

January 19, 2005

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, January 19, 2005, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Faulk.

3. ROLL CALL

Present: Commissioners Botello, Drevno, Faulk, Horwich, and Chairperson Muratsuchi.

Absent: Commissioners LaBouff and Uchima.

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

Planning Manager Isomoto relayed Commissioner Uchima's request for an excused absence for this meeting and noted that Commissioner LaBouff was previously granted an excused absence.

MOTION: Commissioner Botello, seconded by Commissioner Drevno, moved to grant Commissioner Uchima an excused absence from this meeting; voice vote reflected unanimous approval.

4. POSTING OF THE AGENDA

MOTION: Commissioner Uchima, seconded by Commissioner Horwich, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

5. APPROVAL OF MINUTES

MOTION: Commissioner Botello moved for the approval of the November 17, 2004 Planning Commission minutes as submitted. The motion was seconded by Commissioner Horwich, and voice vote reflected unanimous approval (absent Commissioners LaBouff and Uchima).

MOTION: Commissioner Horwich moved for the approval of the December 1, 2004 Planning Commission minutes as submitted. The motion was seconded by Commissioner Drevno, and voice vote reflected unanimous approval (absent Commissioners LaBouff and Uchima).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Isomoto relayed the applicant's request to continue Agenda Item 9A (DIV04-00023: Doug and Sonia Mockett) to February 16, 2005.

MOTION: Commissioner Botello, seconded by Commissioner Horwich, moved to continue Agenda Item 9A to February 16, 2005; voice vote reflected unanimous approval (absent Commissioners LaBouff and Uchima).

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

Planning Manager Isomoto reported that a letter was received from the applicant requesting that the Commission reconsider CUP04-00026, DIV04-00021, EAS04-00006: Lowe's South Torrance, which was originally considered at the January 5, 2005 Commission meeting. She noted that a motion to adopt a Mitigated Negative Declaration failed by a vote of 3-3 and no action was taken on the project itself. She indicated that staff supports the applicant's request for reconsideration and would like to schedule the hearing for the meeting of February 2, when the full Commission is expected to be present.

Commissioner Botello requested that a traffic study be provided addressing the different options for a signalized intersection at Skypark and the Lowe's and Costco driveways as discussed at the prior meeting.

MOTION: Commissioner Horwich, seconded by Commissioner Drevno, moved to reconsider CUP04-00026, DIV04-00021, EAS04-00006; voice vote reflected unanimous approval (absent Commissioners LaBouff and Uchima).

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

7. CONTINUED HEARINGS

**7A. CUP04-00039, DVP04-00006, WAV04-00026: LON STEPHENSON/
WARE MALCOMB**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a new automobile dealership on an existing vehicle sales lot, a Development Permit to allow the construction of a new building and a Waiver to allow a reduction of the front landscaped setback requirement on property located in the HBCSP-NT Zone at 18600 Hawthorne Boulevard.

Recommendation

Approval.

Planning Associate Santana introduced the request.

Jere Kitzmiller, representing Penske Automotive, stated that his company assumed ownership of the dealership one year ago and has made an effort to modernize the facility and bring it up to today's standards. He explained that the dealership has undergone a major transformation and in the process, addressed concerns about employees parking on residential streets and demo and service test rides taking place in the surrounding neighborhood. He reported that General Motors has asked them to take on a Hummer dealership, GMC's newest brand which is well suited to the demographics of Torrance, therefore, they were proposing to build a new showroom to house this part of their business. He voiced his agreement with the recommended conditions of approval.

Referring to renderings, Lon Stephenson, project architect, briefly described the proposed project. He explained that the prototype for Hummer dealerships has a very industrial look and in response to staff's concerns about its compatibility with the existing Cadillac showroom, he came up with an alternate plan that is complementary to the Cadillac building.

In response to Commissioner Botello's inquiry, Planning Manager Isomoto provided clarification regarding the parking requirements.

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

MOTION: Commissioner Botello moved for the approval of CUP04-00039, DVP04-00006, and WAV04-00026, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 04-142, 04-143, and 04-144.

