May 4, 2005

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, May 4, 2005, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Guyton.

3. ROLL CALL

Present: Commissioners Drevno, Fauk, Guyton, Horwich, LaBouff, and Chairperson Muratsuchi*.
*Arrived at 7:16 p.m.

Absent: Commissioner Uchima. (excused)

Also Present: Planning Manager Isomoto, Planning Assistant Naughton, Building Regulations Administrator Segovia, Fire Marshal Carter, Associate Civil Engineer Symons, Senior Planning Associate Chun, and Deputy City Attorney Whitham.

4. POSTING OF THE AGENDA

MOTION: Commissioner Drevno, seconded by Commissioner Guyton, 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

Considered later in the meeting, see page 2.

6. REQUESTS FOR POSTPONEMENT

Planning Manager Isomoto relayed a request to continue Item 8B, WAV05-00003: Elizabeth Findley, to June 1, 2005.

MOTION: Commissioner Fauk, seconded by Commissioner Drevno, moved to continue Item 8B to June 1, 2005; voice vote reflected unanimous approval (absent Commissioner Uchima and Chairperson Muratsuchi).

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

Planning Manager Isomoto noted that a letter was received from legal counsel for CJC Designs, Inc., requesting that the Commission reconsider the decision made at the previous meeting to place a condition on CUP05-00006 prohibiting the sale of beer and wine and proposing several conditions to address concerns discussed at that meeting.

(Chairperson Muratsuchi arrived at this time.)

Commissioner Guyton announced that he would be abstaining from discussion of this item because he did not participate in the original hearing.

Deputy City Attorney Whitham advised that the City Attorney's office supports the request and believes it would be in the City's best interest to reconsider this matter due to potential legal issues involving the denial of the sale of beer and wine at this location.

MOTION: Commissioner Horwich moved to reconsider CUP05-00006. The motion was seconded by Commission LaBouff and passed by unanimous roll call vote, with Commissioner Guyton abstaining (absent Commissioner Uchima).

Planning Manager Isomoto advised that neighbors will be notified of the hearing date and the hearing will be re-advertised.

Item 5 was considered at this time.

5. APPROVAL OF MINUTES

MOTION: Commissioner Horwich moved for the approval of the March 2, 2005 Planning Commission minutes as submitted. The motion was seconded by Commissioner Fauk; voice vote reflected unanimous approval, with Commissioners Drevno and Guyton abstaining (absent Commissioner Uchima).

MOTION: Commissioner Fauk moved for the approval of the March 16, 2005 Planning Commission minutes as submitted. The motion was seconded by Commissioner Horwich; voice vote reflected unanimous approval, with Commissioners Drevno and Guyton abstaining (absent Commissioner Uchima)

7. CONTINUED HEARINGS

7A. MOD05-00004: IRWIN-PANCAKE ARCHITECTS (GREG IRWIN)

Planning Commission consideration for approval of a Modification of previously approved Conditional Use Permits (CUP94-0039 and CUP03-00001) to allow the removal of existing automobile service bays and the enlargement of the existing mini-mart on property located in the C-2 Zone at 1640 Crenshaw Boulevard/2467 Carson Street.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Douglas Pancake, project architect, briefly described the proposed project. He reported that the mini-mart will be enlarged and updated with a brick veneer and new color scheme; that the landscaped area will be doubled in size; and that new security lighting, new signage, and a trellis over the trash enclosure will be installed. He expressed concerns about Condition No. 20, which requires the closure of the southern driveway on Crenshaw, explaining that doing so would create tremendous problems for fuel delivery trucks. He called attention to a letter from ExxonMobil (per agenda material), which indicates that the removal of this driveway would impair the company's ability to deliver product safely and could result in the termination of the service station's contract. With the aid of drawings, he contrasted existing ingress/egress with the proposed ingress/egress for the site, noting that fuel trucks would have to maneuver through crowded fuel bays creating an unsafe condition if the driveway is closed.

Associate Civil Engineer Symons reported that staff used templates to confirm that fuel trucks would still be able to safely maneuver with the southern driveway closed, but expressed his willingness to work with the applicant to resolve this matter.

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

Chairperson Muratsuchi indicated that he favored a continuance to allow staff an opportunity to discuss the driveway closure with the applicant.

The hearing was reopened at the applicant's request.

