

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, October 7, 2009 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Uchima.

3. ROLL CALL

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

Absent: Commissioner Browning (excused).

Also Present: Planning Manager Lodan, Planning Assistant Graham, Civil Engineer Symons, Fire Marshal Kazandjian, Plans Examiner Noh and Deputy 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 Friday, October 2, 2009.

5. APPROVAL OF MINUTES

MOTION: Commissioner Uchima moved for the approval of the August 19, 2009 minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to consider Agenda Item 9B, PRE08-00011: Craig Richmond, indefinitely.

MOTION: Commissioner Busch moved to continue Agenda Item 9B indefinitely. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Browning).

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

Agenda Item 14A was considered out of order at this time.

14A. LOT09-00002: COTTONE AND SONS

Planning Commission consideration of an appeal of a Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street.

Recommendation

Denial of appeal.

Planning Assistant Graham introduced the request.

Jacob Paz, representing Cottone and Sons, reported that the Community Development Director has limited the number of animals that may be present on-site at the pumpkin sales lot to 10, however, 10 ponies are needed for the pony ride alone so this would not allow for the petting zoo. He requested to be allowed to have 21 animals for the petting zoo plus ponies for the pony ride as listed on the application.

Commissioners asked Mr. Paz about the incident detailed in the staff report that occurred on November 3, 2008, when Animal Control found animals at the pumpkin sales lot unattended and the applicant was cited by Code Enforcement for: 1) Leaving animals unattended; 2) Having more than the approved number of animals on-site; and 3) Having animals present (pigs) not listed on the permit. Additionally, the applicant was cited by Animal Control for illegally tethering a dog and failure to clean up after the dog and it was noted that the on-site trailer had no license plate, registration or vehicle identification number.

Mr. Paz explained the following:

- That the animals were left unattended when the woman he hired to take care of them had to leave unexpectedly and he had a letter from her attesting to this fact;
- That there were more than the approved number of animals because a lady had given him three baby pigs she could no longer keep;
- That all of his animals are well cared for and inspected on a regular basis at the family's farm in Riverside;
- That the court dismissed all charges connected with the November 3, 2008 incident;
- That there is a new trailer on-site this year which is registered but the license plates have not been received.

In response to Commissioner Horwich's inquiry, Mr. Paz reported that he was not of legal age last year when he filled out the Seasonal Sales Permit Application and that his mother was included on this year's application because he will not be 18 years old until November. He noted that his mother was not the woman who left the animals unattended last year.

Planning Manager Lodan clarified that staff considers Mr. Paz's mother Andrea Vicencio to be the applicant since Mr. Paz is not of legal age. He explained that staff considered prohibiting animals at the pumpkin sales lot this year because of the incident

last November, and ultimately decided that allowing 10 animals was a reasonable compromise.

Thomas Cottone, 5190 Agate Street, Riverside, noted that this business has operated in Torrance for 50 years and his grandson Jacob promised his great grandfather before he died last year that he would continue the operation. He explained that he was called to the site last year on November 3rd when the animals were found unattended and the animals were in good shape, however, there were three pigs that had been donated by a woman who lives in Palos Verdes and an old dog that had been abandoned, which were not listed on the application. He expressed concerns that the Cottone and Sons operation was being held to a higher standard than other seasonal sales lots, noting that he submitted 3 sets of photographs showing violations at other sales lots in Torrance to the Community Development Department.

Commissioner Skoll questioned what Animal Control staff would recommend with regard to the type and number of animals to be allowed at the pumpkin sales lot.

Animal Control Officer Behn advised that staff was more concerned about the ratio of caretakers to animals, not the type of animals. She explained that staff believes having one person to handle 30 animals is not adequate, noting that the City limits residents to a total of 4 animals per household to ensure they are properly cared for. Additionally, she reported that the applicant was operating like a shelter by allowing people to drop off unwanted pets and this is not permitted.

Animal Control Supervisor D'Amico stated that 30 animals are way too many for one person to care for and he would be more inclined to support the application if there were 3 caretakers for the 30 animals.

Commissioner Skoll asked about the number of ponies needed for the pony ride, and Animal Control Supervisor D'Amico related his understanding that ponies are allowed to work for a period of 8 hours and then must rest.

In response to Commissioner Busch's inquiry, Animal Control Supervisor D'Amico confirmed that Animal Control staff would do spot checks at the pumpkin sales lot to ensure compliance.

Returning to the podium, Mr. Paz reported that he lived at the pumpkin sales lot 24/7 last year after the incident that occurred on November 3rd and during that entire period he never saw Animal Control staff.

Commissioner Gibson stated that she didn't doubt Mr. Paz's ability to care for the animals, however, she was concerned about the number of animals being proposed for this operation.

Mr. Paz offered to reduce the number of animals for the petting zoo to 15, but explained that 9 or 10 ponies are needed for the pony ride to ensure that they are not overworked. He stated that there is no rule that ponies can only work 8 hours a day, only that they cannot be overworked, noting that the USDA checks on the well being of the animals twice a week.

