

August 3, 2011

**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 3, 2011 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 Gibson, Polcari, Rizzo, Skoll, Uchima, Weideman and Chairperson Horwich.

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Associate Civil Engineer Symons, Sr. Fire Prevention Officer Kazandjian 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 28, 2011.

5. APPROVAL OF MINUTES

Commissioner Rizzo offered a correction to the July 6, 2011 Planning Commission minutes.

MOTION: Commissioner Horwich moved for the approval of the July 6, 2011 Planning Commission minutes as amended. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

Chairperson Skoll 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 – None.

11. CUP11-00014: JAMIE MAINVIELLE (DJM CAPITAL PARTNERS, INC.)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of an indoor recreation center for children in an existing commercial tenant space on property located in the HBCSP- DA1 Zone at 21203 Hawthorne Boulevard, Suites 107-40 & 107-41A.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Assistant City Attorney Sullivan disclosed that his wife knows the applicant Jamie Mainvielle and they have held birthday parties at the Little Gym, but this would not affect his advice at this hearing.

Joyce Freeman, co-owner with her daughter Jamie Mainvielle of the Little Gym, 21203 Hawthorne Boulevard, Suites 107-40 & 107-41A, voiced her agreement with the recommended conditions of approval. She provided background information about the Little Gym, explaining that they offer a motor skills development program for children 4 months to 12 years old. She reported that the Little Gym has been in business 35 years with over 200 gyms in 20 countries and that she and her daughter opened the Little Gym in Torrance in 2007 and they would like to move to another location. She noted that they also own a gym in Huntington Beach and own a territory in Manhattan Beach, but have not yet opened a gym there. She submitted a brochure with information about programs offered at the gym.

Commissioner Gibson disclosed that she was in the same Leadership Torrance class as Ms. Freeman's daughter Jamie, however, this would not affect her decision on this project.

In response to Chairman Skoll's inquiry, Ms. Freeman confirmed that the hours of operation listed in Condition No. 4 (8:00 a.m. to 8:00 p.m., Sunday through Thursday, and 8:00 a.m. to 10:00 p.m., Friday and Saturday) were acceptable.

Commissioner Gibson questioned whether the food provided by parents for birthday parties is homemade, and Ms. Freeman reported that parents usually bring a cake from a bakery for birthday parties.

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

MOTION: Commissioner Gibson moved for the approval of CUP11-00014, 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 Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 11-046.

MOTION: Commissioner Gibson moved to adopt Planning Commission Resolution No. 11-046. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

11B. CUP11-00015: STRAND BREWING CO., LLC (THE TELO INDUSTRIAL CENTER, LLC)

Planning Commission consideration for approval of a Conditional Use Permit to allow onsite sampling, retail sales of beer and merchandise, and private events, in conjunction with a brewery on property located in the M1-PP Zone at 23520 Telo Avenue.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

In response to Commissioner Weideman's inquiry, Planning Manager Lodan confirmed that even though the applicant intends to expand the size of the operation, the Commission's review was limited to the Conditional Use Permit application, which would allow onsite sampling and retail sales of beer and merchandise.

Joel Elliott, co-owner of Strand Brewing Co., voiced his agreement with the recommended conditions of approval. He provided background information about the company, explaining that he and his partner started the business in January 2009 and it has been successful beyond their expectations; that they always intended to have a tap room, but did not include one initially in order to keep things as simple as possible; and that they now feel they are ready to add this component.

In response to Commissioner Rizzo's inquiry, Mr. Elliott reported that the brewery produces three brews on a regular basis and a fourth that rotates in and out; that customers will be charged per pint for the sample; and that larger bottles will be offered for take-home purchases.

Commissioner Rizzo stated that he was concerned about the size of the sample since tasting rooms typically offer a small amount, not a full-sized serving of their products.

Mr. Elliott stated that he purposely omitted the term "tasting room", which is a term from the wine world, in his letter explaining the operation and instead used the term "tap room," and he did not use the word "sample" because they will be selling their wares.

Noting that the proposed hours of operation are 4:00 p.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends, Commissioner Rizzo expressed concerns that the tap room could become a happy hour destination for nearby factory workers even though there will be no service of food.

Mr. Elliott stated that State law allows small breweries to do what he is proposing and there is no size limitation on the sample, however, they may only sell beers they produce and there can be no sale of hard liquor.