MOTION: Commissioner Botello moved for the adoption of Planning Commission Resolution Nos. 04-142, 04-143, and 04-144. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

8. WAIVERS

8A. WAV04-00032: DOROTHY RINGLER

Planning Commission consideration for approval of a Waiver to allow a reduction in the exterior side yard setback requirement on property located in the R-3 Zone at 3303 190th Street.

Considered later in the meeting, see page 11.

9. FORMAL HEARINGS

9A. DIV04-00023: DOUG AND SONIA MOCKETT

Planning Commission consideration for approval of a Division of Lot to allow the merger of three lots into one lot on property located in the Industrial Redevelopment Project Area in the M-2 Zone at 1907, 1915 Abalone Avenue and 1910 Border Avenue.

Continued to February 16, 2005.

9B. PRE04-00027: BILL AND TERESA LOUIE (MILES PRIZKAT)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 20546 Wayne Avenue.

Recommendation

Approval.

Planning Associate Santana introduced the request.

Miles Prizkat, project architect, voiced his agreement with the recommended conditions of approval. He stated that the applicants are proposing to build a new residence where they will live with their children and Mrs. Louie's aging parents, who have lived in the existing house for 30 years. He briefly described the project, noting that it maintains the footprint of the existing house for the benefit of upslope neighbors. He reported that the project does not impact surrounding homes and he has heard of no objections. He pointed out that there are special circumstances associated with this property as the project is constrained by a 12-foot power easement that runs along the rear of the property and there is a large sump behind it, which is a permanent open space.

Referring to the Section 3(a) of the application, wherein an applicant must provide justification for an Floor Area Ratio (FAR) in excess of .50, Commissioner Horwich stated that he did not believe the issue of unreasonable hardship had been properly addressed.

Mr. Prizkat explained that the power easement precluded the building of a one-story structure, therefore, he was forced to use a two-story design, which increases the FAR because a certain amount square footage is taken up by the stairway.

Commissioner Horwich rejected Mr. Prizkat's explanation, noting that the project's FAR of .60 is considerably over .50 and the stairway accounts for only about .02.

Mr. Prizkat stated that a combination of factors make this site different than the typical Hillside Overlay District lot and that he believed the fact that it is next to a permanent open space helps mitigate concerns about the project's FAR and massing.

In response to Commissioner Botello's inquiry, Mr. Prizkat provided clarification regarding the basement and related his understanding that the windows are necessary because the Code requires them for egress.

Building Regulations Administrator Segovia clarified that windows are only required if a room can be used for sleeping purposes and in this case, that would not be allowed so the windows are not required.

Teresa Louie, property owner, explained that the proposed project would provide private living quarters for her parents on the ground floor with the remaining bedrooms on the second floor. She reported that the silhouette has been up since November and she has received only positive feedback from her neighbors.

Chairperson Muratsuchi noted that TMC Section 91.41.11 limits the FAR to .50 unless the applicant can demonstrate that denial of the application would constitute an unreasonable hardship and that he did not believe the applicant had done so in this case.

Mr. Prizkat requested a continuance so that he could re-examine the plans to see if the FAR could be reduced.

Commissioner Botello stated that he also believed the applicant had not justified an FAR in excess of .50 and indicated that he would like the revisions to include removal of windows in the basement.

Planning Manager recommended that the applicant not be required to re-silhouette the project because there are no hillside issues, and Commissioners concurred with her recommendation.

MOTION: Commissioner Faulk, seconded by Commissioner Horwich, moved to continue the hearing to February 2, 2005; voice vote reflected unanimous approval (absent Commissioners LaBouff and Uchima).

9C. CUP04-00042, MOD05-00001: THE MAGELLAN GROUP

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a retail bulk grocery business, and a Modification of CUP00-00034 to allow outside storage of Recreational Vehicles, and a Modification of CUP04-00015 to allow the expansion of a previously approved automobile body, paint and repair shop on property located in the M-2 Zone at 4302-4310 and 4320 190th Street.

Recommendation

Approval.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of revised Code requirements.

Bruce Jordan, project architect, stated that this site has been a work in progress since the initial Conditional Use Permit was granted in December of 2000, noting that

both the self-storage facility and the light industrial building have been renovated. He reported that project received an award from the Self-Storage Association and distributed copies of an article discussing the award.