Commissioner Skoll asked how many people would be present to look after the animals. Mr. Paz reported that there would be 3 or 4 people on-site during the daytime with him handling the pony rides, another person taking care of the petting zoo and a third person walking around the animal pens, and that he and another person would be there during nighttime hours.

Commissioner Uchima stated that he would be more comfortable if there were 3 people caring for the animals around the clock and Mr. Paz reported that there are 54 animals at the farm in Riverside and 2 people take care of all of them.

Commissioner Horwich suggested the possibility of adding a condition stating that the permit would be cancelled if there are any violations, and Mr. Paz indicated that he would be amenable to such a condition.

Commissioner Horwich expressed concerns that the applicant's Christmas tree lot would take up 96 parking spaces at the mall during the holiday shopping season.

Planning Manager Lodan advised that these are excess parking spaces and not required parking for the mall.

Commissioner Gibson asked about the possibility of downsizing the pony ride so there could still be a small petting zoo with the 10 animals on-site as staff has recommended.

Mr. Paz explained that the pony rides are so popular, the line would grow too long if they only offered 2 or 3 pony rides at a time, therefore, if only allowed 10 animals, they would just bring the ponies.

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

Commissioner Uchima asked about Commissioner Horwich's suggestion that a condition be included requiring that the permit be revoked if terms are violated.

Planning Manager Lodan stated that staff believes such a condition would pose a number of complications and their preference would be to grant the permit with the limitation on animals as proposed, with the understanding that the number of animals could be increased in the future if there are no problems.

Commissioner Busch indicated that he was uncomfortable adding a condition requiring that the whole operation be shut down if there is any violation and felt that staff's recommendation was a reasonable compromise based on the applicant's past performance. He noted Resolution No. 09-049 includes conditions specifying that any complaints or violations shall result in denial of future applications and that no animal shelter activities shall be conducted on-site.

MOTION: Commissioner Busch moved to deny the appeal and approve LOT09-00002, as conditioned. The motion was seconded by Commissioner Gibson and discussion briefly continued.

Commissioner Skoll stated that he was a little more forgiving and would like to allow the applicant to have a petting zoo in addition to the pony rides.

Chairperson Weideman stated that he believed this was a matter of trust; that the applicant had lost trust with the incident that occurred last year; and that he agreed allowing 10 animals was a reasonable compromise.

Chairperson Weideman called for a vote, and the motion passed by a 5-1 roll call vote, with Commissioner Skoll dissenting (absent Commissioner Browning).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 09-049.

MOTION: Commissioner Busch moved for the approval of Planning Commission Resolution No. 09-049. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

8. **TIME EXTENSIONS** – None.

9. **CONTINUED HEARINGS**

9A. **MOD08-00015: JAMES KONG (2455 SEPULVEDA, LLC)**

Planning Commission consideration for approval of a Modification of a previously approve Conditional Use Permit (CUP07-00020) to allow 1,840 square feet to be used for restaurant purposes on property located in the M-2 Zone at 2455 Sepulveda Boulevard.

Recommendation

Approval.

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

Michael Quaranta, representing the applicant, explained that tenant spaces in the new shopping center have not been leasing as rapidly as expected due to the current economic downturn and the applicant would like the ability to lease a limited amount of space to fast food establishments because that is the only retail segment where sales are increasing. He reported that the plans call for food uses in two locations, a 966 square-foot leasehold for a take-out restaurant and an 874 square-foot leasehold for a restaurant with seating.

Noting that staff was recommending that the hours of operation be limited to between 6:00 a.m. and 10:00 p.m., Commissioner Busch expressed concerns about the 6:00 a.m. opening time due to the potential impact on single-family residences immediately adjacent to the north.

Planning Manager Lodan explained that the 6:00 a.m. opening time was consistent with other food uses in the vicinity such as Starbucks and Subway, which are also adjacent to residences.

Commissioner Busch questioned whether the food uses would potentially increase traffic, and Planning Manager Lodan advised that the traffic generated would be similar to the previously approved retail uses.

HYESHIL Root, 2424 Santa Cruz, noting that her home is directly behind the shopping center, expressed concerns that she will be adversely affected by the proposed restaurants. She reported that she is currently bothered by cooking odors from the nearby Subway restaurant, which did not offer hot sandwiches when it was approved. She also expressed concerns about her privacy and security because the building has back doors and someone could look into her house from this vantage point as her house is lower than the subject property.

Planning Manager Lodan recalled that the original Conditional Use Permit specifies that the back doors for emergency exit only.

Mr. Quaranta suggested that it was premature to presume that the proposed food uses would cause detriment to Ms. Root's property because the spaces could be leased to a food use such as a bakery or yogurt shop that would have little or no impact. He confirmed that the rear doors are for emergency use only. He stated that the applicant has tried to be sensitive to residential neighbors behind the project and will not do anything to disturb the quiet enjoyment of their property.

Commissioner Horwich asked about the possibility of modifying the opening time from 6:00 a.m. to 7:00 a.m., and Mr. Quaranta indicated that he had no objection to that change.

Commissioner Busch stated that it was not premature for Ms. HYESHIL to be concerned because this matter will not come back to the Planning Commission if the Modification is approved. He questioned whether there was a way to discourage people from congregating at the rear of the building so that noise does not become a problem for residential neighbors, noting that smokers tend to congregate near exits.

