

May 2, 2007

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, May 2, 2006, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gibson.

3. ROLL CALL

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

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Hurd, Plans Examiner Noh, Fire Marshal Kazandjian, Associate Civil Engineer Symons and Chief Deputy City Attorney Acciani.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on April 26, 2007.

5. APPROVAL OF MINUTES - None

6. REQUESTS FOR POSTPONEMENT

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 11E (PRE06-00037: Mike Bihn/Rukhsana Mir) to May 16, 2007.

MOTION: Commissioner Horwich moved to continue Item Agenda Item 11E to May 16, 2007. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Chairperson Faulk noted that the hearing would not be re-advertised because it was continued to a date certain.

Planning Manager Lodan requested that those present for this hearing leave contact information with staff.

Due to the number of people present for the hearing, Commissioner Busch, echoed by Commissioner Weideman, indicated that he would not support another continuance, should the applicant not be prepared to go forward at the May 16 meeting.

Jehan Mir, applicant, stated that he was unaware of the opposition to the project and would like more time to meet with his neighbors to try to resolve their concerns.

MOTION: Commissioner Horwich moved to rescind the previous motion. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

MOTION: Commissioner Busch moved to continue Agenda Item 11E indefinitely. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

7. **ORAL COMMUNICATIONS #1** – None.

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Chairperson Faulk 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**

10A. **WAV07-00002: ASAKO AND SHUJI NOGUCHI**

Planning Commission consideration for approval of a Waiver to allow a reduction in the rear yard setback requirements in conjunction with the addition of storage room to the rear of an existing attached two-car garage on property located in the Hillside Overlay District in the R-1 Zone at 438 Calle de Aragon.

Recommendation

Denial without prejudice.

Planning Associate Hurd introduced the request.

Mr. Okada, representing the applicants, reported that a Waiver of the required rear yard setback was granted in 2005 to allow the attachment of a detached two-car garage, and subsequent to the completion of the project, the applicants found that they needed a separate storage unit for their son's medical equipment.

Asako Noguchi, 438 Calle de Aragon, applicant, explained that her son, who is autistic, has made good progress after hyperbaric oxygen treatments; that she and her husband plan to purchase a hyperbaric chamber because it is more cost effective; and that protective dry storage is required for safety reasons. She noted that the storage room was specifically located to minimize the intrusion on neighbors.

Commissioner Busch questioned how it came to the applicants' attention that a building permit was needed for the storage room, which has already been constructed.

Mr. Okada reported that an inspector, who was responding to a complaint about noise from a neighbor, informed the applicants of the need for a permit.

Commissioner Busch noted that the original application states that the storage space was needed for a home business and makes no mention of their son's medical equipment.

Ms. Noguchi explained that she neglected to mention the medical equipment in her haste to fill out the application and she later submitted the letter of explanation included in the agenda material (Attachment 6). She submitted medical records to substantiate her son's condition.

Commissioner Browning questioned why the applicants did not apply for a Waiver prior to building the storage shed when, clearly, they were aware of the Waiver process; expressed concerns about whether the structure was constructed with the proper footings; and noted that the Floor Area Ratio (FAR) of the home exceeded .50 even before the latest addition.

Mr. Okada explained that the applicants were not aware that a building permit was needed for a small storage shed, and Ms. Noguchi confirmed that the shed was constructed by a licensed contractor.

Commissioner Gibson asked about the noise that prompted the inspector's visit.

Ms. Noguchi explained that the noise was construction noise and not associated with her home-based business, which involves doing research on various topics for Japanese media. She estimated that the storage shed would be used 50% for storage of her son's medical equipment and 50% for the storage of work-related materials.

In response to Commissioner Browning's inquiry, Ms. Noguchi reported that the above-mentioned items are currently stored in the garage, making it impossible to park two vehicles, and that the area is not equipped with fire sprinklers because the items need to be protected from moisture.

Commissioner Uchima questioned whether there was another location on the site more suitable for the shed.

Planning Manager Lodan advised that staff felt there were potential areas where the storage could be accommodated, however, not as easily or inexpensively because it would involve modifying the existing floor plan. He noted that there may have been some confusion regarding the need for a building permit because detached sheds up to 50 square feet do not require a permit and clarified that should the shed be approved, the applicants will be required to demonstrate that it complies with Building Code requirements.

MOTION: Commissioner Browning moved to deny WAV07-00002. The motion was seconded by Commissioner Gibson and passed by a 4-3 roll call vote, with Commissioners Horwich and Weideman and Chairperson Faulk dissenting.