Mr. Pancake emphasized the beneficial aspects of the project in terms of the upgrading of this site and urged the Commission to approve the project as proposed without delay.

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

Commissioner Horwich voiced support for the project as proposed, stating that he thought the City would benefit by the station's improved appearance and he did not want to lose the project over the closure of an existing driveway.

MOTION: Commissioner Horwich moved for the approval of MOD05-00004, as conditioned, including all findings of fact set forth by staff, with the following modification:

Delete

No. 20 That the applicant shall close the southern driveway along Crenshaw Boulevard with full height curb and gutter to match existing.

Discussion continued.

Commissioner Fauk related his understanding that the Chevron station across the street has two driveways on Crenshaw Boulevard and questioned whether the recommendation to eliminate the driveway was based on statistical information involving traffic accidents and/or complaints.

Associate Civil Engineer Symons explained that the condition was recommended because staff tries to reduce the number of conflicts at an intersection whenever there is an opportunity, while making sure that a site can still function.

Commissioner Fauk recommended that representatives of ExxonMobil be included in discussions if the hearing is continued.

Commissioner Guyton questioned whether there have been problems with traffic backing up on Crenshaw due to vehicles entering/exiting the southern driveway.

Associate Civil Engineer Symons reported that there are general problems associated with driveways in close proximity to intersections, but indicated that he was not aware of any problems specific to this site

Chairperson Muratsuchi asked about the level of service (LOS) at the intersection of Carson and Crenshaw, and staff indicated that they did not have that information available.

Chairperson Muratsuchi stated that he suspected this intersection has a LOS of "D" or "F"; noted that alleviating traffic congestion was mentioned as one of the rationales for closing the southern driveway; and indicated that he favored allowing staff an opportunity to work with the applicant on this issue because traffic is such a major concern.

It was noted that Commissioner Horwich's motion had not been seconded.

MOTION: Commissioner Horwich moved for the approval of MOD05-00004, as conditioned, including all findings of fact set forth by staff, with the following modification:

Delete
No. 20 That the applicant shall close the southern driveway along Crenshaw Boulevard with full height curb and gutter to match existing.

The motion was seconded by Commissioner Guyton, and failed to pass as reflected in the following roll call vote:

AYES: Commissioners Guyton, Horwich and LaBouff.
NOES: Commissioners Drevno, Fauk and Chairperson Muratsuchi.
ABSENT: Commissioner Uchima.

MOTION: Commissioner Fauk moved to continue the hearing to May 18, 2005, directing staff to discuss the elimination of the driveway with the applicant, as well as representatives of ExxonMobil. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner Uchima).

Commissioner Drevno stated that she would like the intersection to be as safe as possible but does not want to impair the applicant's business.

Commissioner Fauk wanted to make clear that he was not voting against the project but felt that it was important to take another look at the configuration of the driveways.

Commenting on his vote, Commissioner Horwich indicated that he would have preferred to approve the project as submitted, but had no objections to a continuance.

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

7B. PRE05-00008, WAV05-00004: DENNIS EVELAND (LOUIE TOMARO/ TOMARO ARCHITECTURE

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing three-story, single-family residence in conjunction with a height Waiver to allow the residence to exceed the maximum building height requirement on property located in the R-1 Zone in the Hillside Overlay District at 3805 Paseo de las Tortugas.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Louie Tomaro, project architect, briefly described the proposed project and voiced his agreement with the recommended conditions of approval.

Dennis Eveland, 3805 Paseo de las Tortugas, applicant, stated that he would like to upgrade his property and get rid of its boxy look.

Chairperson Muratsuchi noted that the Hillside Overlay Ordinance limits a project's floor area ratio (FAR) to .50 unless there is a demonstration of hardship and requested clarification of the comments concerning this issue on the application.

Mr. Tomaro explained that the existing lower level is essentially a basement and contains only limited livable space, however, because it is exposed on the north end due to the slope of the lot, it must be included in the FAR.

In response to Chairperson Muratsuchi's inquiry, Planning Manager Isomoto provided clarification regarding habitable areas in basements and how this impacts FAR calculations.

Commissioner Horwich suggested the possibility of imposing a condition that the basement be used for storage only.

Referring to the plans, Planning Manager Isomoto noted that the basement includes areas designated, as storage as well as other useful rooms, and that Condition No. 6 prohibits the conversion of the storage area into livable space.

