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**TORRANCE PLANNING COMMISSION – JANUARY 20, 2016**

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At 10:05 p.m., the meeting was adjourned to Wednesday, February 3, 2016 at 7:00 p.m.

**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, January 20, 2016, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Skoll.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners Herring, Polcari, Skoll, Tsao, Watson and Chairperson D'anjou.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Planning Assistant Lang, Planning Assistant Oorts, Associate Civil Engineer Symons, Plans Examiner Noh and Assistant City Attorney Sullivan.

**MOTION:** Commissioner Polcari moved to grant Commissioner Gibson an excused absence for this meeting. The motion was seconded by Commissioner Watson and passed by unanimous voice vote with Commissioner Gibson absent.

**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, January 15, 2016.

**5. APPROVAL OF MINUTES – None.**

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan relayed the applicants request to continue Item 12A, MOD15-00012: David Kelly/Torrance Mini Partners, indefinitely, noting that the item will be re-advertised once a new hearing date has been set.

**MOTION:** Commissioner Watson moved to continue Item 12A indefinitely. The motion was seconded by Commissioner Herring and passed by unanimous voice vote with Commissioner Gibson absent.

**7. ORAL COMMUNICATIONS #1 – None.**

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

**8. TIME EXTENSIONS**

**8A. EXT15-00007: JAMES LEE**

Planning Commission consideration for approval of a Time Extension for a previously approved Division of Lot (DIV05-00020) to allow two lots to be merged into one on property located in the C-2 Zone at 1611 Crenshaw Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 15315 – Minor Land Divisions.

**Recommendation:** Approval.

Planning Assistant Lang introduced the request.

James Lee, applicant, explained that he was requesting a Time Extension because he is trying to sell the property and it is more attractive with the entitlement in place.

Commissioner Polcari asked if Mr. Lee has a buyer for the property, and Mr. Lee reported that a few people have expressed interest but they wanted him to finance the property, which he cannot afford to do.

**MOTION:** Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Watson and passed by unanimous voice vote with Commissioner Gibson absent.

**MOTION:** Commissioner Polcari moved to approve EXT15-00007, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 16-001.

**MOTION:** Commissioner Herring moved to adopt Planning Commission Resolution No. 16-001. The motion was seconded by Commissioner Tsao and passed by unanimous roll call vote with Commissioner Gibson absent.

**9. SIGN HEARINGS- None.**

**10. CONTINUED HEARINGS**

**10A. ADM15-00003: PHILLIP PECORD C/O AUTOZONE (FRANKLIN REAL ESTATE, LP)**

Planning Commission consideration of an appeal of a Community Development Director denial of a Planning Administrative Action to allow exterior modifications to an existing storefront on property located in the C-3 Zone at 4675 Torrance Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 153011 – Existing Facilities.

Planning Assistant Lang introduced the request.

George Ross, real estate broker representing the landlord, provided background information about the shopping center in which the proposed project is located, explaining that it is comprised of three parcels under separate ownership. Using renderings to illustrate, he reported that Auto Zone would like to lease a storefront in the center and upgrade the façade,

however the landlord cannot commit to upgrading the balance of the center within five years, which has been included as a condition of approval. He noted that the new Auto Zone store would create 18-22 jobs and provide additional cash flow so the property owner would eventually be able to improve the center and attract new tenants to fill vacancies.

Commissioner Skoll asked if the sign on the façade represents Auto Zone's nationwide identity.

Michael Chastain, Auto Zone real estate manager, explained that the company customizes its signs to fit the location and it's important to do something that will make the store stand out when moving into an established shopping center. He noted that the company was also proposing to install a new pole sign facing Anza that will include Auto Zone and other tenants.

Commissioner Tsao asked about the term of the lease, and Mr. Chastain reported that the initial lease is for 10 years, with numerous options for 5-year extensions.

Planning Manager Lodan explained that staff was recommending that a condition be included requiring that the rest of the center be upgraded within five years because this property owner has resisted making improvements in the past claiming it was not financially feasible and has relied on tenants to make improvements instead of investing in the property.

