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TORRANCE PLANNING COMMISSION – MAY 18, 2016

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At 8:05 p.m., the meeting was adjourned to Wednesday, June 1, 2016 at 7:00 p.m.

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, May 18, 2016, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Rudolph.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners Gibson, Polcari, Rudolph, Watson and Chairperson D'anjou.

Absent: Commissioner Herring and Commissioner Tsao (previously excused).

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

MOTION: Commissioner Watson moved to grant Commissioner Herring an excused absence for this meeting. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

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, May 12, 2016.

5. APPROVAL OF MINUTES

MOTION: Commissioner Rudolph moved to approve the April 20, 2016 Planning Commission minutes as written. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote, with Chairperson D'anjou abstaining (absent Commissioners Herring and Tsao).

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

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

8. TIME EXTENSIONS – None.

9. SIGN HEARINGS- None.

10. CONTINUED HEARINGS – None.

11. WAIVERS – None.

12. FORMAL HEARINGS

12A. MOD16-00002: TEK MEHRETEAB (KAMRAN HAKIMI)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP15-00032) to allow the service of alcoholic beverages for on-site consumption, in conjunction with a restaurant, on property located in the Downtown District, Commercial Sector at 1303 El Prado Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Planning Assistant Lang introduced the request.

Jordan Essey, representing Chado Tea Room, applicant, voiced his agreement with the recommended conditions of approval. He reported that restaurant would like to offer tea-based cocktails, which is a new trend in the Los Angeles area.

Responding to questions from the Commission, Mr. Jordan explained that the cocktails consist of a flavored cold-brewed tea combined with a liquor, usually vodka, and the possible combinations are endless as the tea room/store carries 3400 different teas. He noted that the cocktails are not strong and tea is the predominant flavor.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous voice voted.

MOTION: Commissioner Polcari moved to approve MOD16-00002, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Commissioners Herring and Tsao).

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 16-045.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-045. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioners Herring and Tsao).

12B. PRE16-00004: KELLY HAMM (MICHAEL MCDERMOTT)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 169 Via Pasqual. This project is Categorically Exempt from CEQA per Guidelines Section 15303 – New Construction.

Recommendation: Approval.

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

Kelly Hamm, project architect, voiced his agreement with the recommended conditions of approval and briefly described the proposed project. He explained that a Precise Plan was approved for this property in 2012, but the project was never built and he used those plans as a starting point and reduced the bulk and the mass based on feedback from neighbors. He noted

that the proposed project is significantly smaller than the previously approved project with an FAR of 0.45 as compared to 0.56 and that a large tree will be removed in conjunction with the project, which will open up blue water views for surrounding neighbors.

Gerry Everist, 301 Via Mesa Grande, expressed concerns that the proposed project would obstruct views of the Riviera Village and white-water ocean views from her kitchen, dining room, living room and backyard. She related her understanding that the master bedroom suite has ceiling heights of 14-16 feet and proposed that they be reduced to 9 feet, which she believes is a reasonable compromise.

Planning Manager Lodan clarified that the plate height of the master bedroom suite is 9 feet and noted that per Condition No. 6, the height of the project will be reduced approximately 18 inches in this area.

Ms. Everist stated that the previously approved project had the ceiling heights she mentioned and the silhouette for this project does not look that much different to her.

In response to Commissioner Rudolph's inquiry, Ms. Everist estimated that the height would have to be lowered 3 feet to eliminate the impact on her view, noting that it was difficult for her to judge.

Blake Albrecht, 202 Via Pasqual, stated that while he is slightly impacted by the silhouette, he will gain a lot of blue water view with the removal of the tree. He indicated that his main concern was ceiling heights and believes any overly tall ceilings should be eliminated as a matter of fairness.

Returning to the podium, Mr. Hamm emphasized that the ceiling height in the master bedroom suite is only 9 feet and the silhouette does not reflect that this area will be reduced in height by approximately 18 inches. He explained that views will be gained with the demolition of the existing house and the removal of the tree, but there's no way to show this, and the previously approved project extended much farther into the rear yard so the project has less view impact in this area.

In response to Commissioner Rudolph's inquiry, Mr. Hamm reported that the structure in the area of the master suite is approximately 11 feet above grade and includes 12-inch ceiling joists, which is the minimum allowed by Code, and a very thin roof.

Commissioner Rudolph commented positively on the project, stating that he liked what Mr. Hamm has done to minimize the height and the fact that he has agreed to lower the project another 18 inches in the master suite area.

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

Voicing support for the project, Chairperson D'anjou noted that it is significantly smaller than the project approved in 2012 and features a flat roof and a below-grade garage.

Commissioner Watson related her belief that the applicant had been responsive to neighborhood input with regard to concerns about the project.

MOTION: Commissioner Polcari moved to approve PRE16-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Commissioners Herring and Tsao).

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 16-046.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-046. The motion was seconded by Commissioner Rudolph and passed by unanimous vote (absent Commissioners Herring and Tsao).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

15A. **MHE15-00071: JOHN ERNST**

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow an as-built rooftop air conditioner unit on property located within the Hillside Overlay District in the R-1 Zone at 112 Via Colusa. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Planning Assistant Lang introduced the request.