MOTION: Commissioner Horwich moved for the approval of PRE05-00008 and WAV05-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Fauk and passed by unanimous roll call vote (absent Commissioner Uchima).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution Nos. 05-042 and 05-043.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 05-042 and 05-043. The motion was seconded by Commissioner Fauk and passed by unanimous roll call vote (absent Commissioner Uchima).

8. WAIVERS

8A. WAV05-00006: BERNADETTE BRACUTO HISLOP

Planning Commission consideration for approval of a Waiver to allow a reduction in the side yard setback requirement in conjunction with the construction of a new detached dwelling unit over a four-car garage on property located in the R-3 Zone at 1325 Arlington Avenue.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Bernadette Hislop, 1325 Arlington Avenue, applicant, explained that there are currently two houses on the site and she would like to upgrade the back unit where her brother lives. She voiced her agreement with the recommended conditions of approval.

Mary Ann Reis, Engracia Avenue, voiced support for the project, stating that she viewed the plans and the rear unit is consistent with the architecture of the front house.

MOTION: Commissioner Horwich moved for the approval of WAV05-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner Uchima).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 05-045.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-045. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner Uchima).

8B. WAV05-00003: ELIZABETH K. FINDLEY (TRACY STONE)

Planning Commission consideration for approval of a Waiver to allow a reduction in the front-facing garage setback requirement on property located in the R-1 Zone in the Hillside Overlay District at 105 Paseo de Suenos.

Continued to June 1, 2005.

9. FORMAL HEARINGS

9A. CUP05-00007, DIV05-00003: MIKE NEKOUI (MITRA BOROJENI)

Planning Commission consideration for approval of a Conditional Use Permit and a Division of Lot to allow the construction of a three-unit detached condominium project on property located in the R-3 Zone at 2311 Arlington Avenue.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Mike Nekoui, applicant, noted that the project complies with all requirements and exceeds the number of parking spaces required. He voiced his agreement with the recommended conditions of approval.

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

MOTION: Commissioner Horwich moved for the approval of CUP05-00007 and DIV05-00003, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Fauk and passed by unanimous roll call vote (absent Commissioner Uchima).

Commissioner Fauk commended Planning Associate Crecy for the well-written staff report, as well as staff who devised the conditions for the attention to detail and aesthetics of the project.

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution Nos. 05-047 and 05-048.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution Nos. 05-047 and 05-048. The motion was seconded by Commissioner LaBouff and passed by unanimous roll call vote (absent Commissioner Uchima).

9B. CUP05-00009: NGOC CHAU TRAN (DING HOW RESTAURANT)

Planning Commission consideration for approval of a Conditional Use Permit to allow the on-premises service and consumption of beer and win in conjunction with the operation of an existing restaurant on property located in the Downtown Redevelopment Project Area, Commercial Sector at 1650 Cabrillo Avenue.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Mr. Okada, representing the applicant, voiced his agreement with the recommended conditions of approval.

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

MOTION: Commissioner Fauk moved for the approval of CUP05-00009, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Uchima).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 05-049.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-049. The motion was seconded by Commissioner Fauk and passed by unanimous roll call vote (absent Commissioner Uchima)

Agenda Item 12A was considered out of order at this time.

12A. MIS05-00067 (MIS04-00100): GERALD AND DIANA SMITH

Planning Commission consideration for approval of a Minor Hillside Exemption to allow modifications to a previously approved roof modification (MIS04-00100) and a new patio cover for an existing one-story, single-family residence in the Hillside Overlay District in the R-1 Zone at 4721 Paseo de las Tortugas.

Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Gerald Smith, 4721 Paseo de las Tortugas, applicant, voiced his agreement with the recommended conditions of approval.

In response to Commissioner Horwich's inquiry, Mr. Smith confirmed that the construction on his home is being done by a licensed contractor.

Michel Jonqueres, 4725 Paseo de las Tortugas, provided background information about the history of this project. He reported that he originally objected to the modification of the Smiths' roof due to the impact on his view; that he withdrew his objection after a silhouette was erected and it appeared that the construction would not be a problem; and that Mr. Smith proceeded to construct the roof beyond the agreed upon dimensions in violation of approved plans, thereby creating additional view obstruction. He maintained that Mr. Smith tried to conceal what he was doing and submitted modified plans only after the illegal extension was reported to the City. He explained that while the 3'5" extension might seem to be trivial, it amounts to 30% more than the 11 feet that was obstructing his view in the first place. He stated that no justification was ever given for this increase and no attempt was made to mitigate the impact on his view. He related his understanding that the 2 feet of the 3'5" extension is

an overhang, which could easily be eliminated, and requested that that Commission deny the remaining 1'5" extension unless the applicant can explain why it is necessary and this explanation can be verified by staff.

