

INDEX
TORRANCE PLANNING COMMISSION – JUNE 1, 2016

<u>SUBJECT</u>	<u>PAGE</u>
<u>OPENING CEREMONIES</u>	
1. Call to Order	1
2. Flag Salute	1
3. Roll Call/Motions for Excused Absence	1
4. Posting of the Agenda	1
5. Approval of Minutes	1
6. Requests for Postponement	1
7. <u>ORAL COMMUNICATIONS #1</u>	1
8. <u>TIME EXTENSIONS</u>	1
10. <u>CONTINUED HEARINGS</u>	1
11. <u>WAIVERS</u>	1
12. <u>FORMAL HEARINGS</u>	
12A. MOD16-00006: Shakey's USA	<i>Res. 16-048</i> 2
12B. MOD16-00007: Sahn Sem Evangelical Church	<i>Res. 16-049</i> 2-3
12C. PRE16-00007, WAV16-00006: Sona Gevorkyan (Tahsini)	<i>Res. 16-050 & -051</i> 3-5
13. <u>RESOLUTIONS</u>	
13A. MHE15-00071: John Ernst	5-6
14. <u>PUBLIC WORKSHOP ITEMS</u>	6
15. <u>MISCELLANEOUS ITEMS</u>	
15A. MHE15-00094: Bruce Fryman	6-8
15B. Community Development Director Weekly Reports	8
16. <u>CITY COUNCIL ACTION ON PLANNING MATTERS</u>	8
17. <u>LIST OF TENTATIVE PLANNING COMMISSION CASES</u>	8
18. <u>ORAL COMMUNICATIONS #2</u>	8
19. <u>ADJOURNMENT</u>	8

At 8:43 p.m., the meeting was adjourned to Wednesday, June 15, 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, June 1, 2016, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Polcari.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

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

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Sr. Fire Prevention Officer Kazandjian, Associate Civil Engineer Symons and Assistant 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, May 26, 2016.

5. APPROVAL OF MINUTES

MOTION: Commissioner Herring moved to approve the May 4, 2016 Planning Commission minutes as written. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote, with Commissioner Polcari abstaining.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1

David DeWitt spoke.

*

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. MOD16-00006: SHAKEY'S USA (HAWTHORNE PCH LLC)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP74-59) to allow an arcade within a restaurant on property located in the H-MP Zone at 361 Pacific Coast Highway. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Steve Rawlings, representing Shakey's USA, voiced his agreement with the recommended conditions of approval. He explained that Shakey's is completely remodeling the restaurant and would like to add a video game room.

Responding to questions from the Commission, Mr. Rawlings reported that they hope to open the new restaurant in October and that the Shakey's on Torrance Boulevard will remain open and will also be remodeled.

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

MOTION: Commissioner Polcari moved to approve MOD16-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous vote.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 16-048.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-048. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

12B. MOD16-00007: NAGY BAKHOUM (SAHN SEM EVANGELICAL CHURCH)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP12-00005) to allow the relocation of a church sanctuary from the west building to the east building, repurposing the west building to a fellowship center, and the reconfiguration of the parking lot on property located in the M-2 Zone at 1812-1814 Abalone Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Commissioner Rudolph announced that he was recusing himself from this case because he has a business relationship with Nagy Bakhom and exited the dais.

Nagy Bakhom, project architect, briefly described the proposed project. He reported that in order to comply with parking requirements, the applicant has entered into a shared parking agreement with the Department of Motor Vehicles; that pedestrian and handicap accessible pathways will be constructed between the DMV and the church; and that the church's parking lot will be reconfigured to improve safety and allow for better fire department access. He voiced his agreement with the conditions of approval, with the exception of Condition No. 11, which requires a five-foot landscaped front setback, explaining that the building sits on the property line so there is no room for landscaping.

Planning Manager Lodan agreed to revise Condition No. 11.

Commissioner Watson commended the applicant for finding a creative solution to meet parking requirements and asked about the large metal cross on the property.

