

April 7, 2004

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

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, April 7, 2004, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Botello.

**3. ROLL CALL**

Present: Commissioners Botello, Horwich, LaBouff, Uchima and Vice-Chair Muratsuchi.

Absent: Commissioner Faulk and Chairperson Drevno (both excused).

Also Present: Planning Manager Isomoto, Planning Assistant Kevin Joe, Associate Civil Engineer Symons, Fire Marshal Fawcett, Building Regulations Administrator Segovia, and Deputy City Attorney Whitham.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Uchima, seconded by Commissioner Horwich, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

**5. APPROVAL OF MINUTES**

None.

**6. REQUESTS FOR POSTPONEMENTS**

None.

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Vice-Chair Muratsuchi explained the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

**7. CONTINUED HEARINGS**

None.

8. **WAIVERS**

None.

9. **FORMAL HEARINGS**

9A. **MOD04-00005: THE LOFT RESTAURANT (PETER FREDERICK)**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP94-00018) to upgrade a beer and wine license to a full liquor license in conjunction with the operation of an existing restaurant on property located in the Hawthorne Boulevard Corridor Specific Plan Meadow Park Sub-district at 23305 Hawthorne Boulevard.

**Recommendation**

Approval.

Planning Assistant Kevin Joe introduced the request and noted supplemental material available at the meeting consisting of a letter of opposition from a resident at 23334 Los Condon.

Peter Frederick, representing The Loft Restaurant, stated that the restaurant would like to offer mixed drinks to enhance the dining experience; noted that there would be no change to current operations; and voiced his agreement with the recommended conditions of approval.

In response to Commissioner Horwich's inquiry, Mr. Frederick reported that the restaurant is open until 10:00 p.m., Sunday through Thursday, and 11:00 p.m. on Friday and Saturday, and that these hours will not change.

**MOTION:** Commissioner Uchima, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

In response to Vice-Chair Muratsuchi's inquiry, Planning Manager Isomoto confirmed that there are other restaurants in the vicinity with full liquor licenses. Referring to concerns about the adjacent alley (per supplemental material), she noted that the alley runs the length of the block and is used by a number of businesses, including car dealers, as well as by residents who live to the west.

**MOTION:** Commissioner Uchima moved for the approval of MOD04-00005, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner LaBouff and passed by unanimous roll call vote (absent Commissioner Faulk and Chairperson Drevno).

Planning Assistant Joe read aloud the number and title of Planning Commission Resolution No. 04-034.

**MOTION:** Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 04-034. The motion was seconded by Commissioner

Horwich and passed by unanimous roll call vote (absent Commissioner Faulk and Chairperson Drevno).

**9B. PRE04-00004: JON AND SANDY SPALLINO (EVAN BRAUN)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 427 Camino de Encanto.

**Recommendation**

Approval.

Planning Assistant Kevin Joe introduced the request.

Jon Spallino, 427 Camino de Encanto, applicant, voiced his agreement with the recommended conditions of approval. He reported that he reviewed the plans with all adjacent neighbors, that modifications were made in response to their concerns, and that they now fully support the project.

Commissioner Botello, echoed by Commissioner Uchima, commended the applicant working with his neighbors to address their concerns and for a well-thought out design that meets or exceeds all requirements.

**MOTION:** Commissioner Botello moved for the approval of PRE04-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Faulk and Chairperson Drevno).

Planning Assistant Joe read aloud the number and title of Planning Commission Resolution No. 04-035.

**MOTION:** Commissioner Botello moved for the adoption of Planning Commission Resolution No. 04-035. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Faulk and Chairperson Drevno).

**8C. PRE04-00002: MICHAEL AND JULIE HALL (RESCOM DESIGNS)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 22420 Redbeam Avenue.

**Recommendation**

Approval.

Planning Assistant Kevin Joe introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the staff report was completed and a revised resolution, which includes an additional condition requiring a height reduction of two feet.

Julie Hall, 22420 Redbeam Avenue, applicant, voiced her agreement with the recommended conditions of approval with the exception of the condition requiring a height reduction of two feet. She explained that there are 9 other two-story homes on this block with an average height of 25 feet, 3 of which were approved in the last 3 years at a height greater than the 24 feet 5 inch height being proposed. Submitting photographs to illustrate, she explained that she and her husband met with neighbors and revised the plans in response to their concerns before finalizing them. She stated that every effort was made to ensure that the project would have the least intrusion on the view, light, air, and privacy of neighbors; contended that reducing the height would cause the house to look out of place among the other two-story homes on the block; and urged approval of the project as submitted.