Chairperson D'anjou asked about enforcement of the condition, and Planning Manager Lodan advised that staff would like the applicant to at least have a design prepared for upgrading the center and will work with the applicant, should there be problems with completing the improvements within five years.

Chairperson D'anjou voiced her opinion that five years was a more than reasonable timeline for completing improvements at this very outdated shopping center.

Mr. Chastain related his understanding that Auto Zone would be able to make tenant improvements and move into the space if they forego the changes to the façade.

Planning Manager Lodan confirmed that no discretionary approval would be required for tenant improvements, although Auto Zone would only be able to install a building sign and would not be able to install the new pole sign.

Commissioner Skoll stated that he thought allowing Auto Zone to make the façade improvements was preferable to having no improvements at all.

Planning Manager Lodan advised that the Commission could approve the Auto Zone upgrades without the condition, but the City has been trying to get improvements made to this center for some time and nothing has happened.

Chairperson D'anjou suggested that it merited consideration that Auto Zone has other locations in Torrance and has been a good partner with the city.

Noting that Auto Zone has a location in the shopping center at the corner of Artesia and Hawthorne Boulevard, a representative of Auto Zone (name inaudible/no speaker card) stated that Big Five was allowed to make significant improvements to a storefront there without having to make improvements to the balance of the center and he felt the same accommodation should be made for Auto Zone. He expressed concerns that this shopping center was being held hostage just because Auto Zone wants to locate there.

**MOTION:** Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Herring and passed by unanimous voice vote with Commissioner Gibson absent.

Commissioner Watson indicated that she was inclined to approve Auto Zone's application, without the condition requiring the balance of the center to be upgraded, because she thought something was better than nothing and she was confident that the company would do a good job because it's in their best interest to have an attractive store.

Commissioner Herring stated that he was concerned about the orderly development of Torrance and he felt that having a more harmonious design for this shopping center, which is near City Hall, was preferable to a piecemeal approach, therefore he favored requiring the shopping center to be upgraded within five years as staff has suggested.

Chairperson D'anjou noted her agreement with Commissioner Herring's remarks and disputed the idea that this shopping center, which appears to be owned by someone who lives out-of-state, was being held hostage.

A brief discussion ensued, and it was the consensus of the Commission to require the applicant to submit plans for upgrading the balance of the center during the plan check process for this project.

**MOTION:** Commissioner Herring moved to approve the appeal and approve ADM15-00003, adding a condition requiring a plan for upgrading the balance of the center to be submitted during the plan check process for the Auto Zone project. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Manager Lodan noted that a resolution reflecting the Commission's action will be brought back for approval at the next meeting.

**10B. PRE13-00013, CUP13-00029, DIV13-00007: LARRY PEHA (NOLA PROPERTIES)**

Planning Commission consideration for approval of a Precise Plan of Development and Conditional Use Permit to allow the construction of an eight-unit apartment complex in two separate buildings, in conjunction with a Division of Lot to merge two lots into one, on properties located within the Hillside Overlay District in the R-3 Zone at 147-151 Paseo de la Concha. This project is categorically exempt from CEQA per Guidelines Section 15332 – In-Fill Development and 15315 – Minor Land Divisions.

**Recommendation:** Approval.

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

Lars Viklund, Manhattan Beach, owner of the subject property, voiced his agreement with the recommended conditions of approval. He reported that he bought the property two-and-a-half years ago and plans to keep it for his children and that he was proposing to build a new 8-unit apartment complex because it was not feasible to renovate the existing buildings due to their condition. He stated that he and his architect reached out to all neighbors who had voiced concerns about the project and the project has undergone at least four revisions to try to address these concerns.

