

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, May 20, 2009 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Associate Civil Engineer Ted Symons.

**3. ROLL CALL**

Present: Commissioners Busch, Gibson, Horwich, Skoll, Uchima, Weideman and Chairperson Browning.

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Deputy City Attorney Sullivan and Fire Marshal Aleman.

**POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, May 15, 2009.

**5. APPROVAL OF MINUTES – None.**

**6. REQUESTS FOR POSTPONEMENTS – None.**

**7. ORAL COMMUNICATIONS #1 – None.**

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Chairperson Browning reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**8. TIME EXTENSIONS – None.**

**9. CONTINUED HEARINGS**

**9A. CUP09-00006: HILLSIDE MOTOR FUEL, INC. (24505 HAWTHORNE BOULEVARD LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the retail sale of beer and wine at an existing service station on property located within the Hillside Overlay District in the HBCSP-WT Zone at 24505 Hawthorne Boulevard.

## **Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

Dave Carney, owner of Hillside Motor Fuel, Inc., applicant, voiced his agreement with the recommended conditions of approval. He noted that he is actively involved in the community and supports sports teams and philanthropic organizations, including the Torrance Education Foundation. He reported that he has been in business at this location for 25 years; that has owned another gas station/convenience store at Crenshaw Blvd. and Carson Street since 1999; and that he is expanding the convenience store at this location because it's no longer profitable enough to sell gas alone. He noted that Chevron has a secret shopper program and his operations have consistently received outstanding scores and there have never been any problems at either of his locations.

Referring to the Code requirements, Commissioner Busch questioned whether the requirement that employees on duty between the hours of 10:00 p.m. and 2:00 a.m. be at least 21 years of age to sell beer and wine was a City or State requirement.

Planning Manager Lodan advised that this is a City zoning requirement for all gas station convenience stores that sell alcohol.

In response to Commissioner Busch's inquiry, Mr. Carney reported that employees receive training before they are allowed to sell alcohol, as required by the Department of Alcoholic Beverage Control (ABC) and additionally, anyone purchasing beer and wine will be required to show identification. He explained that he has several long-term employees, including a cashier that has been with him for 23 years, and they are veterans at checking driver's licenses because they already check them for most tobacco purchases. He noted that there is a panic button under the counter that's wired directly to the Torrance Police Department.

Commissioner Busch questioned whether a clerk would decline to sell beer or wine to someone with alcohol on his breath.

Mr. Carney explained that the store has a pass-through window for security purposes after 10:00 p.m. and it's not possible for clerks to determine someone's level of sobriety, however, alcohol will not be sold to anyone who is staggering or shows any other sign of being intoxicated. As an example of his employees' diligence, he noted that one of his clerks called the police to report a customer buying gas who appeared to be intoxicated and the customer, a former chief of police, was subsequently arrested.

Commissioner Weideman recalled that there have been conditions imposed on gas station convenience stores in the past prohibiting the sale of single 12-ounce cans of beer.

Planning Manager Lodan reported that there was a case where the owner of a gas station convenience store suggested that a condition be imposed prohibiting the sale of single-serving sized alcoholic beverages in an effort to allay concerns about allowing the sale of beer and wine at that particular location.

Commissioner Skoll noted that according to an email, the Torrance Walteria neighborhood is opposed to the granting of this permit.

Mr. Carney questioned the validity of the email, noting that it was unsigned.

Deputy City Attorney Sullivan related his understanding that there is no official Torrance Walteria Neighborhood Association and noted that the email address of the sender matches the last name of the owner of a business that sells alcohol in the Walteria area.

Commissioner Gibson stated that while she would prefer that no one on sell alcohol, she was aware of Mr. Carney's reputation as an ethical and responsible business owner and had no qualms about approving this application.

Chairperson Browning questioned whether employees under the age of 21 could sell alcohol before 10:00 p.m.

Mr. Carney explained that cashiers under the age of 21 may sell beer and wine up until 10:00 p.m., but they must be supervised by someone who is over 21 per ABC regulations.

In response to Chairperson Browning's inquiry, Planning Manager Lodan confirmed that a trash enclosure will be required and clarified that Condition No. 7, which prohibits outside storage containers, refers to the free-standing storage building on-site.

Noting that he lives and works in this area and has known Dave Carney for several years, Tom Blair, 24242 Ward Street, related his experience that he is a very responsible person who has contributed greatly the community.