Referring to Mr. Elliott's letter, Commissioner Gibson indicated that she failed to see the distinction between "consuming" and "sampling" or "tasting."

Commissioner Weideman asked if this application differs from the one approved by the Commission approximately two months ago for a brewery on Western Avenue (Monkish Brewery).

Planning Manager Lodan advised that the application was very similar in that it allowed on-site consumption and retail sales of the brewery's products and included no food service and he did not recollect that there was any limitation on serving size.

Mr. Elliott stated that he was at the meeting when Monkish Brewery's application was approved and as far as he knew, there were no differences between what he was proposing and what was approved for Monkish.

Gail Werner, owner of apartment building at 2860 W. 235th Street, stated that this location differs from the brewery on Western because there is a row of apartment buildings across the alley from this industrial complex and residents could be impacted by noise. She explained that the apartments were designed with bedrooms on the second floor overlooking the alley and the alley acts as an echo chamber, so noise is a serious problem. She voiced her opinion that a noise study should be done before proceeding with this project.

Commissioner Uchima noted that there is another industrial building between the brewery and Ms. Werner's apartment building and staff provided clarification regarding the location of the brewery after Ms. Werner indicated that she was confused by the map on the public notice.

Chairperson Skoll pointed out that Condition No. 20 requires that the applicant provide noise data to confirm that equipment to be used in the brewery complies with the Torrance Noise Ordinance and if the equipment fails to comply, a noise study must be conducted by an acoustical consultant with noise levels predicted for 10 years and mitigation measures must be implemented.

Ms. Werner explained that she was concerned about noise from people visiting the brewery as they go to and from their cars, noting that people can get boisterous after having a couple of beers.

In response to Commissioner Gibson's inquiry, Ms. Werner reported that her apartment building has 15 units and there are several other similar sized apartment buildings lining the alley.

Commissioner Weideman questioned whether there was a need to include a condition prohibiting alcohol consumption outside the premises. Assistant City Attorney Sullivan advised that this is prohibited by State law and related his understanding that signage to this effect must be posted.

Returning to the podium, Mr. Elliott offered his assurance that he had no intention of creating problems for neighbors and invited Ms. Werner to contact him if she had any concerns about the operation.

Commissioner Uchima expressed concerns about the hours of operation, and Mr. Elliott stated that the tap room will probably be open only Thursday through Saturday in the beginning and it definitely will not open at 8:00 a.m. He explained that he requested the hours of operation listed in the staff report to allow for future expansion.

In response to Commissioner Uchima's inquiry, Mr. Elliott confirmed that he plans to hold special events at the brewery, however they will end no later than 9:00 p.m. He reported that businesses in the industrial complex share the parking lot, even though some people have put their names on spaces.

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

MOTION: Commissioner Weideman moved for the approval of CUP11-00015, as conditioned, including all findings of fact set forth staff. The motion was seconded by Commissioner Polcari and discussion continued.

Chairman Skoll stated that he wanted to make sure that this proposal is the same as what was approved for the Monkish Brewery on Western Avenue a couple of months ago.

Planning Manager Lodan advised that the proposals have the same general characteristics and while he did not recall the hours of operation, the conditions of approval were basically the same.

Commissioner Rizzo recalled that Monkish Brewery's tasting room was smaller and had shorter hours and reiterated his concern that the tap room would become an after-work gathering place, noting that it would only take a television to turn it into a sports bar.

A brief discussion ensued regarding the hours of operation, and Commissioner Rizzo indicated that he favored a 7:00 p.m. closing time on weekdays, the same as the brewery's existing operation, and a starting time of 1:00 p.m. on weekends with a closing time of 5:00 or 6:00 p.m. He noted that many of the surrounding businesses are closed on weekends and it would probably be better from a security standpoint not to bring more people into the area.

Chairperson Skoll stated that he was uncomfortable approving the hours of operation at this time without knowing what hours were approved for Monkish Brewery.

Commissioner Uchima suggested that different hours of operation could be justified due to the difference in the size of the breweries and the difference in location.

After checking records, Planning Manager Lodan reported that the hours of operation approved for the Monkish Brewery tasting room were Thursday and Friday, 4:00 – 9:00 p.m., Saturday, noon to 8:00 p.m., and Sunday, noon to 6:00 p.m.