Larry Peha, project architect, briefly reviewed the proposed project. He noted that the number of apartment units will be reduced from 12 to 8, that 4 street parking spaces will be added due to the elimination of curb cuts, that the front of the property will be landscaped instead of the existing asphalt driveways, and that side-yard setbacks are larger than required to allow more natural light to neighboring buildings. He submitted additional information highlighting the various revisions that have been made to the project. He reported that staff was recommending that ceiling heights in the southerly building be reduced from 9 feet to 8 feet, however he would like to be able to have at least 8 ½ foot ceiling heights for living areas.

Commissioner Polcari related his belief that the architect had done a good job of revising the project and that it would be an excellent addition to the neighborhood.

Zak Kuczynski, representing his grandmother, the owner of the apartment building at 154 Paseo de la Concha, voiced objections to the proposed project, maintaining that it would block ocean views from main living areas in the apartments and reduce the value of the property in violation of TMC Section 91.41.6. He noted that he raised these same objections when this project was initially considered a year ago and no modifications have been made to address these concerns. He stated that view corridors must be protected the same as any other ocean view and his family was exploring legal recourse should the project go forward.

At Commissioner Skoll's request, Mr. Kuczynski submitted color copies of photos previously submitted.

After reviewing the photographs, Commissioner Skoll stated that it appeared that the view from upper-level apartments would not be impacted by the project, and Mr. Kuczynski asserted that both upper and lower-level apartments would be impacted.

Assistant City Attorney Sullivan clarified that TMC Section 91.41.6 has been interpreted to mean that a project shall not have a "substantial" adverse impact on views.

Rachel Forman, contended that the project would have a substantial negative impact on her view, intrude on the privacy of living areas and block sunlight from her master bedroom turning it into a cave.

Manoucher Adli, urged the Commission to deny the project, stating that the massive new structure, which would be only 20 feet away from the condominium where he has lived for 40 years, would block morning sun and intrude on his privacy. He further stated that he never received any notification about the project and was not contacted by the City or the developer and he did not understand how a decision could be made without viewing the impact from his property. He expressed concerns that the small blue-colored flags on the silhouette make it very difficult to see.

Planning Manager Lodan advised that notification was sent to the Adli Trust, which is the owner of record, and it was returned to the City with a notation from the post office that the time for forwarding had expired.

Steve Krai, contended that there's no way to build a two-story structure on this property without violating the Hillside Ordinance and that's why this property has remained the way it is for all these years. He stated that while Mr. Viklund would like to develop the property for the benefit of his children, it would be at the expense of surrounding property owners and their children. He noted that at the previous Commission hearing, Commissioners determined that the project was

too intrusive and not right for the area and disputed Findings D through N in Resolution No. 14-005. He urged the Commission to deny the project so neighbors would not be forced to file a lawsuit like in the days before the Hillside Ordinance was adopted.

Symons disclosed that he is familiar with Steve Krai through sporting activities, but that would not affect any advice he provides to the Commission this evening.

Maury Gentile, stressed the importance of enforcing the Hillside Ordinance, noting that he moved from Redondo Beach, which has no such ordinance, to Hollywood Riviera after a small bungalow was replaced with a large boxy structure that completely blocked his ocean view.

Kavon Adli, voiced objections to the proposed project, contending that the two large structures would obstruct views, block sunlight and intrude on privacy. He expressed concerns that the impact on his condominium complex has been ignored and related his belief that views of the hillside over rooftops deserve protection as well as ocean views. He noted that every unit in his building has raised objections to the project.

Keith Brothers, reported that he and his wife own the apartment complex directly across the street and they reside in the front unit above the garage where they have enjoyed an ocean view for 30 years, two-thirds of which would disappear if this project is approved. Noting that the subject property has no ocean view, he expressed concerns that the applicant was attempting to gain an ocean view at the expense of neighbors. He submitted additional information for the record.

