

**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, August 1, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Weideman.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Polcari, Rizzo, Weideman and Chairperson Uchima.

Absent: Commissioner Skoll.

Also Present: Planning Manager Lodan, Planning Assistant Graham, 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, July 26, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner Weideman moved for the approval of the June 20, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote, with Commissioners Gibson and Rizzo abstaining.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Uchima 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. **MOD12-00004: HCBI TORRANCE LLC (SA PROPERTIES)**

Planning Commission consideration for approval of a Modification of a previously approved Division of Lot (DIV12-00002) to allow one parcel to be subdivided into three parcels on property located in the C-3 Zone at 3210 Sepulveda Boulevard.

Recommendation: Approval.

Planning Assistant Graham introduced the request.

Warren Williams, DRC Engineering, reported that the applicant was proposing to divide the parcel into three lots, but everything else about the project, which was approved in February 2012, remains the same.

Commissioner Weideman noted that the staff report mentions that the footprint for Building B has been modified and portions of the building have been moved closer to the east property line.

Mr. Williams indicated that he was not aware of any changes to the buildings.

Planning Manager Lodan advised that minor modifications could be approved administratively, but any major modifications would require Planning Commission approval.

Commissioner Rizzo questioned why the parcel was again being divided after being combined into one parcel as part of the February 2012 approval.

Mr. Williams explained that the applicant was focused on cleaning up the title to the property in February and at that time staff had suggested doing what is being proposed this evening, but the applicant failed to heed staff's advice.

Commissioner Rizzo expressed concerns that the two buildings and the parking lot are all on separate parcels and could be separately owned, which could lead to a case where there is a building without any parking.

Planning Manager Lodan advised that this type of division is common in commercial areas because it facilitates leasing and allows for greater flexibility for financing purposes.

In response to Commissioner Gibson's inquiry, Mr. Williams confirmed that there has been no change to the proposed use, which is an assisted living and skilled nursing facility.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote (absent Commissioner Skoll).

MOTION: Commissioner Polcari moved for the approval of MOD12-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Skoll).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 12-042.

MOTION: Commissioner Polcari moved for the approval of Planning Commission Resolution No. 12-042. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner Skoll).

12B. CUP12-00009: PORTILLO & MEZA, INC. (PLAZA MAYOR LLC)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a new take-out only restaurant on property located in the C-2 Zone at 5021 Pacific Coast Highway.

Recommendation: Approval.

Planning Assistant Graham introduced the request.

Christian Golfin, project architect, voiced his agreement with the recommended conditions of approval. He briefly described the proposed project, explaining that it will be a small take-out only restaurant with an operation similar to Chipotle restaurants.

Commissioner D'anjou noted that there is already a Taco Bell restaurant in this shopping center and questioned whether the applicant was concerned about competition.

Mr. Golfin related his belief that this restaurant will attract a different customer because everything is freshly prepared, noting that the original one, Los Chilaquiles, on Western Avenue has been very successful.

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

MOTION: Commissioner Polcari moved for the approval of CUP12-00009, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Skoll).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 12-043.

MOTION: Commissioner Polcari moved for the approval of Planning Commission Resolution No. 12-043. The motion was seconded by Commissioner D'anjou and passed by unanimous vote (absent Commissioner Skoll).

12C. PRE12-00007: JOHN J. YANKOSKY (SAM LEUNG)

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5356 Doris Way.

Recommendation: Approval.

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

Commissioner D'anjou disclosed that she visited the site and viewed the silhouette from 5364 Doris Way and those observations along with the discussion this evening would be the basis of her decision.

Chairperson Uchima disclosed that he also visited 5364 Doris Way.

Commissioners Polcari, Rizzo and Gibson disclosed that they had driven by the property.

John Yankosky, project architect, noted his agreement with the staff report.

Chairperson Uchima asked if Mr. Yankosky had spoken with the neighbor at 5364 Doris Way (Marge Miller) who submitted emails expressing concerns about the proposed balcony off the master bedroom due to the impact on the privacy of her backyard.

Mr. Yankosky indicated that he had not spoken with Ms. Miller, but was aware of her concerns and offered to add a privacy wall to the balcony, which would protect both Ms. Miller's and his client's privacy. He emphasized that the balcony is off the master bedroom, not a living area where people would be likely to congregate.

Commissioner D'anjou noted that Ms. Miller also expressed concerns about the window in the master bedroom facing her property. Mr. Yankosky reported that the purpose of the window is to bring light into the bedroom and offered to reduce its size from 3' x 4' to 3' x 2' and raise the sill height to address Ms. Miller's concerns.

