

**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, September 16, 2009 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Uchima.

3. ROLL CALL

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

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Martinez, Planning Associate Joe, Civil Engineer Symons, Fire Marshal Kazandjian, Plans Examiner Noh and Deputy City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, September 10, 2009.

5. APPROVAL OF MINUTES

MOTION: Commissioner Uchima moved for the approval of the August 5, 2009 minutes as submitted. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

6. REQUESTS FOR POSTPONEMENTS - None.

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Weideman 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 – None.

10. WAIVERS – None.

11. FORMAL HEARINGS

11A. CUP09-00014 SIERRA BUSINESS VENTURES

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a restaurant with service of alcoholic beverages (Type 47 ABC license) within an existing commercial tenant space on property located in the Downtown Redevelopment Project Area, Commercial Sector at 1225-1227 El Prado Avenue.

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.

Bert Sierra, Sierra Business Ventures, Inc., applicant, reported that she plans to open a new Mexican restaurant/sports bar in downtown Torrance, which will offer fresh carved roasted meats and other items not usually found in Mexican restaurants. She noted that she has a background in the restaurant/bar business and formerly owned an interest in the Steak and Stein Restaurant in El Segundo and she also has extensive experience in the business world.

Janet Payne, 1318 Engracia Avenue, expressed concerns about the adequacy of the parking for this restaurant, recalling that when this plaza was developed, the parking was designed to accommodate only two restaurants and this would be the fourth. She reported that at least two restaurants in the downtown area would like to expand but are unable to do so due to lack of parking. She stated that the staff report mentions that public parking spaces in the nearby parking structure could be used to satisfy parking requirements, however, people don't like to park in the structure and would rather park on the street closer to the restaurant. She also expressed concerns that there was no room for trash bins; questioned how the restaurant would be ventilated so that residents above would not be inundated with cooking odors; and voiced her opinion that the proposed 1:00 a.m. closing time was too late for this location.

Responding to questions from the Commission, Planning Associate Joe clarified that the Downtown Redevelopment Project Area has different parking standards than the rest of the City and the parking requirement can be met if the applicant can provide off-street parking within 300 feet of the project as opposed to 150 feet for other areas. He reported that Redevelopment Agency has 67 parking spaces available for lease in the Plaza Del Prado parking structure, which is within 300 feet of the restaurant, noting that the City has leased spaces in public lots to other businesses in the downtown area.

With regard to ventilation, Plans Examiner Noh advised that this issue would be addressed during the plan check process at which time the applicant would be required to submit a mechanical engineering design that meets Code requirements.

Referring to a diagram of the seating arrangement, Commissioner Skoll estimated that the restaurant could hold approximately 80 people, not including employees, and doubted that there would be parking available for 40+ cars.

Planning Associate Joe explained that parking standards for restaurants are based on square footage, not seating, and that the standard for the Downtown Redevelopment Project Area is one parking space for every 100 square feet of modified gross floor area, which in this case means that approximately 17 spaces will be required.

Commissioner Skoll expressed concerns about the adequacy of this parking standard and suggested that the Code may need to be revised.

In response to Commissioner Browning's inquiry, Deputy City Attorney Sullivan clarified that any spaces leased in the parking structure would not be for the exclusive use of the restaurant and could be used by public for other purposes.

Commissioner Busch asked about staff's observations with regard to the use of the parking structure, and Planning Associate Joe reported that there are usually several parking spaces available.

Responding to Commissioner Busch's inquiry, Planning Associate Joe reported that the subject property has been vacant 6-9 months.

Michael Shafer, owner of The Depot and Buffalo Fire Department restaurants, expressed support for the proposed restaurant. He emphasized the need for new businesses in the downtown area, noting that there are currently 18 vacancies. With regard to parking, he explained that only five businesses in the area are open after 5:00 p.m. and 80% are closed on weekends and these are the times when the restaurant/sports bar would do most of its business. He reported that his employees and the employees of the new Japanese restaurant park on the former tire store site down the street to ensure that there is plenty of parking available for customers. Based on his experience, he estimated that the restaurant would be able to seat 50-70 people at the most. He noted that the AQMD (Air Quality Management District) checks restaurant exhaust systems every year to make sure that they're functioning properly and up to Code.