Commenting on his vote, Commissioner Horwich stated that he was not convinced that the applicants knew that a building permit was required and deliberately tried to avoid the process, and that he saw no particular harm to the City by allowing the shed to remain.

A brief discussion ensued, and it was the consensus of the Commission to deny the project "without prejudice," so the original motion was rescinded.

MOTION: Commissioner Uchima moved to rescind the previous motion. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

MOTION: Commissioner Browning moved to deny WAV07-00002 without prejudice. The motion was seconded by Commissioner Gibson and passed by a 4-3 roll call vote, with Commissioners Horwich and Weideman and Chairperson Faulk dissenting.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution No. 07-054.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-054. The motion was seconded by Commissioner Gibson and passed by a 6-1 roll call vote, with Chairperson Faulk dissenting.

Chairperson Faulk reminded the applicant of the appeal process.

11. FORMAL HEARINGS

11A. DIV07-00008: DEL AMO 5, LLC

Planning Commission consideration for approval of a Division of Lot to allow a lot line adjustment between Parcel A (APN 7525-023-022) and Parcel B (APN 7525-023-001) on property located in the HBCSP-DA1 Zone at 21515 Hawthorne Boulevard.

Recommendation

Approval.

Planning Manager Lodan introduced the request.

Steve Cummins, representing the applicant, voiced his agreement with the recommended conditions of approval.

Chairperson Faulk noted that the sign at the top of the Del Amo Financial Center (Parcel A) suffered wind damage some time ago and remains in disrepair, therefore, he had asked staff to research whether a condition could be added requiring that it be returned to good working order.

Planning Manager Lodan advised that such a condition could not be imposed due to the limited nature of the requested entitlement.

Commissioner Busch questioned whether the proposed Division of Lot opens the door for a residential development at this location.

Planning Manager Lodan advised that the Division of Lot would have no impact on the site's potential for residential development, noting that any development would have to be reviewed by the Planning Commission.

Mark Armbruster, representing Pacific Coast Capital Partners, owner of the subject property, explained that the Division of Lot was being requested to create a legal parcel so that his client could explore potential uses and that they plan to work with the City and the community to find an acceptable use. He reported that his client does not have control over the sign on top of the building, however, he would do everything possible to see that the sign is repaired.

Commissioner Busch asked about a timeline for the project. Mr. Armbruster advised that his clients have not entered into any agreement, but they are eager to move forward with the development of the property and he anticipated that a project could be brought before the Commission within the next year.

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

MOTION: Commissioner Busch moved for the approval of DIV07-00008, 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.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution No. 07-055.

MOTION: Commissioner Gibson moved for the adoption of Planning Commission Resolution No. 07-055. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

11B. CUP07-00004, DIV07-00004: CHARLES BELAK-BERGER (ANTONIO TELLEZ)

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two new condominium units in conjunction with a Division of Lot for condominium purposes on property located in the R-2 Zone at 18212 Mansel Avenue.

Recommendation

Approval.

Planning Associate Hurd introduced the request.

Charles Belak-Berger voiced his agreement with the recommended conditions of approval.

Referring to Condition No. 6, which requires that a Tenant Relocation Plan in accordance with Torrance Municipal Code Section 91.36.8 be submitted prior to the issuance of building permits, Commissioner Browning related his understanding that the TMC section cited does not apply because it specifies that a relocation plan is required

when two or more rental units are being demolished and the existing structure on the subject property is a single-family residence.

Planning Manager Lodan explained that while the Code section cited mentions multi-family dwellings, staff typically adds a special condition requiring the applicant to provide relocation assistance even in the case of single-family residences out of a sense of fairness.

Commissioner Browning stated that he would not ask for the condition to be removed because the applicant has already agreed to it. Chairperson Faulk suggested retaining the condition, but eliminating the Code section cited.

Mike Grady, 18218 Mansel Avenue, noted that his bedroom faces the subject property and asked about the possibility of reversing the plan and placing the driveway on the other side due to potential noise problems. He also asked that there be no windows facing his bedroom and that the property line wall be built as soon as possible. He reported that he had reviewed the plans and thought the architect had done a good job with the layout.

Commissioner Browning stated that it appears that windows were located to minimize the intrusion on neighbors to the north or south so he doubted that there would be a significant impact on privacy.

Mr. Belak-Berger expressed his willingness to work with Mr. Grady regarding the location of windows and confirmed that property line walls would be built before beginning construction on the project itself. He agreed to look into the possibility of reversing the plan, but recalled that there were restraining factors that it made it necessary for the driveway to be on the south side of the property.