Phillip Toomey, attorney representing John Ernst, 112 Via Colusa, applicant, explained that Mr. and Mrs. Ernst need an air conditioner for health reasons and one has been on their rooftop since at least 1987 and while the new unit is slightly larger than the one it replaced, it has the same tonnage so it is a “like-for-like” replacement.

Commissioner Polcari recalled that the Commission already considered this case, and Planning Manager Lodan advised that the matter was being brought back to the Commission because the public notification process for the earlier hearing was flawed.

Evan Sandhoefner, representing Maro Matthews, 109 Paseo de Granada, appellant, reported that Mr. Matthews objects to the air conditioner because it appears to be twice the height and substantially larger than the unit it replaced and he does not understand how it could be considered a like-for-like replacement. He noted that Mr. Matthews is not the only neighbor who objects as several neighbors have also raised objections citing view impact. He suggested that the unit be relocated to the ground where it will also be more energy efficient because it will be shaded by the building.

In response to Commissioner Watson’s inquiry, Mr. Sandhoefner indicated that noise was not an issue and the appellant’s objections were based on view blockage only.

Asked to comment, Planning Manager Lodan stated that while the unit is larger and more visible, in staff’s opinion, it does not significantly or adversely impact the view.

Mr. Toomey noted his agreement with staff’s assessment of the impact.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Watson and passed by unanimous voice vote.

Commissioner Rudolph inquired about the approval process, and Planning Manager Lodan explained that the permit for the air conditioning unit was approved over-the-counter because the contractor said it was a like-for-like replacement and staff took this to mean that it

had the same dimensions, however, the contractor was referring to the unit's capacity and tonnage.

Commissioner Rudolph suggested that the City may need to take an extra step and verify that a replacement is like-for-like and not take a contractor's word for it. He stated that he thought the contractor might have culpability since a seemingly larger unit was installed and he felt it was important not to ignore the fact that five neighbors sent letters objecting to it and an exemption was granted after the fact without proper notification.

Noting that her opinion had not changed since the last hearing, Chairperson D'anjou related her belief that this was just an unfortunate situation that staff was trying to rectify it in a manner that is fair to everyone.

The public hearing was reopened at Commissioner Rudolph's request, and Commissioner Rudolph asked if Mr. Toomey had any suggestions regarding possible remedies.

Mr. Toomey stated that he could offer no suggestions because it was not financially feasible to relocate the air conditioning unit to the ground.

Commissioner Rudolph questioned whether the contractor could be required to correct the problem because he misrepresented the replacement unit.

Mr. Toomey disputed the idea that the contractor had misrepresented the unit, explaining that the new unit is larger as a result of technological advances since the original unit was installed over 20 years ago and as far as the contractor is concerned, it is like-for-like. He noted that staff's objective evaluation is that the larger unit does not have a substantial adverse impact on views and suggested that the impact may be exaggerated for neighbors because it has become a focal point for them.

Commissioner Rudolph asked if the applicants had discussed the air conditioning unit with neighbors.

Mr. Toomey responded that his clients have had many conversations with neighbors on multiple issues but he did not know if there had been any communications about the air conditioning unit.

Commissioner Rudolph asked about the consequences should the Commission approve the appeal and deny the exemption for the air conditioning unit, and Planning Manager Lodan explained that the decision could be appealed to the City Council the same as any of the Commission's decisions.

MOTION: Commissioner Watson moved to close the public hearing. The motion was seconded by Commissioner Rudolph and passed by unanimous voice vote.

Commissioner Watson stated that while she agreed the rooftop air conditioning unit is an eyesore, it's been in place for many years and she did not believe there was any malicious intent when it was replaced and the contractor simply replaced it with what is currently available. She suggested that the unit may eventually become less noticeable for neighbors, noting that her first impression of London was marred by the many unsightly smoke stacks, but after a few days she no longer noticed them.

Commissioner Rudolph related his belief that more could be done to resolve neighbors' concerns and offered the following motion.

MOTION: Commissioner Rudolph moved to grant the appeal and deny MHE15-00071. The motion was seconded by Commissioner Gibson and passed as reflected in the following roll call vote:

YES: Commissioners Gibson, Polcari and Rudolph
NO: Commissioner Watson and Chairperson D'anjou
ABSENT: Commissioners Herring and Tsao

MOTION: Commissioner Rudolph moved to repeal Planning Commission Resolution No. 16-006. The motion was seconded by Commissioner Gibson and passed as reflected in the following roll call vote:

YES: Commissioners Gibson, Polcari, Rudolph and Watson
NO: Chairperson D'anjou
ABSENT: Commissioners Herring and Tsao

Planning Manager Lodan noted that a resolution reflecting the Commission's action will be brought back for approval at a later date

15B. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for April 28 and May 6, 2016 were distributed to the Commission.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the City Council adopted an ordinance allowing the keeping of chickens (hens) on single-family residential properties at the May 17, 2016 Council meeting.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the June 1, 2016 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Commissioner Watson spoke.

19. ADJOURNMENT

8:05 p.m., the meeting was adjourned to Wednesday, June 1, 2016 at 7:00 p.m.

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Approved as submitted June 15, 2016 s/ Rebecca Poirier, City Clerk
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