Mr. Jordan briefly described the proposed project. He explained that the applicant was proposing to convert 60 parking spaces for Recreational Vehicle storage, which will complement the City's desire to get RVs off public streets, and noted that there is already a lengthy waiting list for these spaces. He reported that a parking analysis was done which revealed that the site currently has an excess of parking because the uses are very low generators of traffic. He advised that the project also includes a bulk grocery business and the expansion of the existing auto body repair business.

Commissioner Botello commented positively on the improvements at this location and congratulated Mr. Jordan on receiving the award.

Patrick Furey, President of Northwest Torrance Homeowners Association, stated that the renovations have greatly improved this site and his association was generally in favor of the project but had concerns that the grocery business would increase traffic. He requested additional information regarding store's hours of operation and the type of customers who are expected to frequent it.

Mr. Jordan reported that the store's hours of operation will be 6:00 a.m. to 5:30 p.m. Monday – Saturday, and 8:00 a.m. to 5:00 p.m. on Sunday. He explained that the store will sell bulk grocery items, primarily to restaurants, and will generate significantly less traffic than other grocery stores and require fewer parking spaces. He noted that a parking study was submitted with the application, but staff chose to increase the parking requirement above what was recommended.

Chairperson Muratsuchi asked if there was anything that would prevent this store from becoming an alternative to Smart and Final and Costco.

Mr. Jordan explained that the store will sell institutional sized food items and that resale licenses will be required in order to make a purchase.

Chairperson Muratsuchi asked about deliveries, and Mr. Jordan stated that the store expects to have deliveries from 4 large trucks and 4 smaller trucks over the course of a week.

Jeff Forman, representing United Grocers/Cash and Carry, provided additional information regarding the bulk grocery store. He explained that Cash and Carry is a 47-store chain based in Portland, Oregon, which would like to expand to Southern California, and Torrance is one of 3 cities selected because it has a high concentration of independent restaurants in close proximity.

Commissioner Botello questioned whether Cash and Carry would be amenable to conditions restricting the store's hours of operation to the hours stated and limiting sales to those who have a Franchise Tax Board resale number.

Chip Zeigler, representing United Grocers/Cash and Carry, indicated that he had no objection to including a condition listing the hours of operation. With regard to

requiring a resale permit, he explained that non-profit organizations, such as Little League teams and churches, are allowed to purchase items for their events at the store and offered his assurance that such a condition was unnecessary because the store is not equipped to sell to retail customers.

Commissioner Horwich requested that all references to a “retail bulk grocery use” in Resolution No. 05-012 be amended because the business is primarily wholesale.

Planning Manager Isomoto recommended that the word “retail” be eliminated from the description.

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

Chairperson Muratsuchi asked about the project’s impact on traffic. Planning Manager Isomoto advised that it was likely that these businesses will end up generating less traffic than the manufacturing uses that were originally on this site.

MOTION: Commissioner Botello moved for the approval of CUP04-00042 and MOD05-00001, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Add

- That the hours of operation for the retail grocery business shall be 6:00 a.m. to 5:30 p.m. Monday – Saturday, and 8:00 a.m. to 5:00 p.m. on Sunday.

Modify

- That all references to “retail grocery use” shall be amended eliminating the word “retail.”

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

Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 05-012, 05-013 and 05-015.

MOTION: Commissioner Botello moved for the adoption of Planning Commission Resolution Nos. 05-012, 05-013, and 05-015 as amended. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

Commissioner Faulk commented positively on the project, stating that the work that has been done at this site has dramatically improved the south side of 190th Street between Hawthorne and Prairie, both in terms of landscaping and the appearance of the buildings.

9D. MOD04-00018: PENINSULA PONTIAC/ DCA CIVIL ENGINEERING GROUP

Planning Commission reconsideration of a Modification of a previously approved Conditional Use Permit (CUP69-00038) to allow the construction of new service bays, offices and a parking deck for an existing automobile dealership on property located in the C-3 Zone at 2909 Pacific Coast Highway.

Planning Associate Santana introduced the request and noted supplemental material available at the meeting.