Responding to questions from the Commission, Mr. Shafer reported that the Buffalo Fire Department has designated parking spaces in the underground structure, but they are rarely used; that his restaurants are open for lunch on Monday through Friday, 11:00 a.m. - 2:00 p.m. and for dinner Monday through Saturday, 5:00 p.m. - 10:00 p.m.; and that he is allowed to stay open until midnight, but chooses not to do so. He related his observation that restaurants in other redevelopment areas are thriving despite a lack of parking.

David Reams, business owner in downtown Torrance, voiced support for the proposed restaurant. He related his belief that the City should disregard parking requirements and allow more restaurants because retail stores are not viable in the downtown area. He suggested that if parking problems develop, people will be forced to use the parking structure, which currently remains vacant for most of the day, or they will walk a few blocks thereby creating more pedestrian traffic for existing businesses.

Linda Stratton, 1221 El Prado, reported that she and other tenants who live above the proposed restaurant have the following concerns: 1) Parking – tenants have no assigned parking and they are concerned that restaurant patrons will take up the most convenient parking; 2) Fire – tenants are concerned that there could be a fire in the restaurant thereby endangering them; 3) Trash – currently there is only one trash bin, which is not enough for a restaurant, and food waste could attract vermin; 4) Odors

– tenants are concerned about being inundated by cooking odors; 5) Noise – tenants are concerned that they will be disturbed by noise late at night, as well as early in the morning if the restaurant plans to be open for Sunday brunch. She suggested the possibility that the restaurant could have valet parking.

Planning Manager Lodan noted that the applicant will be required to submit a noise attenuation study during the plan check process to ensure that TMC noise standards are not exceeded.

Commissioner Browning expressed concerns that residents above may have no recourse once the restaurant has opened if problems develop.

Deputy City Attorney Sullivan advised that damage, nuisance and hazards can be considered as part of the Conditional Use Permit process and if problems develop, the permit could be brought back to the Commission for modification or revocation.

Marilyn Ron, owner of Antique Attic, 1274 Sartori Avenue, reported that there is a serious parking problem in this area at lunchtime and around 4:00 p.m., submitting photographs to illustrate, and expressed concerns that the proposed restaurant will exacerbate the problem. She stated that the downtown area needs a mix of retail uses, along with restaurants, and if people cannot park, she and other merchants will have no customers. She also expressed concerns that her business would be affected by cooking odors and suggested that the idea that the restaurant's customers would park in the parking structure was unrealistic.

Chairperson Weideman questioned the reason for the parking problem at 4:00 p.m., and Ms. Ron explained that a lot of parking is taken up by parents taking their children to the dance studio in the late afternoon.

Andrew Lawson, 1751 Greenwood Avenue, voiced support for the restaurant, noting that he works for Sysco Foods and the restaurant would be another potential client. He stated that he has never had a problem parking in downtown Torrance except when the Street Fair is held, and related his experience that there is plenty of parking after 5:00 p.m. when the downtown area is virtually empty.

With regard to ventilation, Ms. Sierra explained that an exhaust hood will be installed in the restaurant due to Health Department requirements even though the City of Redondo Beach approved plans she submitted for a restaurant with the same equipment without an exhaust hood. She noted that the restaurant will not be grilling fatty foods like hamburgers and steaks and the ovens and pressure fryers used to prepare the slow-roasted meats are completely self-contained and environment friendly.

Richard Gomez, the applicant's son, reported that the restaurant's equipment was designed to ensure that the restaurant emits no fumes.

In response to Commissioner Busch's inquiry, Ms. Sierra reported that she decided not to go forward with the restaurant in Redondo Beach so this will be her only restaurant and she will have a minimum of six employees depending on the volume of business.

Commissioner Browning asked staff about claims that existing restaurants in the area wish to expand but were unable to do so.

Planning Manager Lodan stated that he was not aware of this, but it could be that the restaurants in question do not have sufficient parking and are unable or unwilling to lease spaces elsewhere. He confirmed that the City would be willing to lease remaining spaces in the parking structure should other restaurants be interested.

Commissioner Horwich noted his disagreement with the idea that there were already too many restaurants in this area, relating his belief that anyone willing to invest his or her money should have an opportunity to compete with other businesses. He also disagreed with the idea that parking requirements should be ignored as parking is a major issue in Torrance. He questioned whether the applicant would be willing to change the closing time from 11:00 p.m. to 10:00 p.m. on Sunday through Thursday, and from 1:00 a.m. to 11:00 p.m. or midnight on Friday and Saturday.

