



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Jon Sanabria
Acting Director of Planning

March 26, 2009

TO: Leslie G. Bellamy, Chair
Wayne Rew, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Tyler Montgomery *TM*
Regional Planning Assistant II
Zoning Permits II Section

**SUBJECT: PROJECT NO. R2006-03795-(2)
CONDITIONAL USE PERMIT CASE NO. 200600329-(2)
April 1, 2009 Public Hearing
Agenda Item No. 8**

Conditional Use Permit No. 2006000329-(2) seeks to authorize the construction and maintenance of a three-story duplex in a C-3 (Unlimited Commercial) zone, located at 21603 Berendo Avenue in the Carson Zoned District.

An error was included in the original staff report, which referred to a 35-foot-high apartment building to the south of the proposed duplex. This structure is actually a 35-foot-high office building. Finding Number 13 should be corrected to accurately reflect this fact.

Since the preparation of the previous staff report, five (5) additional letters of opposition have been received regarding the project proposal. These letters are enclosed. Also included are three (3) additional pages of the opposition petition that were inadvertently excluded from the previous packet. These pages contain 35 additional signatures (29 unique), for a total of 267 signatures in opposition from 193 unique addresses.

Staff also received some complaints from area residents regarding the manner in which signatures for the approval petition were collected by the applicant. A resident claims some other neighbors were told that the duplex would only be two (2) stories, rather than three (3). The applicant states that her daughter, while collecting signatures, may have told "two or three" residents that the facility would be "two stories with an attic," although the petition does clearly state that the project is three (3) stories. Staff also received a complaint from an area resident alleging that the applicant stated that the

project would be a quadruplex for generating rental income. The applicant denies that this occurred.

MM:TM
03/26/09

Montgomery, Tyler

From: Denise Grelle [DGrelle@healthcarepartners.com]
Sent: Monday, March 23, 2009 9:15 AM
To: Montgomery, Tyler
Subject: Project No. R2006-03795-(2) Permit Case No. 200600329-(2)

Importance: High

Dr. Mr. Montgomery,

I am writing to oppose the permit for the above mentioned case. I live down the street and cannot imagine a building the size stated on the permit being allowed to be built. The lot itself is very small and will not be able to accommodate adequate parking. The street is already overcrowded with vehicles parked on both sides of the street and is also heavily traveled as it is a corridor to Carson Street.

This building will most certainly affect the neighborhood in a negative manner. On that street there are all single family resident houses with the exception of the liquor store and office buildings toward Carson Street. It will affect all neighbors on either side and at the rear of their property. I certainly would not want a three story building as my neighbor and/or view of my side yard or backyard, not to mention the security issue. They will be able to see into all neighbors property. I truly feel this will be a menace to our neighborhood. I understand their initial plan called for a bar/dance area. One can only imagine the intent of this building if that was on the initial request. They may have amended that section to not be included, but I can guarantee you that if that was their initial intent, with or without the planning commissions blessing, they will turn the third floor into a bar/dance area!

If this 3 story duplex is allowed to be built, it will set the standard for more to be built on the same street. This is a great little nice neighborhood where most homeowners take pride in their home, landscaping and surrounding areas. This 3 story duplex will certainly be out of character and will be bad for our neighborhood!!! As I am sure you can appreciate, you would not want your family living next to a 3 story duplex.

I strongly suggest that the planning committee reconsider this proposal and not approve the building. Unfortunately we are unable to attend the hearing.

Sincerely,

Richard & Denise Grelle
310-483-9261

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Montgomery, Tyler

From: Patty Mortl [pattymortl@ca.rr.com]
Sent: Monday, March 23, 2009 1:10 PM
To: Montgomery, Tyler
Subject: project no. R2006-03795-(2)
Attachments: Cream_stripes_cream_border2.gif

Regarding conditional use permit case no. 200600329-2

Please don't approve this 3 storey monster in our neighborhood. We are a 1000 home community on mostly one story homes. The people asking for this permit have changed the proposed use of the building at least 4 times in trying to get the permit. They have also had people distributing petitions stating it was only a 2 storey building.