Moya Kelly, representing General Motors/ Argonaut Holdings, 515 Maria Street, Thousand Oaks, requested the deletion of Condition No. 30, which requires Peninsula Pontiac to construct a parking deck within three years of the completion of Phase 1 of the remodeling project approved by the Commission on December 1, 2004 (MOD04-00018).

Ms. Kelly explained that the dealership worked with staff to develop plans for the upgrade of the facility in conjunction with the renewal of its lease with the City; that the conceptual design, which does not include a parking deck, was approved by the City and attached to the lease; and that requiring the parking deck would place an unreasonable financial burden on the dealership. She advised that plans for the parking deck were included in the application so that it could be built at some point in the future if the dealership could afford it and it is currently unnecessary because the dealership meets or exceeds all parking requirements. She proposed that the Commission either approve the parking deck for construction at an unspecified future date or eliminate the parking deck altogether and the dealership will return to request approval should the deck become necessary. She reported that the dealership is facing a 456% increase in rent beginning January 2005; that the proposed remodeling is estimated to cost \$2 million; and that the applicant sees no need to spend an additional \$1.4 million to construct a parking deck that would provide 60 more parking spaces when there is no compelling need to do so.

In response to Commissioner Botello's inquiry, Ms. Kelly reported that the previous lease with the City was in effect for 20 years. She explained that during the term of the lease, the rent was increased on an annual basis and when the lease expired, the property was reappraised and the rent was adjusted accordingly.

Deputy City Attorney Whitham, in response to Commissioner Botello, confirmed that the Commission had the authority to reconsider this case even though an appeal has been filed, explaining that the appeal has been stayed pending the Commission's action.

Commissioner Faulk questioned whether there are plans to landscape the parkway in conformance with the rest of the dealerships along Pacific Coast Highway. Associate Civil Engineer Symons advised that it is a Code requirement that the applicant remove the existing concrete parkway, plant grass sod and install an irrigation system for the length of the project on PCH.

Commissioner Faulk reported that he walked the length of "auto dealership row," from the Ford dealership to the shopping center, to get a feel for what's taking place along PCH and that he observed attractive, upgraded facilities in stark contrast to the

subject GMC dealership. He suggested that the investment made by other dealerships in their facilities is evidence of the business opportunities available at this location. He noted that all the other dealerships along this strip – Ford, Mercedes, Lexus, Jaguar, and Toyota – have parking decks, which are well utilized, and pointed out that even with the parking decks, dealerships have had a difficult time trying to find places to store their inventory and nearby residential neighborhoods have experienced problems due to employees parking on their streets. Indicating that he supports the Commission’s earlier decision, he stated that he is convinced that a parking deck is needed and believes the three-year timeframe imposed by the Commission was a generous compromise.

Ms. Kelly indicated that she was not privy to information about the other dealerships, including the size of their lots, sales volume, and terms of their lease, however, she has learned that some of them are paying substantially lower rent. She wanted to make clear that General Motors will not pay for the parking deck; that it must be paid for by the independent business owner; and that General Motors is a signatory on the lease because the City requires it for security reasons. She maintained that the dealership will look just as good as the Penske Hummer dealership on Hawthorne Boulevard approved by the Commission earlier in the meeting (Item 7A) and questioned why the Commission would impose stricter parking requirements on this project.

Commissioner Botello stated that he voted “no” on the project when it was previously considered because he believes the parking deck should be built immediately and that his opinion was based on the way in which this dealership currently operates, with employees’ cars parked on the lawn area designated for landscaping and display vehicles parked in the dirt off the back end of the lot. He explained that the Penske Cadillac Hummer dealership has a much deeper lot and a layout that provides for a better traffic flow.

Ms. Kelly reiterated that the dealership cannot afford to build the parking deck and suggested that this condition amounts to a death threat from the Planning Commission. She acknowledged that vehicles are currently parked everywhere on the site, but explained that the proposed remodeling project will improve the on-site flow of traffic and create more parking to help relieve the situation. She advised that General Motors does not contribute funds for the upgrade of dealerships because it would not be fair to give money to one dealership and not another. She emphasized that the project as proposed meets the City’s parking requirements as well as General Motors’ guidelines for vehicle storage and display.