The public hearing was reopened so Mr. Elliott could comment.

Mr. Elliott wanted to make clear that he and his partner had no intention of operating a bar and merely wanted to promote their products. He stated that he mentioned a pint-sized sample because he didn't want to back himself into a corner and be found in violation of his CUP for serving a pint. He explained that the sampling area will be in a cleared out area of the warehouse with concrete floors and no furniture and it will not be a place where people will congregate and watch television. He indicated that he had no objections to the same hours of operation as the Monkish Brewery.

Commissioner Uchima asked if Mr. Elliott would agree to no chairs and no television, and Mr. Elliott responded that he would not want to be found in violation if he gets someone a stool.

Commissioner Gibson indicated that she found Mr. Elliott's explanation of this proposal confusing and contradictory.

Commissioner Horwich noted that Conditions 15 and 16 call for property managers to remove unpermitted storage structures and questioned whether the applicant would be held responsible for this.

Planning Manager Lodan advised that these conditions were included to put the property managers on notice that Code Enforcement will be intensified if these violations are not addressed.

Commissioner Horwich proposed amending Condition No. 10 to state that "any" entertainment shall be prohibited unless approved by the Planning Commission or as part of an Event Permit.

Commissioner Weideman asked if Mr. Elliott would be amenable to a 7:00 p.m. closing time, and Mr. Elliott questioned the fairness of imposing more restrictive hours on his brewery as compared to Monkish Brewery.

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

Commissioners briefly discussed amendments to Commissioner Weideman's motion.

Commissioner Uchima asked if televisions used to show sporting events would be prohibited by Condition No. 10 as amended by Commissioner Horwich. He noted that he did not want to prevent the brewery from using televisions for promotional or educational purposes, but did not want to create a sports bar atmosphere.

Assistant City Attorney Sullivan advised that according to the TMC, televisions would not be considered a form of entertainment. He suggested a condition prohibiting the use of televisions except when used to promote or educate the public about the brewery's products.

Commissioner Weideman restated his motion as amended.

MOTION: Commissioner Weideman moved for the approval of CUP11-00015, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Modify

No. 4 That the "Tap Room" hours of operation shall be limited to ~~weekdays from 4:00 p.m. to 9:00 p.m. and weekends 8:00 a.m. to 9:00 p.m.~~ Thursday and Friday - 4:00 p.m. to 9:00 p.m., Saturday- noon to 8:00 p.m., and Sunday - noon to 6:00 p.m.

No. 10 That ~~live~~ any entertainment shall be prohibited on the premises unless approved by the Planning Commission, or as part of an Event Permit approved by the Community Development Director.

Add

No. 30 That televisions shall be prohibited except for promotion and education of the public regarding products produced by the Strand Brewing Co.

The motion was seconded by Commissioner Uchima and passed by a 6-1 roll call vote, with Commissioner Horwich dissenting.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 11-047.

MOTION: Commissioner Weideman moved to adopt Planning Commission Resolution No. 11-047, as amended. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Ms. Werner asked about her recourse if problems develop at the brewery and Sr. Fire Prevention Officer Kazandjian offered to meet with her to explain the Commission's action.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS**- None.

14. **MISCELLANEOUS ITEMS** - None.

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

Planning Manager Lodan reported that on July 26, the City Council considered that applicant's request to eliminate two conditions added by the City Council when the addition at 209 Via El Toro was approved last year and the Council voted unanimously to deny this request.

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

Planning Manager Lodan reviewed the agenda for the August 17, 2011 Planning Commission Meeting.

17. ORAL COMMUNICATIONS #2

17A. Commissioner Rizzo stated that he was pleased to be back after a visit to Nashville, which was very hot and humid.

17B. Commissioner Uchima congratulated Commissioner Polcari on his daughter's graduation from high school.

17C. Chairperson Skoll thanked Sr. Fire Prevention Officer Kazandjian for meeting with Ms. Werner to answer her questions about Item 11B and related his belief that the Commission had done a good job of resolving the issues in that case.

18. ADJOURNMENT

At 8:20 p.m., the meeting was adjourned to Wednesday, August 17, 2011 at 7:00 p.m.

Approved as Submitted September 21, 2011 s/ Sue Herbers, City Clerk