Mr. Bakhoun reported that the cross will serve as signage to help people identify the church sanctuary, which is being moved from west building to the east building.

In response to Commissioner Herring's inquiry, Planning Manager Lodan confirmed that the church may not operate a day care facility or a day school unless it is brought back to the Planning Commission for approval per Condition No. 7.

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

MOTION: Commissioner Polcari moved to approve MOD16-00007, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 11 That a landscape and irrigation plan shall be submitted to the Community Development Department for approval prior to the issuance of any Building Permits and ~~the five-foot front setback area shall be landscaped~~ landscaping shall be provided to the satisfaction of the Community Development Director.

The motion was seconded by Commissioner Tsao and passed by unanimous roll call vote (absent Commissioner Rudolph).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 16-049.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-049 as amended. The motion was seconded by Commissioner Tsao and passed by unanimous roll call vote (absent Commissioner Rudolph).

Commissioner Rudolph returned to the dais.

12C. PRE16-00007, WAV16-00006: SONA GEVORKYAN (ALIREZA TAHSINI)

Planning Commission consideration for approval of a Precise Plan of Development to allow one-story additions to an existing one-story, single-family residence in conjunction with a Waiver of the garage setback and the rear retaining wall height requirements on property located within the Hillside Overlay District in the R-1 Zone at 409 Via Pasqual. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities and 15305 – Minor Alterations.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Sona Gevorkyan, project designer, voiced her agreement with the recommended conditions of approval and briefly described the proposed project. She reported that the applicant shared the project with neighbors and none of the neighbors with whom he spoke raised any objections.

Albert Chilimidos, 263 Calle de Andalucia, expressed concerns that the project will impact his privacy because the living area in the front of the house will look into his bedroom.

Ms. Gevorkyan suggested that it was her clients whose privacy would be impacted and noted that similar conditions exist throughout the Hillside area.

Responding to questions from the Commission, Ms. Gevorkyan provided clarification regarding the requested Waivers. She explained that an elevated portion of the backyard will be lowered by removing soil and this will expose more of the existing retaining wall to the extent that it exceeds five feet in height, which is the maximum allowed by Code. She further explained that the garage must be enlarged to comply with current building standards and as a result, the garage wall will encroach into the required 20-foot setback by approximately 5 inches.

Asked to comment on Mr. Chilimidos' privacy concerns, Planning Manager Lodan advised that staff visited the site and did not observe that the project would have any impact on privacy. He noted that Mr. Chilimidos' property is across the street and at an angle to the subject property and estimated that it was at least 60-70 feet away from the proposed structure.

In response to Commissioner Rudolph's inquiry, Ms. Gevorkyan provided clarification regarding the size of the living room window. She pointed out that the existing house and front porch have the same view into Mr. Chilimidos' property.

Mr. Chilimidos asserted that privacy impact will be exacerbated because the addition will be closer to the street.

Commissioner Rudolph indicated that he saw no remedy for Mr. Chilimidos' privacy concerns beyond planting shrubbery because one would reasonably expect to have a window in their living room.

Mr. Chilimidos responded that it would take years for trees to grow tall enough to protect his privacy since his bedroom is on the second floor.

Planning Manager Lodan reported that after reviewing the boundaries, staff discovered that 263 Calle de Andalucia it is not within the Hillside Overlay District.

Assistant City Attorney Sullivan advised that traditionally, properties outside the Hillside Overlay District are not afforded the same protections.

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

Commissioner Herring and Commissioner Rudolph indicated that they were inclined to support the project as proposed.

Also voicing support for the project, Chairperson D'anjou noted that the subject property is some distance away from 263 Calle de Andalusia and even if Mr. Chilimidos' property was within the Hillside Overlay District this house would still need to have a front window.

MOTION: Commissioner Herring moved to approve PRE16-00007 and WAV16-00006 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Polcari and passed by unanimous vote.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 16-050 and 16-051.

