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TORRANCE PLANNING COMMISSION – MARCH 5, 2014

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At 8:50 p.m., the meeting was adjourned to Wednesday, March19, 2014 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, March 5, 2014 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Polcari.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Griffiths, Polcari, Skoll, Watson and Chairperson Rizzo.

Absent: None.

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

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, February 28, 2014.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan reported that the applicants have requested that Agenda Item 12B, PRE14-00001: Tarek Abdel-Ghaffar (Cathleen and Don Clay) be continued indefinitely so they can work on view impairment issues with neighbors. He noted that hearing will be re-advertised and re-noticed once a new date has been set.

MOTION: Commissioner Polcari moved to continue Agenda Item 12B indefinitely. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote.

7. ORAL COMMUNICATIONS #1 – None.

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

8. TIME EXTENSIONS- None.

9. SIGN HEARINGS- None.

10. CONTINUED HEARINGS

10A. MOD13-00003: RICE HEAVEN RESTAURANT (BRIXMOR PROPERTY OWNER II)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP82-61) to allow an on-sale beer and wine license in conjunction with the existing restaurant use on property located within the Hillside Overlay District in the C-5 Zone at 2937 Rolling Hills Road. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities.

Recommendation - Approval.

Planning Associate Gomez introduced the request.

Young Eom, representing Rice Heaven Restaurant, voiced his agreement with the recommended conditions of approval.He stated that many customers like to enjoy beer or wine with their meal and he hopes this approval will help increase his business.

Commissioner Watson noted that the staff report mentions that approval was given for the service of beer and wine at this restaurant, but the approval lapsed.

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

MOTION: Commissioner Polcari moved to approve MOD13-00003, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 14-011.

MOTION: Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 14-011. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

11. WAIVERS – None.

12. FORMAL HEARINGS

12A. CUP14-00003, DIV14-00002: LA CHARITE CONSTRUCTION, INC.

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a two-unit residential condominium development in conjunction with a Division of Lot for condominium purposes on property located in the R-2 Zone at 1728 Greenwood Avenue. This project is Categorically Exempt from CEQA per Guidelines Section 15303(b) – New Construction, and 15315 – Minor Land Divisions.

Recommendation – Approval.

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

Mike Chamberlain, representing La Charite Construction, voiced his agreement with the recommended conditions of approval. He briefly described the proposed two-unit condominium project, noting that staff has been provided with an updated site plan that complies with all conditions.

Commissioner Watson noted that a resident has expressed concerns that the project will impact street parking because garages are frequently used for storage.

Mr. Chamberlain pointed out that the each unit has a storage area separate from the garage, which increases the likelihood that garages will be used for their intended purpose.

Commissioner Griffithsrecalled that anordinance approved by the Environmental Quality and Energy Conservation Commission approximately a year ago required that new construction include an outlet in the garage for charging electric vehicles

Planning Manager Lodan advised that staff typically includes a condition of approval requiring these outlets for larger residential and commercial projects, but not for a project this size. He explained that there is a proposed ordinance, which will be presented to the City Council in the future, that would mandate the installation of EV charging outlets as a code requirement, and the issue of whether or not to include residential projects and at what level will be discussed at that time.

Commissioner Skoll asked about a suggestion in the supplemental material that the guest parking be moved to the front of the property, and Planning Manager Lodan advised that this would not be feasible because no more than 50% of the front yard may be paved and free-standing parking spaces would not be allowed in this area.

Ralph Brackett, 1731 Fern Avenue, expressed concerns that the project would reduce the value of his property, intrude on his privacy, and impact his quality of life. Additionally, he stated that he was planning on putting solar panels on his garage, which might be affected by the project.

Mr. Chamberlain doubted that the project would impact Mr. Brackett's property in any way. He noted that the proposed project complies with the property's R-2 zoning and meets all City requirements and related his belief that it would only enhance the neighborhood and increase property values.