Returning to the podium, Mr. Peha related his belief that the project's impact has been minimized as much as possible and suggested that views will actually be improved with the removal of trees. He explained that the silhouette initially had larger flags, but they were replaced with smaller flags due to neighbors' complaints about noise. He reported that a one-story project was not economically feasible and the applicant would not be gaining an ocean view since buildings to the west are at a higher elevation. Referring to the staff report, he pointed out that the project's FAR (floor area ratio) of 0.70 is well under the FAR of nearby developments, most of which exceed 0.90.

Commissioner Polcari stated that while he liked the design of the buildings, he could not support the project due to the impact on neighbors' view, light and privacy.

**MOTION:** Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Herring and passed by unanimous voice vote with Commissioner Gibson absent.

Commissioner Skoll stated that he thoroughly reviewed the information in the staff report and was undecided when he came to the meeting, but came to the conclusion after hearing the testimony of neighbors that he could not support the project because he believes it violates the Hillside Ordinance.

Indicating that he would vote to approve the project, Commissioner Herring reported that he also read the staff report a number of times and listened to the testimony and while he was sympathetic to neighbors, the applicant has made an effort to accommodate them through the various revisions and he believes this project will be an improvement to the area.

Voicing support for the project, Chairperson D'anjou noted that she was in favor of approving it the last time it came before the Commission and substantial improvements have been made since that time.

Commissioner Tsao stated that he found this to be a tough decision, but has concluded that he cannot support the project based on the Hillside Ordinance. He explained that he liked the design of the project and was going to propose that the south building become a single story with the north building to remain two stories, however, that would not address concerns of residents at 328 Paseo de la Playa.

**MOTION:** Commissioner Polcari moved to deny without prejudice PRE13-00013, CUP13-00029 and DIV13-00007. The motion was seconded by Commissioner Skoll and passed as reflected in the following roll call vote:

YES: Commissioners Polcari, Skoll, Tsao and Watson  
NO: Commissioner Herring and Chairperson D'anjou  
ABSENT: Commissioner Gibson

Planning Manager Lodan noted that resolutions reflecting the Commission's action will be brought back for approval at the next meeting.

#### 11. **WAIVERS**

#### 11. **WAV15-00016: JEANEVRA CALHOUN (JLC REALTY & DEVELOPMENT, LP)**

Planning Commission consideration for approval of a Waiver to exceed the maximum building height on property located in the R-1 Zone at 104 Via La Circula. This project is Categorically Exempt from CEQA per Guidelines Section 15305 – Minor Alterations.

**Recommendation:** Approval.

Planning Assistant Lang introduced the request.

Jeanevra Calhoun, applicant, voiced her agreement with the recommended conditions of approval. She explained that the Waiver is necessary because the project exceeds the maximum height for a two-story home (27') due to the sloping lot and the way the TMC requires the height of the project to be measured. She reported that the maximum height is 26'4" when measured from the front of the house, but it's 32'2" when measured from the northeast rear corner as required by the code. She stated that the proposed Waiver was a simple solution rather than having to grade the entire yard, noting that the project is not located within the Hillside Overlay.

Tom Hardesty, stated that when he added on to his house, he had to bring in a lot of dirt to raise the level of the backyard to address the grade differential. He indicated that his primary concern was the impact on his privacy because windows in the new second story would look into his house and he was also concerned about the loss of sunlight.

Commissioner Herring requested clarification from staff about Mr. Hardesty's comments about grading, and Plans Examiner Noh stated that he was not familiar with Mr. Hardesty's project but the grading may have had something to do with drainage.

Mr. Hardesty explained that the primary reason for the grading was the location of the electrical panel in the backyard.

Ms. Calhoun reported that it would be a financial hardship to raise the level of the rear of the lot because there is an existing garage that would have to be demolished and rebuilt. She expressed her willingness to use glazed windows to address privacy impact and to remove trees so Mr. Hardesty's house would receive more natural light.

Chairperson D'anjou encouraged Ms. Calhoun to work with Mr. Hardesty to try to resolve his concerns.

**MOTION:** Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Herring and passed by unanimous voice vote with Commissioner Gibson absent.