Greg Cortesi, 24409 Redbeam Avenue, stated that the subject house, which is directly across the street, is the third house in a row to add a second story since he moved to this neighborhood 18 months ago. He noted that the view was an important factor when he purchased this home, as well as the fact that it is located in the Hillside Overlay District. He explained that the second-story addition at 22408 Redbeam was already approved by the time he moved in; that he did not object to the silhouette at 22414 Redbeam that went up shortly after he moved in because he was new to the neighborhood; and that the proposed two-story addition would take the last portion of his remaining view.

Indicating his willingness to compromise, Mr. Cortesi suggested the following options for mitigating the impact on his view: 1) Changing the roof ridgeline to run east/west instead of north/south; 2) Having the roof peak at a single point in the center; 3) Reconfiguring the second story to open up a view corridor; 4) Reducing the size of the second story; or 5) Lowering the overall height.

In response to Commissioner Horwich's inquiry, Mr. Cortesi confirmed that reducing the height of the project by two feet as staff has recommended would resolve the problem.

Pete Barker, 22415 Redbeam Avenue, voiced support for the project as proposed; noted that the majority of homes on the east side of the street are two-story; and stated that he believed the project would enhance property values.

Larry Towne, 22402 Redbeam Avenue, related his experience when he added on to his home in 1997, explaining that the small homes originally built in this area are not suitable for today's needs and that people on the east side of block have no choice but to go up because of the sloping hillside. He reported that the remodeling that has taken place has rejuvenated the neighborhood and maintained that the Halls should not be penalized because they are among the last to do so. He suggested that it was hypocritical for someone with a two-story home to complain when someone else wishes to build one.

Jeff Henderson, 22308 Redbeam Avenue, voiced support for the project as proposed, stating that he hopes to enlarge his home in the future and believes remodeling has revitalized the neighborhood by bringing in young families.

Submitting plans to illustrate, Will Basilio, Rescom Designs, project architect, contended that Mr. Cortesi's suggested remedies were not feasible. He explained that he concentrated on maintaining Mr. Cortesi's primary view, which is from the large balcony on the second floor; contended that everything possible had been done to mitigate the impact on views; and urged approval as submitted.

Commissioner Botello commented that he would have thought the applicant would have been happy to comply with staff's recommendation to lower the height two feet due to the fact that they had recommended approval of the project with an FAR of .60. He noted that anything above .50 must be justified and .60 is the highest allowed anywhere in the R-1 Zone.

Voicing support for the project, Sondee Wolff, 22402 Redbeam Avenue, noted the need for larger homes for those who are in the "sandwich generation," who often have elderly parents as well as children living with them. She related her recent experience adding on a bedroom and bath to accommodate her ailing mother-in-law.

**MOTION:** Commissioner Uchima, seconded by Commissioner Botello moved to close the public hearing; voice vote reflected unanimous approval.

Noting that he visited the site, Commissioner Uchima related his observation that Mr. Cortesi's primary view was lost when the home directly across the street at 22414 Redbeam was built. He stated that he did not believe lowering the project's ridgeline by two feet would make a significant difference; therefore, he would support the project as submitted.

Commissioner Botello indicated that he would not support the project without the reduction in height.

**MOTION:** Commissioner Horwich moved for the approval of PRE04-00002, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Botello and passed by a 4-1 roll call vote, with Commissioner Uchima dissenting (absent Commissioner Faulk and Chairperson Drevo).

Planning Assistant Joe read aloud the number and title of Planning Commission Resolution No. 04-036.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 04-036. The motion was seconded by Commissioner LaBouff and passed by a 4-1 roll call vote, with Commissioner Uchima dissenting (absent Commissioner Faulk and Chairperson Drevo).

**9D. PRE04-00006, WAV04-00006: TAD AND MARNIE DAVIS (LANE BUILDING DESIGNS)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions and a

Waiver to allow a reduction of the side yard setback requirement for an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 116 Paseo de Granada.

**Recommendation**

Approval.

Planning Assistant Kevin Joe introduced the request and noted supplemental material available at the meeting consisting of letters of support and in opposition to the project and a revised Waiver request.

Tad Davis, 116 Paseo de Granada, reported that he discussed the project with several neighbors and decided on a semi-subterranean design instead of a two-story in order to accommodate their views.