Commissioner Browning noted that a lot of construction is going on in this area and asked about Mr. Belak-Berger's involvement.

Mr. Belak-Berger reported that he has been involved in 8 or 9 projects in this neighborhood and would likely be involved in more in the future.

Commissioner Busch questioned whether the applicant would be amenable to a condition prohibiting construction on Sundays, and Mr. Belak-Berger stated that he was not aware that construction was even permitted on Sundays and he had no objection to such a condition.

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

MOTION: Commissioner Weideman moved for the approval of CUP07-00004 and DIV07-00004, as conditioned, including all findings of fact set forth by staff, with the following modification:

Add

- That construction shall be prohibited on Sundays.

The motion was seconded by Commissioner Gibson and passed by a 5-2 roll call vote, with Commissioners Browning and Busch dissenting.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution Nos. 07-056 and 07-057.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution Nos. 07-056 and 07-057 as amended. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Browning and Busch dissenting.

11C. CUP07-00006, DIV07-00006: DON AND PAULA STILLION (DOUG AND SHELLY CANFIELD

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of three new attached condominium units in conjunction with a Division of Lot for condominium purposes on property located in the R-3 Zone at 2008 Santa Fe Avenue.

Recommendation

Approval.

Planning Associate Hurd introduced the request.

Cheryl Vargo, representing the applicant, briefly described the proposed project and related her belief that it would be a significant improvement to this neighborhood. She requested the deletion of Condition No. 13 because it refers to a silhouette and is not applicable to the project and voiced objections to Condition No. 6, which requires a Tenant Relocation Plan to be submitted. She explained that the TMC specifically states that Tenant Relocation Plans are only required when two or more rental units are demolished and contended that the TMC must be changed if single-family residences are to be included in this requirement.

Commissioner Browning pointed out that three curb cuts will be required for the project and expressed concerns about the loss of street parking in an area where parking is already a problem. He noted that an ordinance was recently adopted banning overnight parking at Torrance parks, which means that those who are parking in the nearby public parking lot must find another place to park.

Ms. Vargo explained there is an advantage to the proposed layout with three driveways as opposed to having a single driveway because there is room in front of each garage to park two vehicles. She noted that the site's corner location allows for each unit to face the street, which has the added advantage of making them look more like single-family homes.

Commissioner Browning related his understanding that the site might have been an oil field at one time and proposed that soil testing be done before the soil is disturbed.

Ms. Vargo stated that she had no objection to a condition requiring a soils report, noting that one is typically required before the issuance of building permits.

Plans Examiner Noh confirmed that a soils report is required on any new construction.

In response to Commissioner Busch's inquiry, Plans Examiner Noh advised that the applicant selects the soils engineer who prepares the report.

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

Commissioner Uchima reported that he visited the site and it was his impression that this area urgently needs revitalization. Voicing support for the project, he related his belief that the addition of curbs, gutters and sidewalks would enhance the area and that the 13 parking spaces provided on-site outweigh the loss of street parking due to curb cuts. He noted that additional housing is needed to support businesses in Torrance that need housing for their employees and that these units would likely be more affordable than single-family homes.

Commissioner Weideman stated that he would not support the project because he does not believe it would improve the neighborhood primarily due to the increase in density. He related his preference that Condition No. 6 be retained should the project be approved because while the TMC section cited may not apply, it does reflect what he believes to be the Commission's intention.

Voicing support for the project, Commissioner Gibson reported that she visited the site and believes the project will be a great addition to the community.

Chairperson Faulk commented on Condition No. 19, prohibiting sign twirlers.

MOTION: Commissioner Uchima moved for the approval of CUP07-00006 and DIV07-00006, as conditioned, including all findings of fact set forth by staff, eliminating Condition Nos. 6 and 13. The motion was seconded by Commissioner Gibson and passed by a 4-3 roll call vote, with Commissioners Browning, Busch and Weideman dissenting.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution Nos. 07-058 and 07-059.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution Nos. 07-058 and 07-059 as amended. The motion was seconded by Commissioner Horwich and passed by a 4-3 roll call vote, with Commissioners Browning, Busch and Weideman dissenting.

Chairperson Faulk stated that he was inclined to agree with Commissioner Weideman regarding tenant relocation assistance for single-family residences and suggested that the Commission look into this issue.