**MOTION:** Commissioner Weideman moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

**MOTION:** Commissioner Busch moved for the approval of CUP09-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-022.

**MOTION:** Commissioner Busch moved for the adoption of Planning Commission Resolution No. 09-022. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

**11A. CUP09-00003, VAR09-00001, WAV09-00007 (EAS09-00001) GOSPEL VENTURE INTERNATIONAL CHURCH**

Planning Commission consideration for the adoption of a Negative Declaration, in conjunction with a request for the approval of a Conditional Use Permit to allow the conversion of an industrial building for the operation of a church, a Waiver to allow less than required setbacks, and a Variance to allow the church use on a substandard-sized lot on property located in the M-L Zone at 17811 Western Avenue.

**Recommendation**

Denial without prejudice.

Planning Assistant Yumul introduced the request.

Toshio Maehara, pastor of Gospel Venture International Church, and Kazuaki Uemura, on behalf of the church, requested that the Commission approve the project.

Chairperson Browning suggested that the Commission consider the Initial Study (EAS09-00001) first before discussing the project itself because the project may not be approved without the adoption of a Negative Declaration.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that the 1992 General Plan referenced in the Initial Study is the City's most recent General Plan as the update has not yet been completed.

Referring to Item 15(f) of the Initial Study, Commissioner Busch noted that staff has determined that the project would not result in inadequate parking capacity and asked if this was based on the current membership of the church.

Planning Manager Lodan advised that parking requirements are calculated based on the size of the worship area and not the size of the congregation.

Pastor Maehara reported that he has been pastor of the church for 15 years and the membership has remained constant at around 30-35 people.

With regard to traffic impact, Commissioner Weideman pointed out that the Initial Study indicates that the proposed church would actually reduce the number of AM and PM peak trips and increase the 24-hour volume by only 0.025%.

Commissioner Horwich stated that he had thoroughly reviewed the Initial Study and supported the adoption of a Negative Declaration because the study indicates that the project would have either "no impact" or "less than significant impact" in all categories.

**MOTION:** Commissioner Horwich moved for the adoption of a Negative Declaration. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Manager Lodan noted that a list of recommended conditions was included in the staff report should the Commission decide to approve the project.

The Commission briefly recessed from 7:40 to 7:45 p.m. so the applicant could review the conditions.

Pastor Maehara and Mr. Uemura voiced their agreement with the recommended conditions of approval.

Mr. Uemura reported that the church previously rented facilities from another church or met at a hotel; that the pastor discovered the subject property, which was vacant and in disrepair, in 2007; and that the church recently purchased it and began holding services. He explained that along with Sunday services, there will be Bible studies and prayer meetings, but the usage will be much less intense than the previous use, which was a retail bakery and distribution center. He noted that there have been no complaints from neighbors and the church provides overflow parking for them. He voiced his opinion that the church would be a valuable resource because there are only a handful of Japanese language Christian churches in the South Bay and it would be convenient for Japanese senior citizens living nearby.

Noting that he visited the site, Commissioner Weideman questioned whether parking spaces would have to be eliminated in order to comply with the Code requirement that a minimum of 5% of the lot be landscaped.

Planning Manager Lodan advised that staff believes the Code requirement can be met without impacting parking by increasing landscaping along the perimeter and incorporating tree wells on-site.

Chairperson Browning expressed concerns about the adequacy of the parking, especially if the congregation grows or special events are held. He also expressed concerns about converting an industrial building for church use.

Pastor Maehara noted that the church currently does not have fixed seating so the parking requirement is calculated at 1 parking space for every 35 square feet of assembly area, however, if seats were fixed, the parking requirement would be calculated at 1 parking space for every 5 fixed seats, which would mean that the 28 parking spaces currently provided would allow seating for up to 140 people (28 spaces x 5 = 140 seats).

Chairperson Browning reiterated his concerns that the parking was inadequate and church members would eventually end up parking on the street, creating a problem for the adjacent neighborhood and commented on the difficulty of correcting the problem once a project has been approved.

Pastor Maehara explained that unlike American and Korean churches, Japanese churches tend to have small congregations, with the largest in the South Bay having only 50-60 members. He suggested that if a problem develops, the church could make arrangements with a nearby industrial building, shopping center or restaurant to provide for overflow parking.