Gary Lane, project architect, voiced his agreement with the recommended conditions of approval.

In response to Commissioner Botello's inquiry, Mr. Lane stated that the odd configuration of the lot made a hip roof impractical and that he chose not to articulate the sheer wall on the garage side of the house because it would have created additional height.

Bob Bragg, 113 Paseo de Granada, stated that he initially supported the project, however, after viewing the silhouette, he now believes it is too massive and too much of an encroachment on neighbors.

Mike Lubinsky, 210 Calle de Madrid, maintained that the proposed project would take away approximately 50 percent of the ocean view from his second-story master bedroom and deck.

In response to Commissioner Horwich's inquiry, Mr. Lubinsky reported that the second story on his home was built in 1996.

Stella Tefenbaum, 108 Paseo de Granada, stated that the proposed project would block light from her home, obstruct her view of the sky, and intrude on her privacy. She expressed concerns that the project could destabilize the hillside and that she could be subjected to noxious fumes due to the close proximity of the garage to her property.

Commissioner Botello noted that staff was recommending the addition of a condition (No. 5) requiring that upper level windows facing Ms. Tefenbaum's property have a minimum sill height of 5 feet or be composed of translucent glass to address privacy concerns.

Timothy Pettit, 117 Paseo de Granada, noted that he submitted a letter detailing his concerns. He voiced his opinion that the proposed structure was too large and out of character with the neighborhood and maintained that it does not comply with provisions of the Hillside Ordinance. He contended that the project should be confined to the height of the existing structure because the lot can accommodate a good sized home

without an increase in height. He expressed concerns about the impact on his privacy due to the wall of windows in the front, which would look down into his property.

In response to Commissioner Botello's inquiry, Mr. Pettit indicated that he only became aware of the project after the silhouette was erected.

Heather Hintzen, 129 Paseo de Granada, submitted a letter outlining her concerns. She stated that the proposed project was not in harmony with other homes in this neighborhood and that it would severely impact the air, light and privacy of neighbors. She maintained that this type of development is exactly what the Hillside Ordinance was intended to prevent and urged that the applicant be required to comply with height restrictions and setback requirements. She reported that the project is a "spec house" so while neighbors will have to live with the consequences, the applicant will not.

At Commissioner Muratsuchi's request, Planning Manager Isomoto reviewed TMC Section 91.41.11 concerning the limitation in increase in building space lot coverage. She explained that the Commission may approve projects with a Floor Area Ratio in excess of .50 up to .60 but must make the following findings: 1) That denial of the application would constitute an unreasonable hardship; and 2) That granting the application would not be materially detrimental to the public welfare of other properties in the vicinity.

Commissioner Botello related his understanding that the hardship provision relates only to the topography of the lot and not to the applicant's lifestyle.

Deputy City Attorney Whitham advised that while the City Attorney's interpretation of this provision focuses on topography, this does not mean that other factors may not be considered.

Submitting photographs to illustrate, David Ridgeway, 129 Paseo de Granada, maintained that the massive structure proposed would tower over the neighborhood. He stated that the subject lot is large and flat, therefore, there is no reason the applicant should be allowed to exceed the height of the existing ridgeline. He noted that three nearby houses have been remodeled in the last five years and that all of them stayed within the existing ridgeline.

Marnie Davis, 116 Paseo de Granada, applicant, clarified that the total size of the project, which is listed as 4,884 square feet, includes a three-car garage and storage space.

Vice-Chair Muratsuchi questioned why limiting the project to an FAR of .50 would constitute an unreasonable hardship. Mr. Lane explained that the foundation for the upper level dictated the size of the basement storage area, which caused the project to exceed .50, and that while the storage area could be eliminated, it would require the building of two foundation walls in close proximity at considerable expense.

Commissioner Botello expressed concerns that the applicant had not consulted with neighbors before the plans were submitted. Ms. Davis reported that she and her husband had discussed the project with all of their immediate neighbors except one, who has a confrontational demeanor, and noted letters of support.

Kevin Atamaniuk, 125 Paseo de Granada, stated that he had reviewed the plans with the applicants, however, they had given the impression that the project was only going to be two to three feet higher than the existing structure. He indicated that he was opposed to the project because it does not comply with height, FAR, and setback requirements, noting that he worked diligently with City staff when he remodeled his residence and followed the rules. He reported that his neighbor at 121 Paseo de Granada shared his concerns and he was authorized to speak on his behalf.