Marge Miller, 5364 Doris Way, stated that she is a widow who has lived in her home 51 years and expressed concerns that the proposed balcony will greatly impact the privacy of her backyard where she spends a lot of time. Additionally, she noted that her privacy will also be impacted if the row of trees bordering her property is cut down. She related her understanding that the owner of this property remodels houses and then sells them for a profit.

Commissioner Weideman asked if adding a privacy wall as proposed by Mr. Yankosky would address Ms. Miller's concerns, and she indicated that she needed time to think about it before commenting.

Michael Short, 5359 Bindewald Road, stated that he is not impacted by the project but was present to support Ms. Miller with regard to her privacy concerns.

John Houghtaling, 5324 Doris Way, related his understanding that the side yard setback does not meet minimum requirements and questioned whether the fire department would be able to gain access in the event of an emergency.

Planning Manager Lodan advised that the existing house encroaches into the side yard setback by a few inches and this encroachment will be allowed to remain, but any new construction must comply with the five-foot setback requirement. He confirmed that there are no access issues with regard to the fire department.

Brenda Short, 5359 Bindewald Road, related her experience that noise from balconies is magnified because it echoes off the walls and urged that acoustics be considered in the design of the privacy wall.

Mercedes Houghtaling, 5324 Doris Way, expressed concerns about the project's impact on airflow.

Planning Manager Lodan reported that staff did not believe the project would have any impact on airflow.

Karen Miller, 5364 Doris Way, explained that while the privacy wall on the balcony will address privacy issues on the upper level of her mother's (Marge Miller) backyard, the existing row of trees on the applicant's property is necessary to protect the privacy of the lower level and the trees do not appear to be in good health.

Zhaoji Hou, 5327 Doris Way, expressed concerns that the proposed project will affect his view, submitting photographs to illustrate.

Chairperson Uchima noted that the only view that appears to be impacted by the project is a view of the sky according to the photographs submitted.

Mr. Hou stated that he has a view of the ocean from his living room on clear days and the majority of this view would be blocked by the second-story addition.

Returning to the podium, Mr. Yankosky stated that he was a little shocked by neighbors' response to the project as he felt they should applaud his client's effort to upgrade the existing 1950s tract house to an attractive Mediterranean-style home. He related his belief that the privacy issue would be taken care of by installing a screening wall on the balcony and suggested incorporating decorative elements such as glass blocks or stained glass so the wall would be aesthetically pleasing. He reported that he saw no evidence of disease in the row of juniper trees that border Ms. Miller's property and it's been his experience that it's almost impossible to kill them.

Commissioner Weideman indicated that he favored eliminating the balcony all together but was willing to consider possible mitigations.

Planning Manager Lodan advised that staff typically requires a solid stucco screening wall on a balcony, but was not opposed to textured glass blocks. As another option, he suggested the possibility that the master bedroom could be redesigned to provide access to the existing balcony and eliminating the new balcony, which is closer to Ms. Miller's property. He recommended that the window facing Ms. Miller's property have a minimum sill height of five feet.

Mr. Yankosky stated that he had no objection to raising the sill height of the window to five feet, but it would be fairly difficult to access the existing balcony from the new master bedroom. As an alternative, he proposed eliminating 5 feet from the balcony so it would be 10 feet away from Ms. Miller's property instead of only 5 feet and installing a floor to ceiling screening wall facing her property, possibly with a decorative trellis above 6 feet instead of a solid wall.

Commissioner Gibson questioned whether Ms. Miller would be amenable to this solution.

Marge Miller stated that she would like to see a silhouette of the downsized balcony before making a decision and would prefer that the balcony be eliminated.

Karen Miller reiterated her concern about the trees.

Assistant City Attorney Sullivan advised that the Hillside Ordinance only deals with structures and does not regulate trees.

In response to Commissioner Weideman's inquiry, Planning Manager Lodan confirmed that the balcony was included in the silhouette for this project.

Mr. Yankosky stated that he had made a good will gesture to modify the balcony, however, it's very expensive to change a silhouette and he was concerned that neighbors still will not be happy, therefore he was inclined to withdraw his offer and go back to the original design. He related his belief that the balcony was an important feature, which Commissioners would like to have if this was their home.

Commissioner Weideman noted that Commissioners have the responsibility of ensuring that a project complies with the Hillside Ordinance, which requires that the view, light, air and privacy of neighbors be protected.