Commissioner Faulk indicated that he found it hard to accept the argument that a parking deck was not viable since every other dealership along this block has one and they appear to be very successful.

Commissioner Horwich stated that he thought the Commission had reached a reasonable compromise by allowing the dealership to put off building the parking deck for three years and related his understanding that the dealership could request a modification of the Conditional Use Permit, deleting Condition No. 30, if it is not feasible to build the deck at that time.

Deputy City Attorney Whitham confirmed that the applicant could request modification of the Conditional Use Permit, but noted that there was no guarantee that the modification would be granted.

Ms. Kelly stated that the dealership does not see a need for the parking deck, now or in the near future; that she did not know what it would take to prove financial hardship, however, profit statements could be provided showing that \$2 million in renovations is the maximum the dealership can afford based on the rent being charged by the City. She advised that General Motors cannot count on having this condition removed in three years, therefore, if the condition remains in place the dealership will have to have to plan for it.

In response to Commissioner Botello's inquiry, Ms. Kelly reported that the term of the new lease is 20 years.

Commissioner Botello expressed concerns the dealership was proposing to continue the same operation for another 20 years, with only minor renovations and no increase in inventory space.

Ms. Kelly contended that there was no need for more space for inventory.

Noting that there has been a longtime problem with overflow parking at this location, Commissioner Botello indicated that he was not comfortable with the proposal because he suspected that the new employee parking will be used for inventory, forcing employees to park on the street and in the nearby shopping center.

Ms. Kelly expressed concerns that Commissioners did not understand the ramifications of their action and explained that she would have to ask the City Council for forgiveness of the rent if the condition is not removed so the dealership could afford to build the parking deck.

Commissioner Botello suggested that Ms. Kelly wait for three years to see if forgiveness is necessary. Ms. Kelly stated that General Motors could not sign a lease they cannot fully support and stand behind.

Commissioner Faulk reiterated his support for the parking deck.

Commenting on Ms. Kelly's apparent frustration with the Commission's inability to understand the financial realities of business, Chairperson Muratsuchi explained that it has not been the Planning Commission's practice to examine the financial aspects of a project; that no information has been presented that would support the dealership's claim of financial hardship; and that after considering the parking problems associated with the dealership and in the absence of any alternative proposal, the Planning Commission felt the timeframe allowed for the building of the parking deck was a reasonable compromise. He stated that his experience on the Commission has led him to become more skeptical when proponents claim financial hardship and noted that the applicant retains the right to appeal the decision to the City Council.

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

MOTION: Commissioner Horwich moved to approve MOD04-00018, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

Commissioner Botello stated that he believes the parking deck is needed now because this dealership is operating without enough space and that he discounted the argument that a deck was not financially viable because the claim was not supported by any facts and the use of parking decks by other dealerships on this block appears to contradict this claim.

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 04-141.

MOTION: Commissioner Faulk moved for the adoption of Planning Commission Resolution No. 04-141. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

10. RESOLUTIONS

None.

11. PUBLIC WORKSHOP ITEMS

None.

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The Commission recessed from 9:05 p.m. to 9:15 p.m., after which Agenda Item 8A was considered out of order.

8A. WAV04-00032: DOROTHY RINGLER

Planning Commission consideration for approval of a Waiver to allow a reduction in the exterior side yard setback requirement on property located in the R-3 Zone at 3303 190th Street.

Recommendation

Approval.

Planning Associate Santana introduced the request.

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

At the request of Mr. Raichbach, Planning Manager Isomoto provided clarification regarding the Condition Nos. 1 and 2, explaining that these are standard conditions included on all projects. She emphasized that the property owner must obtain building permits for the existing gazebo structure and the covered patio in accordance with Condition Nos. 4 and 5.

MOTION: Commissioner Botello moved for the approval of WAV04-00032, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-009.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution No. 05-009. The motion was seconded by Commissioner Botello and passed by unanimous roll call vote (absent Commissioners LaBouff and Uchima).

12. MISCELLANEOUS ITEMS

12A. MIS04-00316: SCOTT SIMMONS

Planning Commission consideration for approval of a Minor Hillside Exemption to allow the construction of a six-foot tall fence along the rear property line for an existing single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 5211 Zakon Road.