Michael Bullock, 208 Calle de Madrid, stated that the project would take a section of the ocean view from his second-story balcony and noted that he had asked Mr. Davis to trim trees on his property that are blocking his view.

In response to Commissioner Horwich's inquiry, Mr. Bullock indicated that his second story was built in 1993.

Clint Eull, 137 Paseo de Granada, commented on the premium paid for a house with a good view; reported that trees have taken away the unobstructed view he enjoyed for many years; and noted that view loss can be emotionally traumatic.

**MOTION:** Commissioner Uchima, seconded by Commissioner Botello, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Botello expressed his preference that the hearing be continued so that the applicants would have an opportunity to meet with neighbors and try to arrive at a compromise.

Vice-Chair Muratsuchi stated that he had not heard any demonstration of an unreasonable hardship that would justify an FAR in excess of .50.

The public hearing was briefly reopened, and Mr. Davis agreed to continue the hearing to May 19.

**MOTION:** Commissioner Horwich moved to continue the hearing to May 19, 2004. The motion was seconded by Commissioner Botello and passed by unanimous roll call vote (absent Commissioner Faulk and Chairperson Drevno).

Commissioner Horwich noted that several people expressed concerns about potential view loss from recently constructed second stories and indicated that he was not inclined to give them much credence due to the fact that these views were acquired long after the Hillside Ordinance was in place.

Noting his agreement with Commissioner Horwich's comments, Vice-Chair Muratsuchi voiced his opinion that only those views from additions built prior to the adoption of the Hillside Ordinance are protected from subsequent building.

Planning Manager Isomoto announced that the hearing would not be re-advertised because it was continued to a date certain.

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The Commission recessed from 9:10 p.m. to 9:22 p.m.

**9E. VAR04-00001: BARBARA SMITH**

Planning Commission consideration for approval of a Variance to allow the retention of a second residential unit on property located in the R-1 Zone at 1520 Fern Avenue and 2619 Sonoma Avenue.

**Recommendation**

Denial.

Planning Assistant Kevin Joe introduced the request and noted supplemental material available at the meeting.

Barbara Smith, applicant, explained that when she and her husband purchased this property 20 years ago they were informed that a Variance had been granted for the second unit which would have to be renewed in 20 years; that she contacted the Planning Department in December to renew the Variance; and that it was suggested that she add a two-car garage so a Variance would not be needed, however, that was not feasible because it would require the demolition of the living room-dining area. She maintained that the application fee was excessive because it was the same as for building a second unit on the property. She reported that there are two houses on an R-1 lot across the street at 1605 and 1603 Elm Avenue and related her understanding that no Variance was granted for that property. Referring to the agenda material, she noted that when the Variance was granted in 1983, the application fee was to be refunded if research revealed the application was unnecessary and requested that her application fee also be refunded if the matter becomes moot. She indicated that she had reviewed the Code requirements in the supplemental material and had no objections to them.

Commissioner Botello questioned whether the Commission had the authority to extend the Variance. Planning Manager Isomoto advised that the application was for a new Variance because the one granted in 1983 for a term of 20 years had expired and noted that the original Variance was granted in 1963, also for a term of 20 years.

Planning Manager Isomoto explained that a Variance would not be necessary if the second unit was brought into compliance with the Second Unit Ordinance, but that would necessitate the demolition of a portion of the house, therefore, Ms. Smith elected to go forward with the Variance process as was done twice before. She noted that the City Attorney has advised that there is no longer a need to limit the term to 20 years and the Variance, if approved, would be for the life of the structure.

Deputy City Attorney Whitham reviewed the findings that the Commission must make in order to grant a Variance per TMC 94.1.5.

Commissioner Horwich questioned whether the City could require the second unit to be torn down if the Variance was not granted. Planning Manager Isomoto stated that the second unit could remain but would be considered a non-conforming use, which could be a factor in the resale of the property or when applying for a loan.

Deputy City Attorney Whitham advised that if the applicant wanted to build an addition, or if the use was discontinued for more than 90 days, the structure would have to be brought into compliance with the Code, and if damaged by fire, it could not be rebuilt in the same configuration, but a second unit could be built on the site in compliance with the Second Unit Ordinance. She confirmed that the property could be resold but noted that the fact that it is non-conforming could lower its value.