**MOTION:** Commissioner Polcari moved to approve WAV15-00016, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Herring and passed by unanimous roll call vote with Commissioner Gibson absent.

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 16-002.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-002. The motion was seconded by Commissioner Tsao and passed by unanimous roll call vote with Commissioner Gibson absent.

## **12. FORMAL HEARINGS**

### **12A. MOD15-00012: DAVID KELLY (TORRANCE MINI PARTNERS)**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP96-0002) and Precise Plan of Development (PRE-96-0003) to allow the addition of two, two-story storage buildings on property located in the M1-PP Zone at 23711 Crenshaw Boulevard. This project is considered previously assessed under General Plan EIR (SCH# 2008111046) and adopted Negative Declarations EAS96-0004 (CUP96-0002) and EAS02-00004 (MOD02-00004 and MOD02-00006). There are no circumstances under Public Resources Code Section 21166 that would trigger the requirement to prepare further CEQA documentation.

Item was continued indefinitely.

### **12B. PRE14-00010, WAV14-00007: FARIBA AND MORTEZA DANESH**

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, in conjunction with a Waiver of the side yard setback requirement, on property located within the Hillside Overlay District in the R-3 Zone at 449 Paseo de la Playa. This project is Categorically Exempt from CEQA per Guidelines Sections 15301 – Existing Facilities and 15305 – Minor Alterations.

**Recommendation:** Approval.

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

Bijan Armandpour, project architect, briefly reviewed the proposed project, using slides to illustrate. He reported that the neighbor at 501 Paseo de la Playa expressed concerns about privacy impact and this was addressed by adding a privacy wall to the southern balcony. He disputed other neighbors' claims of view loss, noting that the project is only slightly taller than the existing house and the view corridor is already obscured by landscaping and a utility pole. Referring to a photograph submitted by a neighbor, he estimated the view loss to be between 1.0 and 1.6%. He noted that a home up to 17,000 square feet could be built on this lot, but the proposed project is only 5,792 square feet including the garage. Urging approval of the project, he stated that it was very sensitive to the views and privacy of neighbors while achieving the requirements of his clients.

Planning Manager Lodan advised that staff has included a condition (No. 3) requiring that the project not exceed the maximum height of the existing roofline.

Julie Aubert, stated that the proposed project would block her view of the sunset and she and other neighbors, who will never have a grand house like the one proposed, greatly appreciate the protection the Hillside Ordinance provides.

Commissioner Watson noted that a condition has been included limiting the project's height to the existing maximum height, and Ms. Aubert reported that would not address her concerns because of the project's boxy design.

Maury Gentile, reported that he purchased his house two years ago after his view was decimated in another city and he subsequently remodeled the 1950's bungalow while being very careful to maintain the integrity of the design and comply with the Hillside Ordinance. Submitting photographs to illustrate, he voiced his opinion that the proposed project violates the Hillside Ordinance because it would impact his view. He expressed concerns that no one responded to the letter he sent concerning this project even though he included contact information.

Cindy Constantino, contended that the project was too large and the roofline was too high, stating that she did not want this area to turn into another Manhattan Beach.

Ron Dasner, urged the Commission to deny the project because it would have a negative impact on his and other neighbors' views, noting that the applicants already have a completely unobstructed view of the ocean and the beach. He expressed concerns about the lack of outreach to neighbors.

Tony Czuleger, voiced objections to allowing the height of this house to be increased due to view impact.

Chairperson D'anjou noted that a condition of approval requires that the project not exceed the maximum height of the existing house.

Mr. Czuleger stated that views would still be impacted unless the western edge of the roof is dropped down. He related his belief that the contemporary design was not in harmony with the neighborhood and echoed concerns about the lack of neighborhood outreach. He suggested that the property's R-3 zoning be changed to R-1 and asked if the Coastal Commission had reviewed the project.

Planning Manager Lodan reported that the project is being developed to R-1 standards and there are no plans to change the property's zoning at this time. He explained that a project must complete the City's review process before being submitted to the Coastal Commission.