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

In response to Commissioner Skoll's inquiry, Planning Manager Lodan confirmed that the project was consistent in size with other condominium developments in the area.

MOTION: Commissioner D'anjou moved to approve CUP14-00003 and DIV14-00002, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Griffiths and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution Nos. 14-014 and 14-015.

MOTION: Commissioner D'anjou moved for the adoption of Planning Commission Resolution Nos. 14-014 and 14-015. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

12B. PRE14-00001: TAREK ABDEL-GHAFFER (CATHLEEN AND DON CLAY)

Planning Commission consideration for approval of a Precise Plan of Development to allow additions and remodeling resulting in a 2,986 square-foot one-story single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 2617 Highcliff Drive. This project is Categorically Exempt from CEQA per Guidelines Section 15303(a) – New Construction.

Item was continued indefinitely.

12C. PRE13-00004: KELLY HAMM (YUKIMO HAYASHIDA)

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 within the Hillside Overlay District in the R-1 Zone at 310 Calle de Arboles. This project is Categorically Exempt from CEQA per Guidelines Section 15303(a) – New Construction.

Recommendation – Approval.

Planning Associate Gomez introduced the request.

Commissioner Griffiths disclosed that he met with Mathilde Terre (314 Calle de Arboles) and viewed the silhouette from her residence. Commissioner D'anjou disclosed that she visited the site, but did not speak with anyone. Commissioner Watson disclosed that she went by the site and reviewed the silhouette. Commissioner Skoll disclosed that he visited the site, spoke with Ms. Terre and viewed the silhouette from inside and outside her home. Chairperson Rizzo disclosed that he visited the site on March 2 and viewed the silhouette from inside and outside of Ms. Terre's home.

Kelly Hamm, project architect, referring to a handout distributed to the Commission, reviewed revisions made to the project since the December 4, 2013 meeting. He reported that he visited Ms. Terre's home after the meeting to discuss her concerns and the revisions address her three remaining issues – second floor to be no closer than the existing house, master bedroom balcony to be downsized, and the overall house to be made smaller and less intrusive.

Chairperson Rizzo related his preference that the exterior door from bedroom/bathroom No. 2 be eliminated because it lends itself to renting out this room.

Mr. Hamm responded that the door was included because the owners were considering adding a lap pool, but he had no objection to eliminating the door.

Chairperson Rizzo questioned the need for the rear balcony which is accessible from a hallway and not connected to any room.

Mr. Hamm explained that he was trying to create a space where someone could step out and enjoy the backyard since there are only two small windows in the kitchen and limited windows in the bathroom. He noted that the balcony has been downsized considerably as a result of concerns expressed at the previous hearing and it has been walled in so it's virtually impossible to look into the neighbor's yard.

Chairperson Rizzo expressed concerns that someone standing on the front balcony could look into Ms. Terre's front bedroom and recommended adding screening on the east side to mitigate this impact or eliminating the balcony entirely. He suggested that the extra foot in the master bedroom closet that protrudes from the side of the building be eliminated.

Mr. Hamm explained that the balcony is necessary because it helps break up the large offset between the first and second floor. He stated that he was open to adding screening and suggested that Ms. Terre might find a trellis with greenery more aesthetically pleasing than a solid wall. He clarified that the silhouette includes all balconies so the screening would not create a view impact beyond what is currently shown.

Planning Manager Lodan suggested the possibility of angling the balcony wall to direct views to the west away from Ms. Terre's property or having a Juliet balcony, which allows room for French doors to open, but people cannot step out on it.

Mathilde "Mike" Terre, 314 Calle de Arboles, reported that while Mr. Hamm restored the ocean view in her front bedroom, she still objects to the project because it will block sunlight and air from her home, impact her privacyand reduce the value of her property. She noted that despite several revisions, the proposed structure continues to have an FAR over 0.50.

John Salas, 425 Via Malaga, read a letter from a resident who was adversely impacted by a second story addition despite assurances by the Planning Commission that her view and privacy would not be affected and urged the Commission to prevent this from happening again.