Ms. Smith indicated that she has had no problems refinancing the property.

**MOTION:** Commissioner Botello, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Voicing support for granting the Variance, Commissioner Botello stated that he believed the same three findings included in Resolution No. 84-47 were applicable in this case.

Commissioner Uchima echoed Commissioner Botello's comments, noting that the subject property is in good repair.

Vice-Chair Muratsuchi related his understanding that staff was not opposed to the granting of the Variance but could not justify recommending its approval due to provisions in the Code.

Planning Manager Isomoto stated that she thought the findings made in 1984 were even more applicable now and had no objection to the Commission's forwarding a recommendation of approval to the City Council.

**MOTION:** Commissioner Uchima moved to recommend that City Council approve VAR04-00001. The motion was seconded by Commissioner Botello and passed by a 4-1 roll call vote, with Commissioner Horwich dissenting (absent Commissioner Faulk and Chairperson Drevno).

Commenting on his vote, Commissioner Horwich stated that he felt the Variance was unnecessary because Ms. Smith would still be able to rent, sell or refinance the property without it and that he was concerned about setting a precedent.

**10. RESOLUTIONS**

None.

**11. PUBLIC WORKSHOP ITEMS**

None.

**12. MISCELLANEOUS ITEMS**

None.

**13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Isomoto reviewed recent City Council action on Planning Matters, noting that the renovation of the north end of Del Amo Fashion Center was approved at the March 23 Council meeting.

**14. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of April 21, 2004.

**15. ORAL COMMUNICATIONS**

**15A.** Goran Stojcic, 205 Paseo de las Delicias, stated that he intends to include a subterranean garage when he remodels his home and was concerned about being penalized due to the way the City calculates Floor Area Ratio. Planning Manager Isomoto invited Mr. Stojcic to meet with staff for clarification of this issue.

**15B.** Commissioner Botello commented on a recent visit to The Grove shopping center and expressed the hope that Del Amo Fashion Center would have a similar ambiance once renovations have been completed.

**15C.** Commissioner Botello wished everyone a happy Easter and blessed Passover.

**15D.** Commissioner Horwich, echoed by Vice-Chair Muratsuchi, welcomed Deputy City Attorney Whitham back after her maternity leave, stating that the clarity she provides is greatly appreciated.

**15E.** Referring to supplemental material for Agenda Item 9A, Commissioner Horwich stated that a letter from a resident included what he considered to be outrageous statements and questioned whether staff planned to contact this person. Planning Manager Isomoto reported that the resident dropped off the letter in person and spoke to a Planner at the counter, noting that staff typically does not respond to this type of letter.

**15F.** Commissioner Uchima congratulated Ms. Whitham on the birth of her daughter.

**16G.** Commissioner Uchima thanked the City for sending him to the Planning Institute conference in Monterey, noting that topics included the role and responsibilities of Planning commissioners, historic preservation, walkable communities, mixed-use infill developments, and planning for an aging population. He encouraged Commissioners who have not attended this conference to consider doing so in the future.

**16H.** Vice-Chair Muratsuchi, as President of the Torrance Sister City Association, invited everyone to attend the annual Bunka Sai Japanese cultural festival on April 17 and 18 at the Cultural Arts Center, from 11:00 a.m. to 5:00 p.m.

**16I.** Planning Manager Isomoto noted that she also attended the Planners Institute conference and found the topics to be very relevant to land use issues in Torrance. She reported that next year's conference will be held in Pasadena, which should allow for more Commissioners to attend.

**16J.** Planning Manager Isomoto announced a meeting of the City Council Committee on Community Planning and Design on Monday, April 12, at 4:30 p.m., to discuss the Mills Act and historic preservation.

**16K.** Planning Manager Isomoto reported that since only one Planning commissioner was able to attend the March 30 Commissioner Orientation, which included important information about the Brown Act, a presentation would be scheduled for the Commission, possibly at 6:15 p.m. on a regular meeting night.

**16L.** Vice-Chair Muratsuchi asked if any materials were available from the Planners Institute conference, and Planning Manager Isomoto indicated that staff will be receiving a CD of information from the conference, which will be shared with Commissioners as soon as it arrives.

**17. ADJOURNMENT**

At 10:00 p.m., the meeting was adjourned to Wednesday, April 21, 2004, at 7:00 p.m.

Approved as Written June 2, 2004 s/ Sue Herbers, City Clerk (lc)
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