Commissioner Skoll questioned whether staff's recommendation that the project be denied was based on concerns about setting a precedent by approving a project on a substandard-sized lot with less than required setbacks.

Planning Manager Lodan explained that it is staff's practice not to support projects with Variances because they are outside the Code, however there is no evidence of complaints or problems in this case, therefore staff did not have any grave concerns should the project be approved. He noted that each project is considered on its own merits.

Commissioner Gibson stated that while she could appreciate Chairperson Browning's concern, she believes the Commission should focus on the current situation and not try to predict what may happen in the future.

In response to Commissioner Gibson's inquiry regarding the Presbyterian Church on Crenshaw Boulevard that took over an industrial building, Planning Manager Lodan related his understanding that the church has been at this location since the 1990s and it has been the source of a number of complaints about traffic and parking. He confirmed that there have been no complaints regarding the subject property.

Commissioner Busch questioned whether any new churches have been built in Torrance over the past 20-30 years or if they have always taken over existing buildings.

Planning Manager Lodan could recall only three construction projects approved for churches over the past 12 years, including one that was never built.

Responding to Commissioner Busch's inquiry, Planning Manager Lodan reported that the subject property was vacant for some time before the applicant bought it and that there were a number of attempts to find a suitable use that failed to materialize.

Commissioner Busch stated that Torrance prides itself on being a "balanced" city and he believes part of being balanced is having a place to worship. He indicated, however, that he shared concerns about the parking and questioned whether the matter would come back to the Commission if the size of the congregation dramatically increases.

Planning Manager Lodan advised that a condition was included requiring that staff review the parking if the assembly area is changed from movable to fixed seating, but there is nothing that would require it to be brought back to the Commission.

Commissioner Weideman emphasized that parking requirements for movable seating are much more restrictive than for fixed seating and as Pastor Maehara earlier noted, the congregation could grow fourfold using the ratio of 5 seats for every parking space. He asked about the rationale for the Code requirement that churches have a minimum lot size of one acre.

Planning Manager Lodan advised that staff has not been able to ascertain exactly why this Code requirement was put in place, but suspects that it was due to concerns about the interface of churches with surrounding uses as the larger lot allows for more parking and landscaping.

Commissioner Horwich noted that there are a number of churches in Torrance that occupy industrial space and questioned whether they were all granted Variances.

Planning Manager Lodan explained that when churches use tenant space within an industrial park the site is considered as a whole so a Variance is usually not necessary.

Commissioner Horwich voiced support for the project, stating that he believes it's a very worthwhile project and he was confident that some arrangement could be made with nearby businesses not open on Sundays should parking problems develop.

Chairperson Browning related his belief that the role of this Commission includes planning for the future, noting the word "planning" in the commission's title. He expressed concerns that there was little room for growth should this project be approved, citing the problems that were created when a church bought the former Magnavox property. He also expressed concerns about the loss of jobs and tax revenues due to the conversion of an industrial property.

Mr. Uemura explained that Japanese people face major cultural obstacles to becoming Christian so their churches are not large and pledged that the church would work with the surrounding community to ensure that they are always in compliance in the unlikely event that the congregation grows to the extent that parking is a problem.

Chairperson Browning stated that he had decided to support the project, relating his experience that Japanese people have great integrity.

**MOTION:** Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

Commissioner Busch indicated that he would also support the project, stating that he thought the applicant's representative had done a good job of presenting the case. He noted that the Commission considers each project on an individual basis so no precedent was being set by voting to approve it.

**MOTION:** Commissioner Busch moved for the approval of CUP09-00003 and WAV09-00007, including conditions listed in the staff report, and to recommend that the City Council approve VAR09-00001. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Manager Lodan noted that resolutions reflecting the Commission's approval would be brought back at a later date.

## **12. RESOLUTIONS**

### **12A. PRE09-00001, WAV09-00002: JAMES AND JEAN GEDDES**

Planning Commission adoption of resolutions reflecting their decision to deny without prejudice a Precise Plan of Development to allow second story additions to an existing one-story, single-family residence in conjunction with a Waiver to allow less than the required rear yard setback on property located within the Hillside Overlay District in the R-1 Zone at 2721 Grand Summit Road.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 09-023 and 09-024.