David Conger, reported that the applicants were very responsive to his concerns about privacy impact and have taken care of the problem. He related his belief that they should be able to upgrade their home, noting that there are much larger homes in the area.

Judy Brunetti, Riviera Homeowners Association, urged the Commission to deny the Waiver of the side yard setback and require that the house be built according to code, maintaining that there was no hardship to justify this Waiver.

Mark Boyd, stated that the proposed addition would obstruct the view from his balcony, as well as significantly reduce the amount of blue water that can be seen as one drives down Calle de Sirenas. He contended that it was not fair to take away the view of others particularly when the existing house has a 180-degree ocean view. He echoed concerns that the contemporary design did not fit in with the neighborhood and about the lack of outreach to neighbors. He noted that he worked with his neighbors when he remodeled his home in 2006-07 and spent \$12,000 to revise the plans to mitigate the impact on his next door neighbor.

Lisa Bailey, urged denial of the project, stating that she is not personally affected by the project but is concerned about the cumulative impact of projects that are causing people to slowly lose their view of the coastline.

David Keller, real estate agent who sold the subject property to the applicants, reported that he drove around to the houses of each person who had claimed view loss and he did not see a substantial impact, noting that most of them are 20-30 feet higher than the subject property. He stated that a common thread in neighbors' complaints was the lack of outreach, and suggested that much of the opposition was due to poor communication. He voiced his opinion that the project was appropriate for the area and should be approved as conditioned, noting that the Hillside Ordinance does not dictate a project's architectural style.

Pam Gorecki, stated that the proposed project would eliminate a small ocean view from her front yard, as well as impact other neighbors' views.

Returning to the podium, Mr. Armandpour stated that photos clearly show that any view blockage is limited to the lower portion of the ocean so horizon and the sunset views are not impacted and reiterated his position that any view impact was minimal. He explained that the applicants contacted only those directly affected by the project like the neighbors next door and they did not contact those who are higher up the hill because Planning Department staff visited their homes to assess the impact and they implied that the impact was minimal so there was nothing to be concerned about.

Commissioner Skoll stated that he thought the project looked beautiful, but he could not support it at this time due to the applicants' failure to discuss it with neighbors. He proposed continuing the hearing so they could visit neighbors who had expressed concerns and view the project from their perspective.

A brief discussion ensued and it was the consensus of the Commission to continue the hearing so the applicants could meet with neighbors and try to resolve their concerns.

**MOTION:** Commissioner Skoll moved to continue the hearing indefinitely. The motion was seconded by Commissioner Herring and passed by unanimous roll call vote with Commissioner Gibson absent.

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

15A. **MHE15-00071: JOHN ERNST**

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow an as-built rooftop air conditioner unit on property located within the Hillside Overlay District in the R-1 Zone at 112 Via Colusa. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Phillip Toomey, representing the owners of 112 Via Colusa, explained that they have an air conditioner for health reasons and it was replaced by a contractor on a “like for like” basis and even though it has the same tonnage and cooling capacity, it is physically larger to meet current efficiency standards. He maintained that the view impact from the larger unit was very minimal as evidenced by the photo on page 26 of the agenda item.

Chairperson D’anjou noted that staff spent an incredible amount of time and energy trying to get in touch with the property owners and asked about their lack of responsiveness.

Mr. Toomey stated that he had no explanation and could only apologize.

Commissioner Herring asked about the possibility of mounting the unit on the ground instead of the roof.

Mr. Toomey stated that the original unit was on the roof and relocating the new one to the ground would be a substantial hardship, which he did not believe was warranted because of the minimal view impact.

**MOTION:** Commissioner Watson moved to close the public hearing. The motion was seconded by Commissioner Tsao and passed by unanimous voice vote with Commissioner Gibson absent.

**MOTION:** Commissioner Skoll moved to approve MHE15-00071, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote with Commissioner Gibson absent.