MIKE MORTL
844 W CLARION DRIVE TORRANCE CA 90502

< Arial> 

Montgomery, Tyler

From: Larry Abe [larryabe@earthlink.net]
Sent: Tuesday, March 24, 2009 12:37 PM
To: Montgomery, Tyler
Subject: Fw: Project No. R2006-03795-(2) Conditional Use Permit Case No. 200600329-(2)

=====REVISED=====

>
>Mr. Montgomery,
>
>Reference: Project No. R2006-03795-(2) Conditional Use Permit Case No.
>200600329-(2)
>
>As this project was misrepresented to me during petition verbal solicitation, please remove my prior signature approval to the above referenced permit application.
>
>I have been advised of several misrepresentations by the individuals during soliciting of neighborhood signatures for this project. I am now aware of more specifics of the petitioners plans for this development and do not agree with approval for this development for the following reasons.
>
>1) No CLEAR usage has been defined in the application
>2) I have become aware of the future plans for this property and they are not as represented to me during signature solicitation. Plans for the third story usage have not been well defined and it is easily envisioned that a 'club' which includes music, alcohol and potential 'VIP' private rooms may be developed. This is NOT in keeping with the current atmosphere of the neighborhood.
>3) The surrounding neighborhood cannot support such a development as there is no parking area designated for this development. This will endanger the health and well being of the neighborhood and particularly local child populations.
>4) Potential late night operation is not consistent with the current
>surrounding bedroom community
>5) Enforcement of public safety and general welfare rights of neighborhood is dubious at best.
>6) I firmly disagree that signatures obtained from outside this neighborhood should be valid or considered in any way. It is OUR children and neighborhood that is being subjected to this risk.
>
>Please accept this email as confirmation of my request to rescind my signature from the petition.
>
>Thank you for your consideration.
>
>Larry Abe

Montgomery, Tyler

From: susan.nielsen@juno.com
Sent: Wednesday, March 25, 2009 7:52 AM
To: Montgomery, Tyler
Subject: Project No. R2006-03795-(2) - 21603 Berendo

Project No. R2006-03795-(2)
Conditional Use Permit Case No. 200600329-(2)

Dear Mr. Montgomery,

I wrote to you once before regarding this project, and am doing so again with the same concerns. I am AGAINST it.

This is a residential neighborhood; my neighborhood. It consists of single-family homes averaging 1500 square feet on lots averaging 5,000 sqft. Any apartment or commercial buildings are on the main streets (Carson or Vermont) surrounding the tract, not inside.

The current property at 21603 Berendo has a lot size of 4,844 sqft, and according to title records a 2-bedroom, 1-bath home of 480 sqft. For years the current owner, Ms. Rivera, has rented out an unpermitted unit on that property. Now she wants to build a 3-story multi-unit building.

At first, we were told it was a duplex, with one unit being about 1500 sqft. and the second being 6,000 sqft. That is a mansion! In this neighborhood? Then we hear that it will have an elevator to a dance studio and bar on the top level. When the neighbors heard that and protested, the story suddenly got changed to a huge storage level, yet with elevator access. What is to stop her from converting the space to unpermitted rental units, as she has done in the past? What will stop her from having a commercial business on a residential street? The small lot, once the structure is constructed, will not support clientele parking.

I urge you to NOT ALLOW this structure to be built! The reasons:

1. Three stories will tower over the neighborhood, affecting the privacy of the residents.
2. The size of the structure does not conform to the neighborhood.
3. The owner has disregarded the laws, zoning, and disrespected the neighbors in the past with the bootleg rental. With the vagueness and her changing the presentation of this, we suspect she will continue on as before.
4. The lot size is too small to accomodate this size of structure, plus parking for the occupants or business customers.
5. The values and desirability of our neighborhood will diminish with this non-conforming structure.