Mr. Jonqueres noted that Mr. Smith was also requesting approval of a patio cover to replace the existing one that was built without benefit of a permit and urged the Commission to verify the dimensions of the existing patio cover before approving the new one so that Mr. Smith would not attempt to alter it in a way that would further obstruct his view.

Referring to the minutes from the June 16, 2004 Planning Commission meeting, Chairperson Muratsuchi noted that he raised the issue of acquired view at the previous hearing.

Mr. Jonqueres indicated that he disagrees with the concept of acquired view, noting that it is based on opinion rather than the letter of the law. He maintained that the issue was not pertinent to this case, which concerns an applicant who failed to conform to approved plans.

Laurene Jonqueres, 4725 Paseo de las Tortugas, reviewed photographs #1-28 (per agenda material previously submitted) documenting the project from the erection of the silhouette until construction was halted by the City, which show the illegal extension. She requested that the Commission, at the very least, require that the two-foot overhang be eliminated because it would make a huge difference on her view. She stated that she had no objection to the rebuilding of the patio cover to its current dimensions, however, no one knows what those dimensions are since a permit was never obtained.

Commissioner Horwich asked about the reason for the discrepancy between the approved plans and the actual construction. Mr. Smith reported that there was an error in addition causing one foot to be omitted from the original plans. He explained that contractors do not install beams cut to the exact dimensions shown in the plans in order to allow for any variance.

Commissioner Horwich stated that he was troubled by the fact that Mr. Smith perhaps unintentionally, but certainly consciously, deviated from the dimensions approved by the Commission and rather than trying to correct the situation, was now requesting approval after the fact. On the other hand, he indicated that he subscribes to the theory that the view in question is an acquired view and doubted that the extension would have any real impact.

Mr. Smith maintained that it was not uncommon to have to adjust plans during construction and explained that it was difficult to measure the span of the new east/west ridge at the time the plans were drawn because the existing north/south ridge was in the way.

Commissioner Guyton questioned when Mr. Smith became aware of the discrepancy, and Mr. Smith stated that he thought the construction was in conformance with the silhouette until the Jonqueres brought it to his attention.

Indicating that he would not support this request, Commissioner Fauk explained that even though the roof modification was approved almost a year ago, the case, which

involved a lot of contention on both sides, was still fresh in his mind. He stated that he thought the Commission arrived at a good compromise; that he could not recall a case in which a deviation from the plans was called to the City's attention by an outside party; and that he believes the contractor has an obligation to build in accordance with the approved plans.

Chairperson Muratsuchi questioned what would happen if the Commission does not approve the modification. Mr. Smith reported that a portion of his house would be left without a roof. He contended that the extension would help maintain the integrity of the house's façade while causing no view impairment.

Chairperson Muratsuchi voiced his opinion that the issue at hand was not the impact on the Jonqueres' view but rather that Mr. Smith had failed to build to the approved dimensions and expressed concerns about the renewed animosity this has caused between neighbors.

Commissioner Drevno stated that she was in a quandary because she did not believe the extension impacts the Jonqueres' view, but shared her colleagues concerns about the failure to follow approved plans.

Commissioner LaBouff indicated that he was inclined to approve the project because of the hardship it would cause to correct it.

Commissioner Fauk stated that he saw the hardship falling on the contractor, not the applicant.

Returning to the podium, Mr. Jonqueres disputed the idea that the applicant was not aware of the discrepancy; questioned how a 1-foot error turned in to a 3'5" extension: noted that the same contractor doing the construction, erected the silhouette; and maintained that there were deliberate attempts to conceal the extension. With regard to hardship, he stated that he and his wife have been emotionally drained by this ordeal and urged that the applicant be required to abide by the original plans.

Ms. Jonqueres related her belief that the extension was premeditated, reporting that she notified the contractor immediately after the oversize beam was put in place and was told that it would be cut back at the appropriate time, something that never incurred and instead the roof was cut away and a wall torn down to accommodate the extension.