Ms. Sierra stated that she thought those hours were reasonable, but she would like to await feedback from the California Department of Alcoholic Beverage Control (ABC) before limiting her options.

Commissioner Horwich indicated that he was not in favor of allowing the ABC to set the hours of operation and felt this matter should be decided at this time taking into account the convenience of immediate neighbors.

Commissioner Gibson requested clarification regarding why an exhaust hood would not be required in Redondo Beach, but was being required in Torrance.

Fire Marshal Kazandjian advised that the State of California Fire Code requires that any cooking appliance that produces grease-laden vapors be protected by a Class 1 hood and a fire protection system and that the City would not require a hood if manufacturer specifications were provided showing that the appliances being used do not produce grease-laden vapors. He noted, however, that the L.A. County Health Department has its own requirements, which may differ from the City's.

In response to Chairperson Weideman's inquiry, Ms. Sierra reported that the restaurant will initially serve beer and wine only, but has applied for a Type 47 ABC License, which would allow the service of distilled spirits. She explained that in keeping with the restaurant's Mexican theme, they would like to be allowed to offer margaritas made with real tequila instead of wine-based tequila.

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

Commissioner Browning indicated that he favored a closing time of 10:00 p.m. Sunday through Thursday and midnight on Friday and Saturday since there are residents living above the restaurant.

Commissioner Gibson suggested that the Commission consider placing restrictions on the opening time, since Ms. Stratton had expressed concerns about residents being disturbed early in the morning.

Chairperson Weideman pointed out that Condition No. 14, states, "Should substantiated complaints be received regarding noise generated by the business operation, the hours of operation shall be subject to review and modification by the Community Development Department," therefore there is a mechanism for modifying the hours of operation if noise becomes a problem.

In response to the Commissioner Gibson's inquiry, Planning Associate Joe reported that the applicant plans to serve breakfast on Sundays only starting at 8:00 a.m.

Commissioner Browning questioned whether the provision contained in Condition No. 14 mentioned by Chairperson Weideman has ever been exercised.

Deputy City Attorney Sullivan recalled that there have been noise problems associated with a few Entertainment Permits, including a restaurant on Sepulveda that is adjacent to residences and the Environmental Division worked with the restaurant to correct the problem by adding soundproofing and keeping doors and windows closed. He noted that noise violations can be prosecuted through the City Attorney's office and the Planning Commission has the authority to revoke a CUP if noise is on ongoing problem.

Commissioner Uchima stated that he would support the project because he agreed with Mr. Shafer that there is a need to generate more traffic in the downtown area and a restaurant is a good way to do so.

MOTION: Commissioner Uchima moved for the approval of CUP09-00014, as conditioned, including all findings set forth by staff, with the following modification:

Modify

No. 14 That the restaurant closing time shall be ~~11:00 p.m.~~ 10:00 p.m., Sunday through Thursday, and ~~4:00 a.m.~~ 12:00 a.m., Friday and Saturday....

The motion was seconded by Commissioner Busch, and discussion continued.

Commissioner Busch proposed amending Condition No. 14 to state that the restaurant shall not open before 9:00 a.m. on Sunday and 10:00 a.m., Monday through Saturday, and that any modifications to the hours of operation shall be approved by the Planning Commission.

Commissioner Skoll related his belief that the restaurant should be allowed to open on Sunday at 8:00 a.m. as requested.

Commissioner Browning agreed, stating that he did not want to restrict this business when there are other restaurants in the area that open as early as 7:00 a.m.

Chairperson Weideman indicated that he also was not in favor of restricting the restaurant's opening hours because Condition No. 14 already contains a provision which allows the hours of operation to be modified if there are complaints about noise.

Commissioner Uchima stated that he would have no objections to the earlier opening time if this was a stand-alone restaurant, but this is a unique situation where there are residents living directly above the restaurant and he understood their desire for peace and quiet on Sunday mornings.

Commissioner Busch noted his agreement with Commissioner Uchima's remarks.

Commissioner Skoll questioned whether there is a similar situation in the area, and Planning Associate Joe related his understanding that there is a restaurant with residences above it that serves breakfast starting at 7:00 a.m.