Sincerely,
Susan Nielsen
310-320-2646

March 26, 2009

To: The Los Angeles County Regional Planning Commission

Re: Project No. R2006-03795-(2)
Conditional Use Permit Case No. 200600329-(2)

This letter is in rebuttal to the March 19, 2009 report recommending an Approval for the proposed three-story duplex at 21603 Berendo Avenue, Torrance, CA 90502.

Please Note:

The 35-foot high apartment building mentioned in this report, is NOT an apartment building. It is a dental office building. This error was pointed out to the planner before the January 20, 2009 hearing and it persists. The 35-high apartment building is incorrectly mentioned and referenced in the Staff Analysis report (page 5/7, page 6/7 twice)

On the summary letter to the report:

3rd paragraph: The reference to a future dance area and bar on the front sheet was not vague wording. The actual reference was from the submitted site plan's project summary. It stated: "The floor plan was planned according to the convenience of the 2 daughters of the owner and the owner herself, having a small music and dancing area with the combination of a small bar at a later date."

The 3rd floor of this proposed building is very large, currently, 2,655 square feet and it is on a commercial zoned lot. The neighbors naturally concluded the building would be housing a revenue generating business.

4th paragraph: There was an oversight on the number of signatures submitted stating opposition. The number of signatures is closer to 260. Missing were three pages of signatures. Copies of these three pages have been resubmitted to the planning office. The signatures for opposition are from neighbors who are in the immediate and adjacent neighborhood tracts of the proposed site.

In regards to the petition in favor of the project, it was stated there are 76 signatures, from 69 unique addresses. Upon closer inspection the following was revealed:

- 6 signatures have no address. 5 of these signatures are in the same handwriting.
- Of the 76 signatures, 32 (42%) are outside the 90502 ZIP code and are 1 to 20+ miles away from the project site.

Of these 32 signatures

- 23 are 1-9 miles away from the project site.
 - 6 are 10-19 miles away
 - 3 are 20+ miles away
- Several of the signatures (8) in the 90502 ZIP code were obtained outside the residential neighborhood, along the main thoroughfares of Carson Street and Vermont Avenue.

- The architect for the project, C. Chaneco, signed twice using two different names. It should be noted it is the same signature and the same address both times. Connie Chaneco on 03/15/09 and Consuelo Chaneco on 02/29/09. It has been confirmed by the planner she uses both names.

No approval signatures were obtained in the adjacent neighborhood tract to the west. This neighborhood is profoundly affected by this proposed three-story duplex given its height and size and proximity to the project site. Nor were signatures obtained from the Broadwell Street area, immediately east of the site and within steps of the site.

In addition, it was reported, via the neighborhood e-mail network, misleading information was given by the petitioners regarding a two story home, while on the petition it was stated three storey [sic].

5th paragraph. The photographs do not show any three-story residential buildings. In the photos taken facing west (behind the building), there are no multistory buildings.

From the FINDINGS and ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES Report

Findings #4:

Regarding the unpermitted portion of the residence. In the past, the applicant has rented out the unpermitted secondary dwelling unit. This was cited in the Staff Analysis report, page 5 of 7, for the January 20, 2009 hearing and as such, there was also cited a concern the proposed building will be used for future rental units.

The concern about future rental units has been further substantiated by a neighbor who was approached by neighborhood petitioners seeking support for the building of a "quadplex for rental income".

In addition, on the approval petition, there are 4 different names/signatures affiliated with the proposed project site. And a neighboring family told me they were to move into the residence on March 15, 2009. It is suspected the applicant continues to rent out the unpermitted portion of the residence.

The neighbors are skeptical this proposed three story duplex will remain a duplex given the past history of the owner to rent out the unpermitted portion of the residence, the property is zoned Commercial-3, and the inconsistencies for use that have been noted during this application process. Also adding concern is the large size of the elevator, 6'x6", on the revised site plan.