**MOTION:** Commissioner Gibson moved for the adoption of Planning Commission Resolution Nos. 09-023 and 09-024. The motion was seconded by Chairperson Browning and passed by unanimous roll call vote.

**13. PUBLIC WORKSHOP ITEMS** – None.

**14. MISCELLANEOUS ITEMS**

**14A. ELECTION OF CHAIR AND VICE CHAIR**

**MOTION:** Commissioner Busch moved to elect Commissioner Weideman as chairperson for 2009-2010. The motion was seconded by Chairperson Browning and passed by unanimous roll call vote.

**MOTION:** Chairperson Browning moved to elect Commissioner Horwich as vice chair for 2009-2010. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

**14B. INFORMATION ITEM ON LOCAL COASTAL PLAN**

Planning Manager Lodan reported that approximately one year ago, responding to information submitted by a member of the public, the Commission had expressed concerns regarding the status of the City's Local Coastal Plan and staff explained that there were no negative consequences of having only a Conditionally Certified Local Coastal Plan and it was not feasible to explore updating it at that time because staff was engaged in a number of long-term planning efforts. He advised that this item was prepared to inform the Commission that updating the Local Coastal Plan will have to be explored at a later date because staff was still in the process of updating the General Plan and General Plan EIR, as well as developing a monitoring program for the implementation of the Strategic Plan.

Commissioner Busch questioned whether other South Bay beach cities have Certified Local Coastal Plans, and Planning Manager Lodan indicated that he did not have that information available.

Commissioner Busch requested that staff provide this information in the future.

In response to Commissioner Weideman's inquiry, Planning Manager Lodan confirmed that staff anticipates that the General Plan update and EIR will be completed by the end of the year.

**15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

**16. REVIEW OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan noted that the June 3 Planning Commission meeting has been cancelled because there are no items on the agenda and the next meeting will be held on June 17, 2009.

**17. ORAL COMMUNICATIONS #2**

**17A.** Commissioner Skoll noted that his cardiologist had mentioned that the Torrance Memorial expansion project would be on the agenda on June 17 and questioned whether the traffic study for the project would be reviewed by the Traffic Commission prior to this date.

Planning Manager Lodan explained that the review of traffic studies for land use projects was not within the purview of the Traffic Commission and noted that representatives of the City's Transportation Planning Division would be present at the June 17 meeting to answer any questions the Commission may have.

**17B.** Commissioner Skoll congratulated Commission Weideman and Commissioner Horwich on being elected chair and vice chair for the coming year.

**17C.** Commissioner Weideman thanked his colleagues for the electing him chairperson.

**17D.** Commissioner Horwich also thanked his colleagues for electing him vice chair, noting that he has been on the Commission two different times for a total of 19 years.

**17E.** Commissioner Horwich questioned whether there would be a reception for Deputy City Attorney Whitham who was leaving the City's employ.

Deputy City Attorney Sullivan reported that Ms. Whitham has already moved to Pismo Beach but had asked him to thank Commissioners for all their kind words and thoughts.

**17F.** Commissioner Gibson congratulated Commissioner Weideman and Commissioner Horwich and thanked Chairperson Browning for his service.

**17G.** Commissioner Uchima commended Chairperson Browning for doing a great job of chairing Commission meetings over the past year.

**17H.** Chairperson Browning, on behalf of the Commission, presented Commissioner Gibson with a gift for her new grandson Jordan Akira Gibson.

**17I.** With regard to the hearing on the Torrance Memorial Hospital expansion project, Chairperson Browning questioned whether an anonymous donor to the facility should recuse himself or herself from the hearing, and Deputy City Attorney Sullivan stated that he would research this matter and report back.

Commissioner Skoll noted that he goes to cardiac rehabilitation facility at the hospital on a regular basis and questioned whether that would disqualify him from participating in the hearing. Deputy City Attorney Sullivan stated that he did not believe so, but would look into this matter as well.

Commissioner Busch asked if a Commissioner should recuse himself if one of the speakers at the hearing is his personal physician, and Deputy City Attorney Sullivan advised that this would not be a conflict of interest but should be disclosed.

17J. Fire Marshal Aleman introduced himself to the Commission.

18. **ADJOURNMENT**

At 8:40 p.m., the meeting was adjourned to Wednesday, June 17, 2009 at 7:00 p.m.

Approved as Submitted July 8, 2009 s/ Sue Herbers, City Clerk
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