In response to questions from the Commission, Building Regulations Administrator Segovia advised that the plans were reviewed prior to the issuance of building permits and no problems were evident that would have necessitated the extension. He noted that when there is a discrepancy between the approved plans and actual conditions at the site, the appropriate procedure is to notify the Building Department and have the matter resolved before proceeding.

MOTION: Commissioner Fauk moved for the denial of MIS05-00067. The motion was seconded by Chairperson Muratsuchi and passed by unanimous roll call vote (absent Commissioner Uchima).

Commissioner Drevno commented that her vote was a vote against the contractor for not following approved plans.

Planning Manager Isomoto noted that by denying MIS05-00067, the Commission also denied the patio cover and requested that the Commission reconsider this action.

MOTION: Chairperson Muratsuchi moved to reconsider action taken on MIS05-00067. The motion was seconded by Commission Guyton and passed by unanimous roll call vote (absent Commissioner Uchima).

Commissioner Horwich requested clarification of the dimensions of the patio cover. Mr. Smith reported that the patio cover utilizes the existing poles and the dimensions were included on the site plan.

Ms. Jonqueres stated that she and her husband had no objections to the patio cover as long as it conforms to the same dimensions as the existing one and has a flat roof.

Planning Manager Isomoto advised that that the dimensions shown on the plans are 14.5 feet wide by 21 feet long, with a height of 8 feet 9 inches and a flat roof.

MOTION: Commissioner Fauk moved for the approval of MIS05-00067, with the patio cover to be approved as submitted and the ridgeline according to the following modification:

Modify

No. 3 That the completed ridgeline shall have a maximum height of 15 feet 8 inches and shall have an overall maximum length ~~of 29 feet 8 inches~~ in accordance with the original plans including roof overhangs.

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

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 05-051.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-051 as amended. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner Uchima).

10. RESOLUTIONS

10A. RESOLUTION 05-050 HONORING MIKE BOTELLO

Planning Manager Isomoto read a draft of Planning Commission Resolution No. 05-050 honoring former Commissioner Mike Botello for his years of dedicated service to the City of Torrance.

Commissioners commented positively on the resolution and it was the consensus of the Commission to approve it as submitted.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-050. The motion was seconded by Commissioner Drevno, and voice vote reflected unanimous approval (absent Commissioner Uchima).

11. PUBLIC WORKSHOP ITEMS

None.

12. MISCELLANEOUS ITEMS

12A. MIS05-00067 (MIS04-00100): GERALD AND DIANA SMITH

Considered out of order, see pages 8-11.

13. RECENT CITY COUNCIL ACTION ON PLANNING MATTERS

None.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Isomoto reviewed the agenda for the May 18, 2005 Planning Commission meeting.

15. ORAL COMMUNICATIONS

15A. Planning Manager Isomoto invited Commissioners to attend a green building tour on the Toyota campus along with the Environmental Quality Energy Conservation Commission on Thursday, June 2, at 5:30 p.m.

15B. Commissioner Horwich reported that he and Commissioner LaBouff, along with several staff members, attended a one-day conference on housing held in Monrovia, which he found very interesting. He noted that Councilman Nowatka, who was one of the chairs of the event, did an outstanding job.

15C. Commissioner Horwich announced a Special Olympics field day at West High on Saturday, May 14, and invited anyone who wished to volunteer, to come to the football field at 9:00 a.m.

Commissioner Guyton encouraged participation in the Special Olympics field day, relating his experience that it is a fun and very rewarding event.

15D. Commissioner Horwich wished all mothers who were present a happy Mother's Day.

15E. Chairperson Muratsuchi apologized for his late arrival.

15F. Planning Manager Isomoto announced that the Environmental Quality and Energy Conservation Commission will be discussing green building issues at their May 5, 2005 meeting to be held in Council Chambers.

15G. Sr. Planning Associate Chun reported that there will be a General Plan community open house held in conjunction with the City Yard open house on Saturday, June 4, which will include interactive exercises designed to obtain input from the public on issues related to the General Plan.

15H. Fire Marshal Carter reported on a fire that occurred the previous night at the Brighton Hotel in downtown Torrance, noting that fire safety features proved effective in containing the fire and no one was hurt.

16. ADJOURNMENT

At 9:32 p.m., the meeting was adjourned to Wednesday, May 18, 2005, at 7:00 p.m.

Approved as Written
June 15, 2005
s/ Sue Herbers, City Clerk