Findings #6. Land use.

North: Single family residences: This area is mostly single story homes, with a few two-story homes.

South: Apartment buildings, commercial services: There are four commercial lots on the west side and 21603 Berendo is one of them. The other three are two commercial buildings and a small, single story apartment building.

East: Single family residences & multi-family residences: This neighborhood area is mostly single story homes; with some two story homes, mostly on Broadwell street. As for the

multi-family residences, they are not in the immediate neighborhood. Actually, I am not sure what or where these reference.

West: Single family residence: This tract is single story homes.

Findings #8.

The public hearing notices for both hearings (January 20 & April 1, 2009) have been posted behind 2 chain link fences. The current posting is somewhat obscured and even more difficult to read due to the double chain link fencing in front of it.

Findings #9.

The 67 letters that are cited in the report were designed around the Burden of Proof. Neighbors checked (✓) those points of the Burden of Proof that pertained to their individual situations as they relate to the proposed three-story duplex. The report simply states 67 letters were received.

Findings #10.

As mentioned above, the correct number of opposing signatures is closer to 260. Three pages were misplaced and not counted for the report. Copies were re-faxed (March 24th) to the planner in order to correct this error.

Findings #13.

To clarify, the apartment building is a small, single story building.

As noted above, the 35-foot high apartment building is NOT an apartment building. It is a dental office building. This error was pointed out to the planner before the January 20, 2009 hearing and it persists. The 35-high apartment building is incorrectly mentioned and reference in the Staff Analysis report (page 5/7, page 6/7 twice)

It is a critical point to the report. There are no multi-story apartment buildings in the neighborhood or surrounding neighborhoods.

The extensive development of three-story townhomes is not accessible by the neighborhood or surrounding neighborhood. One must exit the neighborhoods to gain entrance to this development. This development is completely different in appearance and scope than the homes in the neighborhood of the projected site, 21603 Berendo Ave.

Findings #17.

The actual future use of the proposed duplex is highly suspect given the inconsistencies of use cited by the applicant throughout the course of this application process. The neighbors are very concerned and suspect the building will be used in some commercial format. Substantiating this concern, in the "Announcement" (page prior to approval petition in this report) the owner writes "Please be informed that unlimited commercial zone - C3 have **more privileges** [sic] than a residential zone R1 or R2."

Previously the owner has rented out the unpermitted portion of the residence. This was cited in the Staff Analysis report, page 5 of 7, for the January 20, 2009 hearing and as such, there was also cited a concern the proposed building will be used for future rental units. This concern has been further substantiated by a neighbor who was approached by neighborhood petitioners seeking support for building a "quadplex for rental income on the property". The petitioners

compared their proposed quadplex to the small, single story apartment building to the immediate south of the projected site.

The neighbors are skeptical that the duplex will only be for residential use, particularly the third floor. It is suspected the building or a portion(s) will be used as a source of revenue. The ultimate use of this proposed three-story building is suspicious given the number of inconsistencies provided by the applicant:

- On the permit application there was to be a "loft" for storage.
- On the original submitted site plan it was written as part of the project summary, about the music and dance area with plans for a future bar.
- On the current revised site plan, the third floor is for two personal storage areas, and the remaining portion to be a family exercise and recreation room. The area is a very large 2,655 square feet.
- The neighbor who was asked to sign a petition in support of a quadplex for rental income.
- The past history of renting out the unpermitted portion of the current residence.

Findings #18.

I do not agree that the previous basis for denial has been met.

- The proposed three-story duplex is out of character for the neighborhood and surrounding neighborhoods.
- It is highly suspect as to the ultimate use of this proposed duplex, that it will not remain a residential property.
- This building will negatively affect many of the neighbors in a variety of ways as stated by the Burden of Proof.

Other Issues Not on the Report

On the original submitted site plan there was a mixed use of measurement, standard feet & inches, and decimal use. Has this been corrected?