Commissioner Uchima amended his earlier motion.

MOTION: Commissioner Uchima moved for the approval of CUP09-00014, as conditioned, including all findings of fact with the following modification:

Modify

No. 14 That the restaurant closing time shall be ~~11:00 p.m.~~ 10:00 p.m., Sunday through Thursday, and ~~1:00 a.m.~~ 12:00 a.m., Friday and Saturday, and that the restaurant shall open no earlier than 10:00 a.m., Monday through Saturday, and 9:00 a.m. on Sunday. Should substantiated complaints be received regarding noise generated by the business operation, the hours of operation shall be subject to review and modification by the Community Development Department staff. The restaurant operator shall obtain approval from the ~~Redevelopment Agency~~ Planning Commission for any proposed modifications to the hours of operation.

The motion was seconded by Commissioner Busch and passed as reflected in the following 4-3 roll call vote:

AYES: Commissioners Busch, Gibson, Horwich and Uchima

NOES: Commissioners Browning, Skoll and Chairperson Weideman.

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 09-043.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution No. 09-043 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

The Commission recessed from 8:35 p.m. to 8:45 p.m.

11B. PRE09-00005: JUSTIN KILLIAN (PAMELA BARTHOLD)

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence and a new two-car garage on property located within the Hillside Overlay District in the R-1 Zone at 5264 Zakon Road.

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.

Deputy City Attorney Sullivan disclosed that his son and Ms. Barthold's son played on the same baseball team two years ago, but the remodel was never discussed.

Commissioner Browning reported that he visited the subject property on September 12 and spoke with the owner, however, he has made no decision on the case.

Pam Barthold, 5264 Zakon Road, applicant, and Justin Killian, project architect, voiced their agreement with the recommended conditions of approval. Ms. Barthold reported that there were several areas of unpermitted construction when she purchased the home and the proposed remodel will bring it into compliance. She briefly described the project, which includes the conversion of the one-car tandem garage to two bedrooms and the building of a new garage at the rear of the property. She noted that the project was carefully designed to protect the views and privacy of neighbors.

Commissioner Browning related his observation that the adjacent neighbor to the north at 5346 Bindewald Road has planted trees that would take care of any potential privacy impact.

In response to Commissioner Gibson's inquiry, Ms. Barthold provided clarification regarding the size and location of north-facing windows.

Mercedes Houghtaling, 5324 Doris Way, voiced support for the project.

Denise Cramer, 5337 Doris Way, also expressed support for the project, noting that she lives directly behind the subject property.

John Houghtaling, 5324 Doris Way, stated that he supports the project and believes it would be a great improvement to the neighborhood.

Returning to the podium, Ms. Barthold thanked her neighbors for their support.

Indicating that he would support the project, Commissioner Browning stated that he observed no adverse impact on the view, light or privacy of neighbors and commended the applicant for working with her neighbors to arrive at an acceptable design.

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

Chairperson Weideman stated that he saw no intrusion on the view, light, air or privacy of neighbors and would support the project as proposed.

Commissioner Skoll stated that he believed it was an outstanding project and he appreciated Ms. Barthold's efforts to discuss it with her neighbors.

Commissioner Gibson also voiced support for the project and commended Ms. Barthold for being respectful of her neighbors.

MOTION: Commissioner Browning moved for the approval of PRE09-00005 as conditioned, including findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 09-044.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-044. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS**

14A. **DISCUSSION OF CITY COUNCIL AD HOC COMMITTEE FOR REVIEW OF CITY COMMISSIONS**

Planning Manager Lodan advised that this item was placed on the agenda so Commissioners could comment on the City Council Ad Hoc Committee that was formed to explore the possibility of consolidating certain City commissions. He noted that minutes from the Ad Hoc Committee's first meeting on August 24, 2009, which was attended by Commissioners Browning, Busch, Horwich and Gibson, had been provided to Commissioners.

Commissioner Busch reported that the tenor of the discussion at the committee meeting was that commissioners were proud and protective of their commissions and felt that their work should continue. He noted that the Planning Commission is one of the most important commissions in any municipality and he expressed his willingness to take on additional tasks should the City Council decide to consolidate and/or reorganize commissions.