MOTION: Commissioner Herring moved to adopt Planning Commission Resolution Nos. 16-050 and 16-051. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

13. RESOLUTIONS

13A. MHE15-00071: JOHN ERNST

Planning Commission adoption of a Resolution reflecting their decision to repeal a previously adopted Planning Commission Resolution (No. 16-006) and to uphold 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.

Chairperson D'anjou noted supplemental material consisting of a letter from John Ernst's attorney requesting that the Commission reconsider their decision on this matter.

Assistant City Attorney Sullivan reviewed the reconsideration process per the City Council Rules of Order.

Phillip Toomey, attorney representing John Ernst, reported that the Planning Commission, except for Commissioner Rudolph who was not on the Commission at the time, voted unanimously to deny the appeal and approve an as-built rooftop air conditioner on January 20, 2016 and he was therefore very surprised when the vote went the opposite way based on the exact same evidence when the matter was reheard on May 18, 2016. He noted that the only difference at the May 18 hearing was that a young man spoke on behalf of the appellant and his remarks were repetitive of information in the original staff report. He stated that from a technical perspective, he was not aware of any rules that would allow the matter to be reheard on May 18 because the period to appeal the Commission's original decision or submit a motion for reconsideration had long expired. He urged the Commission to reconsider their decision as a matter of fairness.

Commissioner Rudolph requested clarification as to why the matter was brought back to the Commission on May 18.

Assistant City Attorney Sullivan reported that subsequent to the January hearing a neighbor contacted the City through the City Manager's office and it was discovered that no notices were mailed out due to an oversight therefore the appellant was not notified of the hearing.

Planning Manager Lodan clarified that the appellant was aware of the hearing as a result of discussions with a Planner, but did not receive a mailed notice.

Commissioner Rudolph discussed the rationale for his vote to uphold the appeal and deny the permit for the air conditioner. Noting that he is a contractor by trade, he explained that he took issue with the contractor's representing the air conditioning unit as "like for like" to City staff; that he thought the contractor had an obligation to go back to his client when he realized the dimensions of the air conditioner were not the same as the unit being replaced and discuss what to do about it; and that he does not believe the air conditioner should be on the roof.

Mr. Toomey related his belief that his client should have been able to rely on the decision made by the Commission in January since the time period for filing an appeal or submitting a request for reconsideration had expired and that the matter should not have been reheard based on a technical issue, like the mailing of a notice.

Commissioner Rudolph asked about Mr. Toomey's claim that the matter should not have been reheard based on a technical issue.

Assistant City Attorney Sullivan advised that while Mr. Toomey has not threatened litigation, he believes this issue would be better discussed in closed session under "anticipated litigation" and recommended that a closed session be scheduled if the Commission decides to place an item on the agenda for the reconsideration of this case.

A brief discussion ensued, and with the concurrence of the Commission, Commissioner Rudolph requested that staff place an item on the next meeting's agenda to consider whether to reconsider the Commission's May 18, 2016 decision on this case.

Chairperson D'anjou noted that the Commission will not be discussing the merits of the case at that time.

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS

15A. MHE15-00094: BRUCE FRYMAN

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a detached deck in the rear yard of an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 3019 Windmill Road. This project is Categorically Exempt from CEQA per Guidelines Section 15303 – New Construction.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Bruce Fryman, applicant, voiced his agreement with the recommended conditions of approval. With the aid of slides, he briefly described the proposed detached deck and shared photographs of his backyard and the appellant's property, pointing out that the appellant has a third-floor deck that overlooks his backyard. He explained that the deck is necessary because there is very little usable space in his backyard due to the steeply sloping lot. He stated that some of his neighbors are delighted with the plans because they show how to turn the steep slope into usable space.