Mr. Quaranta stated that he did not believe the rear of the property was conducive to gatherings and doubted that it would be possible for a landlord to police this area.

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

Commissioner Skoll questioned whether there is a wall between Ms. Root's property and the shopping center.

Planning Manager Lodan advised that there is a wall at least 8 feet high on the applicant's side of the property, therefore staff believes there is no privacy impact.

In response to Commissioner Uchima's inquiry, Planning Manager Lodan confirmed that the rear doors of the center are not used for deliveries.

MOTION: Commissioner Horwich moved for the approval of MOD08-00015, as conditioned, including all findings set forth by staff with the following modifications:

Modify

No. 6 That the hours of operation of the food uses shall be limited to between ~~6:00 a.m.~~ 7:00 a.m. to 10:00 p.m.

Add

- That the rear doors of the center shall be used solely for emergency access. There shall be no customer deliveries or employee access other than for emergencies.

The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote, with Commissioner Busch abstaining (absent Commissioner Browning).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 08-126.

MOTION: Commissioner Uchima moved for the approval of Planning Commission Resolution No. 08-126 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Browning).

9B. PRE08-00011: CRAIG RICHMOND

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence on property located within the Hillside Overlay district in the R-1 Zone at 22221 Warmside Avenue.

Continued indefinitely.

10. WAIVERS

10A. WAV09-00001, SAT09-00001, MUP09-00001: JAMIE T. HALL (MEDIAFLO USA, INC.)

Planning Commission consideration for approval of a Minor Use Permit and a height Waiver for a previously approved Wireless Telecommunications Facility on the rooftop of an existing multi-story commercial building on property located in the HBCSP-DA1 Zone at 3635 Fashion Way.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Jamie Hall, representing MediaFLO USA, Inc., voiced his agreement with the recommended conditions of approval. He explained that MediaFLO is utilizing new technology made possible by the recent conversion to digital TV to create a nationwide multimedia network which allows subscribers to watch live television on their cell phones and other portable devices. He reported that the site at the Torrance Marriott was carefully selected recognizing the City's preference for co-location at existing wireless facilities.

Noting that a letter of support was received from Seong Eun Han, 3538 Torrance Boulevard, citing improved cell phone reception, Commissioner Busch related his understanding that the proposed antennas are not meant for this purpose. Mr. Hall confirmed that the antennas are only for broadcasting the new live TV subscription service and will not improve voice service for cell phones.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that the antennas would not interfere with air traffic at Torrance Airport.

Responding to questions from the Commission, Mr. Hall reported that MediaFLO is a subsidiary of Qualcomm based in San Diego; that the proposed facility is unmanned so the company will not need an office in Torrance; and that the LLC that owns the Torrance Marriott has agreed to lease the site and is in agreement with the proposal. He explained that MediaFLO offers 12-16 TV channels at this time and hopes to expand their line-up in the future and subscribers will be able to watch TV in areas where there is no phone service.

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

MOTION: Commissioner Uchima moved to approve WAV09-00001, SAT09-00001, and MUP09-00001, 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 Browning).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution Nos. 09-045, 09-046 and 09-047.

MOTION: Commissioner Uchima moved for the approval of Planning Commission Resolution Nos. 09-045, 09-046 and 09-047. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

11. FORMAL HEARINGS

11A. PRE09-00006: DAVE CARNEY

Planning Commission consideration for approval of a Precise Plan of Development to allow a four-foot extension of an existing service station canopy on property located within the Hillside Overlay District in the HBCSP-WT Zone at 24505 Hawthorne Boulevard.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Karl Huy, representing the applicant, voiced his agreement with the recommended conditions of approval.

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

Chairperson Weideman stated that as one who has had close calls with gas station canopies in rented U-Haul trucks, he was very much in favor of this project.

MOTION: Commissioner Busch moved to approve PRE09-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Browning).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 09-048.

MOTION: Commissioner Busch moved for the approval of Planning Commission Resolution No. 09-048. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Browning).

- 12. **RESOLUTIONS** – None.
- 13. **PUBLIC WORKSHOP ITEMS** – None.
- 14. **MISCELLANEOUS ITEMS**
- 14A. **LOT09-00002: COTTONE AND SONS** – Considered out of order see pages 2-5.
- 15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.
- 16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan noted that General Plan Workshops are scheduled for October 14 and October 28, 2009 at 7:00 p.m.

17. **ORAL COMMUNICATIONS #2**

17A. Commissioner Busch asked if the City encourages cell phone providers to install additional antennas where there is poor reception.

Deputy City Attorney Sullivan reported that the decision to install antennas is based on the number of complaints a service provider receives from consumers.

17B. Commissioner Uchima requested an excused absence from the October 14 meeting; and hearing no objection, Chairperson Weideman so ordered.

18. ADJOURNMENT

At 9:00 p.m., the meeting was adjourned to the General Plan Workshop on Wednesday, October 14, 2009.

Approved as Submitted November 18, 2009 s/ Sue Herbers, City Clerk
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