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 16-006.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution No. 16-006. The motion was seconded by Commissioner Herring and passed by unanimous roll call vote with Commissioner Gibson absent.

**15B. LUS14-00002: MEDICAL MARIJUANA**

Planning Commission consideration of a resolution that recommends the City Council adopt an ordinance that prohibits all medical marijuana dispensaries, marijuana cultivation, commercial medical marijuana activity, and marijuana deliveries citywide in order to meet the requirements of the Medical Marijuana Regulation and Safety Act (AB266, AB243, and SB643). This ordinance is Categorically exempt from CEQA per Guidelines Section 15061(b)(3).

Assistant City Attorney Sullivan advised that under the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect on January 1, 2016, the State of California will become the sole licensing authority for the commercial cultivation of medical marijuana unless a city adopts a land use regulation or ordinance regulating or prohibiting the cultivation of marijuana by March 1, 2016. He explained that the Torrance Municipal Code does not expressly address this issue, so staff prepared an ordinance that prohibits all medical marijuana dispensaries, marijuana cultivation, commercial medical marijuana activity, and marijuana deliveries citywide, which was adopted by the City Council on January 12, 2016, and as an added precaution, staff was recommending that a zoning ordinance be adopted amending land use regulations to prohibit these activities.

Commissioner Herring noted that a speaker at the January 12 City Council meeting expressed concerns about the ordinance's impact on residents who have a medical need for marijuana.

Assistant City Attorney Sullivan explained that under the ordinance someone with a valid medical marijuana card would not be prosecuted for possessing marijuana, but would not be allowed to cultivate it or have it delivered by a mobile delivery service, which have proliferated as more cities have taken steps to ban dispensaries. He advised that while everyone has compassion for those who have a legitimate need for medical marijuana, there is a lot of abuse in this area and undercover operations have revealed that someone can easily obtain a medical marijuana card without ever seeing a doctor. He recalled that a speaker at the January 12 City Council meeting asserted that it was his constitutional right to cultivate marijuana on his own property, which is not the case according to the *Maral v. City of Live Oak* appellate decision.

**MOTION:** Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Watson and passed by unanimous voice vote with Commissioner Gibson absent.

**MOTION:** Commissioner Polcari moved to recommend that the City Council adopt an urgency ordinance prohibiting all medical marijuana dispensaries, marijuana cultivation, commercial medical marijuana activity and marijuana deliveries citywide. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote with Commissioner Gibson absent.

**15C. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS**

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for December 10, December 18, and December 23, 2015 were distributed to the Commission.

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

Planning Manager Lodan reported that the City Council reviewed options for a Historic Preservation Program at the January 12, 2016 Council meeting and after much discussion, concurred with the Community Planning and Design Committee's recommendation that a historic preservation consultant be hired to assist with the drafting of the program.

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

Planning Manager Lodan reviewed the agenda for the February 3, 2016 Planning Commission meeting.

**18. ORAL COMMUNICATIONS #2**

Commissioner Skoll stated that it has been an honor and a pleasure to serve on the Planning Commission for the past 8 years and he has found it to be a rewarding and enlightening experience. He noted that during his term, the Planning Commission has made numerous decisions that have had a lasting impact on the city and he came to recognize how important a citizen's voice is to the land use system. He commended staff and his fellow Commissioners for their diligence and thanked the City Council for appointing him to this position and his wife for her support.

Commissioner Skoll asked if Costco had found a buyer for their previous location, noting that he had heard that they wanted to use part of it for employee parking. Planning Manager Lodan indicated that he had not heard anything about the sale of the property and doubted that additional parking would be needed since there is ample parking at Costco's new location.

Commissioners Herring, Tsao, Polcari, Watson, and Chairperson D'anjou spoke.

**19. ADJOURNMENT**

10:05 p.m., the meeting was adjourned to Wednesday, February 3, 2016 at 7:00 p.m.

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Approved as submitted February 17, 2016 s/ Rebecca Poirier, City Clerk
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