The applicant's responses on the Burden of Proof do not substantiate or even address any of the points as they are written as vague generalities. The responses for Section A are particularly egregious.

There are serious cracks appearing in many of the homes and block wall fences on Meyler Street. This is the adjacent neighborhood to the immediate west of the project site. What is causing these sizable cracks to appear? Will the land support a three-story building?

The owner has been previously cited for trailers, inoperable vehicles, and junk on the property. The first time in 1997 and there was compliance. Currently there is another pending the decision of the project.

In the Staff Analysis report there is a photograph/diagram showing nearby two and three-story buildings. This picture was not taken at an equal distance from the project site. It is off center, showing the East neighborhoods with the extensive three-story townhome development. If it were centered, it would show more of the West residential neighborhood of single story

homes. This photograph is an inaccurate portrayal of the immediate surrounding neighborhoods.

A very large number of neighbors see this proposed building as a detriment to our neighborhoods.

Respectfully,
Chris Tabellario
21534 Meyler Street
Torrance, CA 90502

We, the undersigned, are **OPPOSED** to the proposed 3 story multi-family duplex proposed for:
 21603 Berendo Ave. Torrance, CA 90502

Project No. R2006-03795-(2)

Conditional Use Permit Case T200600329-(2)

We are also **OPPOSED** to a 2 story multi-family duplex at the same address

| Signature | Name (Print) | Street Address (Print) | City, State | Date |
|----------------------------|-------------------|------------------------|--------------------|----------|
| 1 <i>Immanuel McArthur</i> | IMMANUEL MCARTHUR | 94 W. 214TH ST. | Torrance, CA 90502 | 01/17/09 |
| 2 <i>Rick Henderson</i> | RICK HENDERSON | 936 W. 214 ST | Torrance, CA 90502 | 01/17/09 |
| 3 <i>Sharon D. Diltz</i> | SHARON DILTZ | 932 W. 214TH ST | Torrance, CA 90502 | 1-17-09 |
| 4 <i>Dennis Cadente</i> | DENNIS CADENTE | 918 W. 214TH ST. | Torrance, CA 90502 | 1-17-09 |
| 5 <i>[Signature]</i> | JENNIFER CADENTE | 11 | Torrance, CA 90502 | 1-17-09 |
| 6 <i>Sharon Towers</i> | SHARON TOWERS | 913 W 214 TH ST | Torrance, CA 90502 | 1-17-09 |
| 7 <i>Rick Henderson</i> | RICK HENDERSON | 21312 Payne Ave | Torrance, CA 90502 | 1-17-09 |
| 8 <i>POLEARD T. ADD</i> | POLEARD T. ADD | 21303 Payne Ave | Torrance, CA 90502 | 1-17-09 |
| 9 <i>George J. Baldwin</i> | GEORGE J. BALDWIN | 21309 Payne Ave | Torrance, CA 90502 | 1-17-09 |
| 10 <i>LE MONA BALDWIN</i> | LE MONA BALDWIN | 21309 Payne Ave | Torrance, CA 90502 | 1-17-09 |
| 11 <i>Hester Hazel</i> | GERTRUDE HAZEL | 21321 Payne Ave | Torrance, CA 90502 | 1-17-09 |
| 12 <i>Jack Behner</i> | JACK BEHNER | 21302 Saffrey Ave | Torrance, CA 90502 | 1/17/09 |

We, the undersigned, are **OPPOSED** to the proposed 3 story multi-family duplex proposed for:
 21603 Berendo Ave. Torrance, CA 90502

Project No. R2006-03795-(2)

Conditional Use Permit Case T200600329-(2)

We are also **OPPOSED** to a 2 story multi-family duplex at the same address

Signature

Name (Print)

Street Address (Print)