Commissioner Skoll relayed the following suggestions from people with whom he had spoken: 1) Merge the Library Commission into the Parks and Recreation Commission since both are under the Community Services Department; 2) Merge the Traffic Commission into the Planning Commission as both are under the Community Development Department and this could be a more effective way to deal with traffic issues; and 3) Create a Police Commission to provide for citizen oversight of the Police Department. He noted there were also questions about the need for a Cable Advisory Board since Time Warner no longer has a monopoly.

Commissioner Browning questioned whether there would be any significant cost savings if commissions are consolidated since it has been reported that there are no plans to eliminate anyone currently serving on a commission. He expressed concerns about the impact on the 150 residents who have made the effort to complete the required training to become a commissioner, as well as the impact on City staff whose job responsibilities include serving as commission liaisons and/or providing support for the commissions. He noted that staff has the ability to cancel a commission meeting if there are no action items on the agenda; related his understanding that costs associated with the Planning Commission are factored into permit fees; and indicated that he was not in favor of eliminating any staff positions. He pointed out that the Mayor and five City Council members have all served on a City commission, and the only Council member who has not served on a commission was employed by the City for many years.

Commissioner Horwich related his understanding that the committee's purpose was to consider whether City commissions that rarely or never have action items need to be in existence. He voiced his opinion that the City would be making a major mistake

eliminating any of its 13 commissions because the cost savings would be negligible as compared to the City's total budget and the benefits of involving residents in City government far outweigh this expense. He noted that most people consider it a privilege and an honor to serve on a commission and anyone who feels that his or her time is being wasted has the option of resigning.

Commissioner Gibson and Commissioner Uchima noted their concurrence with Commissioner Horwich's remarks.

Commissioner Busch commented that it was unfortunate that Commissioner Horwich was not able to remain on the City Council.

Commissioner Skoll expressed an interest in knowing the budget for each commission so he would have a better idea of the amount of money involved, noting that the Commissioner Handbook indicates that each commission shall have a budget. Planning Manager Lodan reported that City Manager staff was compiling that information for the next ad hoc committee meeting.

Deputy City Attorney Sullivan clarified that the reference in the Commissioner Handbook refers to funding for commissioners' expenses only and the information staff was compiling includes all costs associated with commissions.

Chairperson Weideman stated it was difficult to comment because it appears that there is a possibility that some commissions could be consolidated and according to the minutes from the meeting, a lot of information still needs to be provided before any decision can be made. He indicated, however, that he felt Commissioner Horwich's comments had a lot of merit and should be highlighted when this item is forwarded to the ad hoc committee.

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

16. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reported that the only Planning Commission meeting in October will be held on October 7 and that General Plan Workshops are scheduled for September 23, October 14, and October 28.

17. ORAL COMMUNICATIONS # 2

17A. Commissioner Browning requested an excused absence for the October 7 Planning Commission meeting; and hearing no objection, Chairperson Weideman so ordered.

17B. Referring to the Major Projects Report, Commissioner Skoll questioned whether the Skypark Drive utility undergrounding and the digital aerial photography projects were completed on schedule, and Planning Manager Lodan agreed to look into this matter and report back.

17C. Commissioner Skoll thanked staff for providing all the minutes from General Plan Workshops and asked about additional information requested regarding the incorporation of suggestions/comments from the public and the Commission into the General Plan.

Planning Manager Lodan advised that the requested information will be included in the agenda item for the September 23 workshop, which will be available on Friday.

17D. Commissioner Skoll congratulated Chairperson Weideman on being invited to participate in the National Invitational Cribbage Tournament.

17E. Referring to the Major Projects Report, Commissioner Busch requested an update on the status of project at 1918 Artesia Boulevard, which was delayed due to soil contamination issues, and the Sunrise Assisted Living project on Hawthorne Boulevard.

17F. Chairperson Weideman reported that he met with Community Development Department staff on Tuesday, September 15, so he could have a better understanding of the structure and format of the upcoming General Plan Workshops. He explained that the September 23 meeting will be on the Draft General Plan; that the October 14 meeting will be on the Draft General Plan and the Environmental Impact Report; and that the Commission will be formulating a recommendation to be forwarded to the City Council at the October 28 meeting.

18. ADJOURNMENT

At 9:38 p.m., the meeting was adjourned to the General Plan Workshop on Wednesday, September 23, 2009 at 7:00 p.m.

Approved as Amended November 18, 2009 s/ Sue Herbers, City Clerk
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