots on which fill is used, the thirty-five (35) feet shall be measured from the original grade as though no fill had been deposited;
  - 2) Any development on a hillside lot which significantly affects slope stability, drainage, circulation safety, views and compatibility with neighboring development will require review;
  - 3) A performance bond shall be required of the developer prior to issuing of grading permits;
  - 4) Efforts should be made to retain as much natural vegetation as possible and to supplement with additional plant types compatible with existing conditions;
  - 5) Changes in grade, structural stability and drainage patterns should be checked for any adverse effects on adjoining property;
  - 6) Adequate measures should be required to prevent large areas from being left bare or exposed during the winter-spring runoff periods;
  - 7) Driveways, sidewalks and garages should be located to provide adequate visibility for vehicle operation and pedestrian safety and in a manner which will minimize street parking;
  - 8) The appearance of the individual development should be reviewed in an effort to retain the natural terrain and site features, as well as the overall character of the hillside and coastal area and the relationship to neighboring development and open space; and
  - 9) The review process should not be used intentionally or inadvertently to prohibit or unduly restrict building types, materials or methods.
- d) The following factors should be considered during review of development which may eliminate or significantly impair the view from adjacent properties:
- 1) Any proposed construction which may substantially block the view of existing or potential surrounding dwellings should be designed if possible to protect views to the greatest extent feasible;
  - 2) In order to provide safe access from garage to street and street to garage on downsloping lots, driveway grades should not exceed the amount provided for in Section 93.5.6. of this Code; however, a roofline should project no higher than fourteen (14) feet from the centerline of the driveway at the top of the curb, and the garage should be required to be on the lower portion of a downsloping street lot;

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3) Foundations and padding techniques which take advantage of natural contours and create lower building profiles should be encouraged;

4) Consideration should be given to the siting and orientation of structures in order to minimize impact on views from adjoining properties; and

5) Roof lines should reflect the natural slope of the terrain. High peaked roofs should be discouraged.

SECTION 91.41.10. GUIDELINES FOR REVIEW OF LOCAL COASTAL DEVELOPMENT.

(Amended by 0-2982)

a) The following factors, in addition to the California Coastal Act, related state regulations and this Article shall be considered by the Planning Commission when reviewing any development regardless of zone as to those properties lying westerly of Palos Verdes Boulevard in the Coastal Zone as defined in the California Coastal Act.

b) The policy of the City of Torrance will be to discourage development which may eliminate or impair coastal views by considering the following factors during review of the proposed development:

1) Single-family dwellings should not exceed twenty-five (25) feet above existing grade elevation;

2) Multiple-family dwellings should not exceed thirty-five (35) feet above existing grade elevation;

3) Roof signs should not be permitted; and

4) Ground signs should be limited to monument type signs with a maximum height of eight (8) feet above the front property line.

c) The following factors should be considered during review of any development proposed for the coastal bluffs or adjacent to the sandy beach areas:

1) No improvement will be allowed west of the safe building line established by the Department of Building and Safety for Lots 194 through 164, Tract 18379;

2) No construction will be allowed between the safe building line and the west side of Paseo de la Playa or on any lots north of Lot 164, Tract 18379, without a soils and geologic investigation being filed with the Department of Building and Safety;

3) No development will be allowed without supporting data showing proof of bluff and supporting soils stability being filed with the Department of Building and Safety;

4) Whether the proposed development impairs access to the beach areas for use by the general public;

5) Whether the proposed development is incompatible with recreational usage by the general public; and

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6) Whether the proposed development will result in blockage of coastal views from public rights-of-way.

## SECTION 91.41.11. EXEMPTIONS.

(Added by 0-2760; Amended by 0-2982)

a) Unless in the opinion of the Director of Building and Safety, based upon the criteria of Section 91.41.9. of this Code, such improvements may have a significant adverse effect on surrounding properties the following shall be exempt from review under Sections 91.41.7. and 91.41.8. of this Code, regardless of the valuation of such improvements: retaining walls three (3) feet or less in height, interior modifications, maintenance or replacement of existing improvements, fences six (6) feet or less in height, grade walls, architectural appurtenances, and non-occupied areas, including but not limited to uncovered decks, swimming pools, jacuzzis, and open patios and those developments exempted by the California Coastal Act where applicable.

b) The Planning Director may exempt the following from review under Section 91.41.7. and 91.41.8. of this Code upon determining that there is no significant public controversy thereon unless in the opinion of the Planning Director or the Director of Building and Safety based upon the criteria of Section 91.41.9. of this Code, the improvements may have a significant adverse effect on such surrounding properties, regardless of the value of such improvements: retaining walls over three (3) feet in height, single-story additions and single-story accessory structures, balconies, patios, covered decks or any other occupied areas and those developments exempted by the California Coastal Act where applicable.