11D. CUP07-00013, PRE07-00003, DIV07-00005: ALI MASHHADI AND ANDREA STAVAST

Planning Commission consideration for approval of a Conditional Use Permit and a Precise Plan of Development to allow the construction of a new two-story commercial building in conjunction with a Division of Lot to allow three lots to be merged into one on property located in the Precise Plan Overlay in the C-2 Zone at 3614 Pacific Coast Highway.

Recommendation

Approval.

Planning Associate Hurd introduced the request.

Ali Mashhadi and Andrea Stavast, applicants, voiced their agreement with the recommended conditions of approval.

In response to Commissioner Busch's inquiry, Plans Examiner Noh advised that one handicapped parking space is required for the site; Commissioner Busch proposed that a second handicapped parking space be required.

Commissioner Browning asked about Condition Nos. 8 and 9, which call for the square footage to be corrected and reallocated to meet parking demand.

Planning Manager Lodan explained that these conditions were included to ensure that when the project enters plan check, the square footage matches what was calculated by staff from scale drawings (per page 2 of staff report).

Mr. Khan, no address given, questioned what type of uses would be going in at this location.

Planning Manager Lodan advised that the existing driving school will remain and that there would also be retail and office space, but no restaurant or food service because of parking constraints.

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

MOTION: Commissioner Busch moved for the approval of CUP07-00013, PRE07-00003, and DIV07-00005, as conditioned, including all findings of fact set forth by staff, adding a condition requiring two handicapped parking spaces. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution Nos. 07-060, 07-061 and 07-062

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 07-060, 07-061 and 07-062 as amended. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

11E. PRE06-00037: MIKE BIHN (RUKHSANA MIR)

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 in the Hillside Overlay District in the R-1 Zone at 417 Via Anita.

Continued indefinitely.

12. RESOLUTIONS

12A. CUP06-00027, DIV06-00027: GREG ARMER

Planning Commission adoption of a resolution reflecting their decision to deny a Conditional Use Permit to allow the construction of a three-unit condominium project in conjunction with a Division of Lot for condominium purposes on property located in the R-3 Zone at 1217 Arlington Avenue.

Planning Associate Hurd read aloud the number and title of Planning Commission Resolution Nos. 07-029 and 07-030.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 07-029 and 07-030. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

13. PUBLIC WORKSHOP ITEMS – None.

14. MISCELLANEOUS ITEMS – None.

15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the City Council denied the appeal and approved the four-unit condominium project at 222nd Street and Cabrillo at the April 24 Council meeting.

16. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the May 16 Planning Commission meeting.

17. ORAL COMMUNICATIONS #2

17A. Commissioner Busch suggested that the Commission hold a workshop the last Wednesday in July to discuss issues that have come up over the last several months, including rooftop decks; the Americans with Disabilities Act, Title 24; Environmental Impact Reports, hours of construction; and tenant relocation assistance.

Commissioners expressed support for this idea, and Planning Manager Lodan suggested limiting the workshop to three topics.

(Commissioner Gibson asked to be excused and left Council Chambers at 8:45 p.m.)

A brief discussion ensued regarding the format of the workshop and potential topics. A consensus was reached to discuss the following topics: rooftop decks, hours of construction; and tenant relocation assistance. Staff was asked to provide information about past and current policies with regard to these issues and a comparison of regulations in other cities.

Planning Manager Lodan agreed to check on the availability of a meeting room.

17B. Commissioner Browning noted that he has frequently heard that curb cuts are frowned upon, but has never heard how this idea originated and questioned whether the Torrance Municipal Code contains restrictions on curb cuts

Planning Manager Lodan explained that curb cut restrictions are codified in the Small Lot Overlay District in old Torrance; that curb cuts must be approved by the Planning Commission in that area; and that the intent is to preserve the character of the area, which primarily takes vehicular access from alleys.

17C. Commissioner Horwich shared a quote from the American Planning Association magazine, emphasizing the need for Planning Commissioners to actively listen to the public as they share concerns, recognizing that the process can be intimidating.

17D. Commissioner Horwich invited everyone cheer on participants or assist at the Special Olympics on May 5.

17E. Commissioner Weideman thanked staff for arranging his planning commissioner training course at UCLA.

17F. Commissioner Uchima requested an excused absence for the May 16 meeting.

Commissioner Horwich, seconded by Commissioner Browning, so moved; voice vote reflected unanimous approval.

17G. Associate Civil Engineer Symons noted that TMC Section 74.4.1 addresses curb cut restrictions.

18. ADJOURNMENT

At 9:15 p.m., the meeting was adjourned to Wednesday, May 16, 2007.

Approved as Submitted June 20, 2007 s/ Sue Herbers, City Clerk
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