Recommendation

Approval.

Planning Associate Santana introduced the request.

Scott Simmons, 5211 Zakon Road, applicant, stated that when he moved into his home, which he purchased in May of 2004, he learned that his property extended approximately 4 feet beyond the existing rear fence; that he began moving the fence back to the property line in September 2004; and that his work was interrupted when a neighbor at 5253 Vanderhill Road complained that the fence would block light and air to his property. He disputed this claim, explaining that the fence stands less than three feet taller than the neighbor's existing 8-foot high retaining wall, which is adjacent to the bedroom window in question.

Commissioner Faulk asked why Mr. Simmons felt the need to move the fence. Mr. Simmons stated that he wanted utilize all of the area in his backyard, as well as take care of a neglected tree on the backside of the fence.

Commissioner Faulk related his understanding that the retaining wall serves as a fence for the backyard. Mr. Simmons explained that the retaining wall is only 4 feet high on his side, with a sheer 8-foot drop on the other side, so the fence is needed for safety reasons, as well as for security and privacy. He reported that his neighbor's security light shines into his property at night since he no longer has a fence.

Mehrdad Tootoonchi, 5253 Vanderhill Road, requested that the hearing be continued because the person who was going to represent him did not show up and because he wanted to give a video presentation detailing his concerns but was informed that the Planning Department needs more notice.

In response to Commissioner Horwich's inquiry, Mr. Tootoonchi confirmed that there was no dispute over where the correct property line is.

Commissioner Horwich stated that he visited the site and was not sure if anything would be gained by continuing the hearing. Mr. Tootoonchi stated that he has difficulty communicating in English and would like to have someone represent him.

Commissioner Drevno indicated that she also visited the site and called Mr. Tootoonchi and left a message, but he did not return her call.

MOTION: Commissioner Faulk moved to continue the hearing. The motion died for lack of a second.

In response to Commissioner Botello's inquiry, Deputy City Attorney Whitham provided clarification regarding TMC Code §91.41.14, which allows the Community Development Director to approve fences 6 feet high or less in the Hillside Overlay District unless a neighbor objects, in which case the matter is brought before the Commission.

Mr. Tootoonchi reported that it took almost three years to get a permit to build his home, which is currently under construction, because of complaints from a neighbor who contended that the project would block sunlight and air to his home even though it was 50 feet away. He explained that he was required to dig down three feet below the existing grade, which added over \$80,000 to the cost of the project, and his neighbor was even allowed to choose the color of his tile roof. Submitting photographs to illustrate, he maintained that the proposed fence would block light and air to his downstairs bedroom, which is already below grade, and asked that the same stringent standards applied to his project be applied to this fence.

Mr. Tootoonchi proposed that he be allowed to install the same wrought iron fence on top of the retaining wall that he has installed along his north property line. He noted that his neighbor to the north is very happy with the fence and has not mentioned any concerns about the safety of his two small children. He reported that he built the retaining wall higher at the request of the previous owner of the subject property and he was dismayed that Mr. Simmons now wants to install a wooden fence after he has incurred this added expense. He contended that the wooden fence would detract from the value of his property. He disputed the claim that his security light shines into Mr. Simmons' property, explaining that the light only comes on when the sensor is activated.

In response to Commissioner Botello's inquiry, Mr. Tootoonchi related his understanding that his project complies with the side yard setback requirement on the south side of his property.

Elizabeth Matthews, 5211 Zakon Road, stated that she and her husband bought this home for its large terraced yard; that they moved the fence to reclaim their property and take care of a neglected tree; and they need a solid fence for security, privacy and safety. She noted that staff has determined that the fence would not block light and air from Mr. Tootoonchi's property and expressed concerns that children and pets could slip through the wrought iron railing and be injured because of the eight-foot drop.

In response to Commissioner Botello's inquiry, Mr. Tootoonchi confirmed that the retaining wall has been backfilled.

Commissioners asked about the possibility of building a block wall or reversing the wooden fence so the supporting rails face the applicant's backyard. Ms. Matthews stated that a block wall was not economically feasible, but they would be willing to reverse the fence.