Commissioner D'anjou suggested that the privacy impact could have been mitigated in advance of this hearing if the applicant had made an effort to discuss the project with neighbors and indicated that she favored eliminating the balcony entirely. She related her observation that the project appears to be very imposing when viewed from Ms. Miller's backyard and would greatly impact her privacy.

Commissioner Rizzo echoed Commissioner D'anjou's comments about working with neighbors. He expressed concerns that there could be a potential view impact at 5327 Doris Way according to Mr. Hou's testimony.

Planning Manager Lodan advised that this was the first staff had heard of a view issue and had not visited 5327 Doris Way to assess the impact.

Commissioner Rizzo indicated that he favored a continuance so staff could investigate the view impact at 5327 Doris Way.

Mr. Yankosky stated that he would agree to a continuance but would like the balcony issue resolved this evening.

Chairperson Uchima reported that he could support the project without the balcony, noting that some applicants have used a "faux balcony" to enhance the architectural design without impacting neighbors. He stated that he understood the applicant's desire to have a balcony, but the Commission is charged with protecting neighbors' privacy and during his 10 years on the Commission, he has seen hundreds of projects approved without a balcony off the master bedroom.

Mr. Yankosky indicated that based on Commissioners' comments, he would eliminate the balcony.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous voice vote (absent Commissioner Skoll).

Commissioners briefly discussed the scheduling of the continued hearing.

MOTION: Commissioner Weideman moved to continue the hearing on PRE12-00007 to August 15, 2012. The motion was seconded by Commissioner Polcari and passed by unanimous vote (absent Commissioner Skoll).

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

12D. PRE12-00008: KEVIN LANG (JOHN AND PAT LANG)

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 319 Monte D'oro.

Recommendation: Approval.

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

Kevin Lang, project architect, clarified that while the staff report mentions that the height of the project was reduced by changing the roof pitch from 3.5-in-12 to 2.5-in-12, this was actually the second time the project was reduced in height. He explained that when the silhouette was originally installed, he immediately realized the impact was too great so he reduced the height by two feet. He stated that as proposed, the ridgeline is only about 3 inches above the height of the existing ridgeline and that is due to the Spanish tile roof. He explained that he has tried to work with neighbors to mitigate the impact as much as possible, including not putting any windows on the second story facing the neighbors to the rear to preserve their privacy. He reported that the neighbor at 408 Via Monte D'oro has complained of view loss, but he was never invited inside the home to personally observe the impact and the Planner who visited the home did not believe the view loss was significant given the totality of the view. He stressed the difficulty of trying to appease all the neighbors, noting that there's a difference between views such as the Queen's Necklace and what he terms "real estate" views.

Chairperson Uchima disclosed that he had visited the subject property and some of the surrounding residences earlier in the day, noting that he has no relationship with any of the neighbors.

Commissioner D'anjou disclosed that she had driven by the subject property; and Commissioner Rizzo disclosed that he had also driven by.

Larry Keel, 401 Via Los Miradores, stated that he was okay with the project as currently silhouetted even though he will lose a "real estate" view, but was concerned that it may not reflect what is actually going to be built because it has been changed at least three times.

Planning Assistant Graham confirmed that the existing silhouette, which was certified on July 19, 2012, accurately reflects the plans being presented this evening.

In response to Chairperson Uchima's inquiry, Planning Manager Lodan confirmed that the silhouette reflects the final height of the project, including roofing materials. He noted that the height must be verified prior to the roof-sheathing inspection to ensure that the height matches the plans.

Patrick Smith, 408 Via Monte D'oro, reported that the proposed project would obstruct his view of the ocean and horizon.

Bill Balcer, 408 Paseo de las Estrellas, reported that the proposed project would cause him to lose ocean and sunset views and submitted color copies of photos previously submitted to illustrate. He also submitted a photograph showing the view impact at 424 Paseo de las Estrellas on behalf of Mr. and Mrs. Panek. He expressed concerns that the project would eliminate the existing extra-long driveway, thereby reducing the amount of on-site parking, noting that street parking in this area is a problem because one of the neighbors has 12 cars. He voiced his opinion that the size of the project was out of character with the neighborhood.

As no one else wished to be heard, Mr. Lang returned to the podium.

Chairperson Uchima reported that he observed a loss of ocean view at 408 Monte D'oro from the front living room and a second-floor bedroom. He stated that he lives in the area and has an ocean view and understands why people become concerned when their views are being chipped away. He noted that views that seem to be insignificant to some people can be very important to the person who has the view.