David Cornwell, 3017 Windmill Road, reported that he and his wife have owned this house since it was built in 1976 and purchased it because of the view, which spans from Redondo Beach to Signal Hill, and because the backyard is completely private. Voicing objections to the proposed deck, he explained that someone standing on the deck would be able to see into their backyard and into their residence since the back wall is nearly all glass and he cannot plant shrubbery to preserve his privacy because that would block his view. He clarified that what has been characterized as a third-floor deck is actually the roof over his second floor and it does not have a surface that can be walked on and has never been used as a deck. Noting that he formerly served on the HOA board, he related his understanding that a deck has never been allowed to be

built out over the slope due to the impact on neighbors' privacy. He suggested that the applicant consider constructing a four-foot retaining wall so the deck could be lowered to eliminate the privacy impact. He questioned why an absentee owner would even want to build a deck and urged the Commission to deny it.

In response to Commissioner Watson's inquiry, Assistant City Attorney Sullivan clarified that should the deck be approved by the Commission, it would be up to the applicant to obtain the HOA's approval because the City does not enforce CC&Rs.

Commissioner Polcari stated that he was not in favor of the deck because he thought it looked scary.

Commissioner Rudolph asked if Mr. Cornwell was willing to work to with his neighbor to try to find a compromise.

Mr. Cornwell responded that he did not believe there would be any benefit in talking with Mr. Fryman because he's strongly opposed to the deck and from an engineering standpoint, he believes it is unsafe. Additionally, he noted that he was emotionally drained having recently suffered the loss of a child.

Commissioner Rudolph suggested the possibility that Mr. Cornwell could bring the matter to the attention of the HOA board since his letter (staff report – Attachment 4) mentions that according to CC&Rs, the deck must be approved by the HOA.

Mr. Cornwell indicated that he was not sure if there is an active HOA board.

Mr. Fryman reported that when he first purchased the home 7 or 8 years ago, he went to the HOA board and got approval for the deck, however since that time the board has disbanded because insurance was no longer available for board members and the liability was too great to continue without it. He stated that if he wanted to see into his neighbor's property, he could simply take out his hedge, but he does not want to make enemies of his neighbors. With regard to the deck's safety, he pointed out that the Building and Safety Division must approve the plans before any construction is done to ensure that the deck will be safe. He explained that Mr. Cornwell's suggestion that the deck be lowered was not feasible because he has difficulty walking down steps due to back surgery. He stated that his daughter, who is currently 24 years old and pursuing a law degree, plans to eventually move into the house and raise her family and that is why he is doing this project.

Commissioner Watson asked if the project has any view impact, and Mr. Fryman stated that he did not believe the ground level deck would impair anyone's view.

Commissioner Tsao stated that he was concerned about the absentee ownership because he's heard of people doing things like this and then selling the house. He asked about the possibility of shortening the deck.

Mr. Fryman expressed his willingness to change the design and shorten or narrow the deck in order to gain Mr. Cornwell's acceptance of the project.

Commissioner Gibson stated that she was pleased to hear that Mr. Fryman was willing to compromise and suggested a man-to-man meeting, and Mr. Fryman stated that he was very willing to do this.

Commissioner Herring indicated that he favored a continuance to see if the two parties could work out a compromise.

Chairperson D'anjou asked if Mr. Cornwell was willing to do this, and Mr. Cornwell responded that he was not sure he had the wherewithal to sit down with Mr. Fryman to seek resolution because this has gotten so personal.

Commissioner Rudolph encouraged Mr. Cornwell to at least meet with Mr. Fryman.

Chairperson D'anjou proposed that the Commission continue this matter to a date certain and let Mr. Cornwell to decide if he wants to pursue a discussion with Mr. Fryman during the interim.

Commissioner Gibson encouraged Mr. Cornwell and Mr. Fryman to work together to reach a compromise.

MOTION: Commissioner Polcari moved to continue the hearing to July 20, 2016. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote.

15B. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for May 12, and May 20, 2016 were distributed to the Commission.

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

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the June 15, 2016 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

Commissioner Gibson spoke.

19. ADJOURNMENT

At 8:43 p.m., the meeting was adjourned to Wednesday, June 15, 2016 at 7:00 p.m.

###

Approved as submitted July 20, 2016 s/ Rebecca Poirier, City Clerk
--