City, State,

Date

| | | | | | |
|----|--------------------|-------------------|------------------------------|--------------------|---------|
| 1 | <i>[Signature]</i> | ADRIAN ROSENBERG | 21402 S. BERENDO AVE. | Torrance, CA 90502 | 1/17/09 |
| 2 | <i>[Signature]</i> | DOM DANG | 21412 BROADWELL AVE. | Torrance, CA 90502 | 1/17/09 |
| 3 | <i>[Signature]</i> | James Sheldon | 21403 Broadwell Ave | Torrance, CA 90502 | 1/17/09 |
| 4 | <i>[Signature]</i> | SHOICHI HASHIMOTO | 21521 BROADWELL AVE | Torrance, CA 90502 | 1/17/09 |
| 5 | <i>[Signature]</i> | Charles Moch | 21809 Broadwell | Torrance, CA 90502 | 1/17/09 |
| 6 | <i>[Signature]</i> | Lu W. Williams | 21309 Broadwell | Torrance, CA 90502 | 1/17/09 |
| 7 | <i>[Signature]</i> | EdeTe Livsey | 1007 W. 213 th St | Torrance, CA 90502 | 1/17/09 |
| 8 | <i>[Signature]</i> | Maria Manzanarez | 21309 JAFFRY | Torrance, CA 90502 | 1/17/09 |
| 9 | <i>[Signature]</i> | MABEL SZCZYPSKI | 21315 JAFFRY | Torrance, CA 90502 | 1/17/09 |
| 10 | <i>[Signature]</i> | THOMAS SZCZYPSKI | 21315 JAFFRY AVE | Torrance, CA 90502 | 1/17/09 |
| 11 | <i>[Signature]</i> | STEAD ELEMING | 21329 JAFFRY AVE | Torrance, CA 90502 | 1/17/09 |
| 12 | <i>[Signature]</i> | MICHAEL PRINZA | 946 W. 214 th ST | Torrance, CA 90502 | 1/17/09 |

We, the undersigned, are **OPPOSED** to the proposed 3 story multi-family duplex proposed for:
 21603 Berendo Ave. Torrance, CA 90502

Project No. R2006-03795-(2)

Conditional Use Permit Case T200600329-(2)

We are also **OPPOSED** to a 2 story multi-family duplex at the same address

| Signature | Name (Print) | Street Address (Print) | City, State, Date |
|--------------------------|-------------------|-------------------------|----------------------------|
| <i>Oscar Tallada</i> | Oscar Tallada | 902 W. Corison Dr | Torrance, CA 90502 1/17/09 |
| <i>Louise Broderman</i> | Louise Broderman | 21188 DOBIE AVE | Torrance, CA 90502 1/16/09 |
| <i>Stella Wiskar</i> | STELLA WISKAR | 21018 DOBIE AVE | Torrance, CA 90502 1/17/09 |
| <i>Meafou Fuimaono</i> | Meafou Fuimaono | 21126 Newthampshire Ave | Torrance, CA 90502 1/17/09 |
| <i>Stephan L. Jetter</i> | Stephan L. Jetter | 21127 Newthampshire Ave | Torrance, CA 90502 1/17/09 |
| <i>David Crockett</i> | David Crockett | 21324 Budlong Ave | Torrance, CA 90502 1/17/09 |
| <i>Easter Crockett</i> | Easter Crockett | 21324 Budlong Ave | Torrance, CA 90502 1/17/09 |
| <i>Beatrice O. Panis</i> | BEATRICE PANIS | 1109 W 213th | Torrance, CA 90502 1/19/09 |
| <i>Elizabeth Perez</i> | ELIZABETH PEREZ | 1113 W. 213th St | Torrance, CA 90502 1/17/09 |
| <i>Josephina Olanoy</i> | Josephina Olanoy | 1017 W. 213th St | Torrance, CA 90502 1/17/09 |
| <i>Rose Gerger</i> | ROSE GERGER | 1023 W. 213th St | Torrance, CA 90502 1/17/09 |
| | | TORRANCE, CA | Torrance, CA 90502 |

Taken to hearing 1/20/09