Mr. Lang offered his assurance that he understands the importance of views and supports the Hillside Ordinance. He reported that he was never invited inside 408 Monte D'oro so he had to rely on the Planner's observations. He explained that he tried to work with every neighbor who was willing to work with him, however, some neighbors simply told him to tear down the existing structure and build a single-story home, which was not helpful. He stated that his goal was to make the remodel as "green" as possible by utilizing the existing structure, which has good bones, and this will also shorten the construction timeline. He noted that property will be graded down almost two feet and the existing floor will be dropped down one foot, which significantly adds to the cost, in order to keep the addition as low as possible.

Chairperson Uchima reported that the portion of the addition causing the view obstruction he observed at 408 Monte D'oro was on the east side of the subject property where the addition will be displacing the driveway.

Mr. Lang explained that he cannot move the addition to the rear of the property to address the view impact at 408 Monte D'oro because it would block other neighbors' views and he cannot lower it any further therefore he has few options for dealing with this issue. He pointed out that the project was designed with no chimneys that extend above the ridgeline in order to preserve view corridors. He disputed the contention that the project was too large, noting that the project is well under the maximum FAR (floor area ratio) and lot coverage allowed.

Commissioner Weideman requested clarification regarding the response to Item 2b in the Precise Plan application, which asks the applicant to state the reasons why denial of the application would constitute an unreasonable hardship.

Mr. Lang responded that he and his siblings were unable to get financing so his parents purchased the property under their name with the goal of providing a means by which their children could move back into this very expensive area.

In response to Chairperson Uchima's inquiry, Mr. Lang provided clarification regarding plate heights, roof design and grading. He noted that the existing pool will be demolished and the property is currently fenced because people have gone onto the property and filled the pool up with water causing \$8,000 in damage.

Commissioner Polcari stated that it appears that Mr. Lang has tried to work with neighbors and he likes the design of the home, however he could not support it at this time because of the impact on neighbors' views.

Mr. Lang responded that he understands that views must be protected as much as possible, but property owners still have a right to build on their property and the Planner who visited the site determined that the project would not adversely impact neighbors' views.

Commissioner Weideman explained that Planning staff makes recommendations but the decision of whether or not to approve a project is made by the Planning Commission.

Chairperson Uchima indicated that he favored continuing the hearing so Mr. Lang could personally view the impact at 408 Monte D'oro to see if something could be done to mitigate it.

Mr. Lang reported that he has spent many hours going over the plans trying to find the best solution and has done everything possible to minimize the impact on neighbors. Conceding that there is a slight view impact, he stated that he did not know what else he could do.

Chairperson Uchima reiterated his preference that the hearing be continued so Mr. Lang could see the impact at 408 Monte D'oro. He stated that he agreed that this neighbor should have invited Mr. Lang into his home and shared his concerns about the project during the design phase, but it was impossible to turn back the clock.

Mr. Lang expressed concerns that a continuance would delay the project and add to its cost and asked about the opinion of the other Commissioners.

Commissioner Weideman stated that predicated on the observations of his colleague, he would vote against the project.

Commissioner Gibson stated that while she found this to be a difficult case, she would support the project. She explained that although Commissioners make their own decisions, she gives a lot of weight to staff's opinion because they are the experts.

Commissioner Rizzo requested confirmation that the owner of 408 Monte D'oro would allow Mr. Lang to view the impact from inside his home.

Patrick Smith, 408 Monte D'oro, indicated that he was willing to allow Mr. Lang to view the impact, noting that his home was built in 1931 and he was in the process of restoring it to its original condition.

Mr. Lang stated that he would like to see the impact from Mr. Smith's home and agreed to continue the hearing.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous voice vote (absent Commissioner Skoll).

Commissioners briefly discussed the scheduling of the continued hearing.

MOTION: Commissioner Rizzo moved to continue the hearing on PRE12-00008 to August 15, 2012. The motion was seconded by Commissioner D'anjou and passed by unanimous vote (absent Commissioner Skoll).

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

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS** – None.

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 August 15, 2012 Planning Commission meeting.

18. **ORAL COMMUNICATIONS #2** – None.

19. **ADJOURNMENT**

At 9:25 p.m., the meeting was adjourned to Wednesday, August 15, 2012 at 7:00 p.m.

Approved as Submitted September 5, 2012 s/ Sue Herbers, City Clerk
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