Referring to photographs submitted by the applicant, Commissioner Drevno noted that there appears to be a gap between the retaining wall and the wrought iron fence that somebody could crawl through.

Mr. Tootoonchi offered to construct the wrought iron fence without the gap or any way the applicant would like. He disputed the contention that the wooden fence would improve privacy, explaining that he has no view into the applicant's property from the lower level and even an eight-foot fence would not block the view from the second floor.

Commissioner Faulk related his understanding that there are standards for wrought iron fences that address the issue of safety, and Building Regulations Administrator Segovia advised that the distance between rails may not exceed 4 inches.

Mr. Tootoonchi expressed his willingness to pay for a block wall.

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

Commissioner Botello indicated that he favored approval of the fence because it would not interfere with the view, air, or privacy of surrounding properties and while it could potentially impact light to one ground level bedroom, he believed the fence, which is only six feet tall and located entirely on the applicant's property, was designed to cause the least intrusion

MOTION: Commissioner Botello moved to deny the appeal and approve MIS04-000316 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by a 4-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioners LaBouff and Uchima).

Commissioner Horwich suggested that the applicant construct the fence with the solid side toward Mr. Tootoonchi's property, and it was the consensus of the Commission to include this as a condition of approval.

MOTION: Commissioner Botello, seconded by Commissioner Horwich, moved to reconsider MIS04-000316; voice vote reflected unanimous approval.

Commissioner Faulk noted that the property in question has a wooden fence with a trellised upper portion along the street and suggested that a trellised fence might be a win-win solution because it would allow some light into Mr. Tootoonchi's lower bedroom.

MOTION: Commissioner Botello moved to deny the appeal and approve MIS04-000316 as conditioned, including all findings of fact set forth by staff, with the following modification:

Add

- That the fence shall be constructed with the flush side facing 5253 Vanderhill Road and the supporting rails facing the applicant's yard.

The motion was seconded by Commissioner Horwich and passed by a 4-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioners LaBouff and Uchima).

Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 05-014.

MOTION: Chairperson Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-014 as amended. The motion was seconded by Commissioner Horwich and passed by a 4-1 roll call vote, with Commissioner Faulk dissenting (absent Commissioners LaBouff and Uchima).

12B. GENERAL PLAN UPDATE

Discussion of subcommittee formation and tentative workshop schedules for upcoming General Plan Revision.

It was the consensus of the Commission to delay taking action on this item until the February 2 Commission meeting due to the absence of Commissioners LaBouff and Uchima.

Commissioner Botello questioned whether the subcommittee meetings would be televised on Citicable. Planning Manager Isomoto advised that the meetings are meant to be a public forum for interested parties to provide input on the update of the General Plan and there are no plans to televise them.

Planning Manager Isomoto noted that Commissioner Uchima expressed an interest on being on the Industrial Land Use Subcommittee, and Commissioners indicated their preference as follows:

Residential Land Use Subcommittee:	Commissioners Botello, Horwich and Chairperson Muratsuchi.
Industrial Land Use Subcommittee:	Commissioner Drevno.
Commercial Land Use Subcommittee:	Commissioner Faulk.

13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Isomoto reviewed recent City Council action on Planning matters, noting that the three-unit condominium project on Cravens Avenue was denied without prejudice at the January 11, 2005 Council meeting.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of February 2, 2005.

15. ORAL COMMUNICATIONS

15A. Planning Manager Isomoto introduced Planning Assistant Jeanne Naughton.

15B. Chairperson Muratsuchi stated that he was pleased to be reappointed for a second term.

15C. Commissioner Faulk commented on the article submitted by the proponent of Item 9C, which mentions that pursuing a Conditional Use Permit in Torrance is “risky business.”

15D. Commissioner Drevno noted that she has tickets available for Torrance Education Foundation’s raffle of a Honda Prius with proceeds to benefit the school children of Torrance.

15E. At Commissioner Botello’s request, Planning Manager Isomoto provided an update on the progress of renovations at Del Amo Fashion Center.

16. ADJOURNMENT

At 10:40 p.m., the meeting was adjourned to Wednesday, February 2, 2005, at 7:00 p.m.

Approved as Written March 2, 2005 s/ Sue Herbers, City Clerk