Judy Brunetti, president of Riviera Homeowners Association, voiced her opinion that the revisions had done little to address concerns about the project and that it was still too large and too intrusive on Ms. Terre's property. She contended that should the project be approved, the applicants would be acquiring a second-story view and enhancing their property value at the expense of Ms. Terre. She related her belief that the applicants had not demonstrated that being confined to an FAR of 0.50 would be an unreasonable hardship. She stated that the architect has rejected suggestions that the structure be lowered further into the grade claiming that the driveway would be too steep for the elderly property owners, however, apparently the staircase does not pose the same problem.

Kay White, 645 Via Los Miradores, read a written statement from Ruth Vogel, 114 Via la Soledad, relating her belief that the project would greatly impact Ms. Terre's light, air and privacy and expressing concerns about the cumulative impact of allowing second stories in the Hillside Overlay. She offered her professional opinion as a former realtor that Ms. Terre's property could be devalued up to $100,000 due to the impact of this project.

Returning to the podium, Mr. Hamm pointed out that Ms. Terre's ocean view will actually be improved due to the removal of the existing garage. He offered to reduce the size of the rear balcony and to add whatever screening Ms. Terre prefers on the east side of the master bedroom balcony. Urging approval of the project, he noted that the project greatly exceeds the required front and side yard setbacks adjacent to Ms. Terre's property, that it's well under the maximum height allowed, and that it is also under the maximum FAR allowed, which is 0.60.

Commissioner Griffiths related his belief that Mr. Hamm had not established that being limited to an FAR of 0.50 would constitute an unreasonable hardship, which is necessary to exceed this number.

Mr. Hamm responded that most homes in this area have been approved in the 0.54 to 0.57 range and that he initially started at 0.59, but downsized the project after realizing its impact. He noted that the Code requires that stairwells and areas with cathedral ceilings be double counted when calculating the FAR and without this added square footage the FAR would only be 0.51. Additionally, he noted that the garage is slightly larger than a standard garage to allow for storage, which also is included in the FAR.

Commissioner Griffiths indicated that he did not believe the fact that other people have homes with a higher FAR qualifies as a hardship.

Mr. Hamm responded that the hardship is the size of the lot, noting that the rooms are not overly large and the project is consistent with other homes in the neighborhood.

At Commissioner Griffiths' request, Planning Manager Lodan elaborated on the hardship issue, explaining that the double-counting of square footage for volume spaces has been viewed as a hardship in the past.

Commissioner Griffiths pointed out that the double-counting is not unique to this case since the FAR is calculated the same way for every project.

Commissioner Watson suggested the possibility of eliminating the closet projection and the master bedroom balcony to reduce the FAR.

Mr. Hamm stated that the slight projection for the closet has no impact on the neighbor because there is no window in the closet and he felt that everyone would appreciate a larger closet. He clarified that balconies and decks are not included in the FAR calculation and emphasized the need for the balcony as an architectural feature.

Chairperson Rizzo stated that the deciding factor for him was when Mr. Hamm mentioned that the FAR would still be over 0.50 excluding the double-counted square footage, and this indicates to him that there is additional square footage that could be shaved off to make this a conforming project.

Commissioner Skoll offered examples of what he considers a hardship, including someone wishing to expand a home to accommodate a growing family and voiced his opinion that simply wanting a larger home does not qualify as a hardship.

Mr. Hamm responded that decreasing the FAR to 0.50 would do nothing to lessen the project's impact on neighbors and would only result in a home that was less attractive and less livable for the applicants. He noted that the Commission approved a project of his a couple of years ago with an FAR of 0.57.

Chairperson Rizzo stated that the fact that homes have been approved with a higher FAR was immaterial because projects are approved on a case-by-case basis.

Commissioner Gibson stated that she appreciated Mr. Hamm's efforts, but could not support the project as proposed.

Commissioner D'anjou suggested that if the Commission intends to start stringently scrutinizing the matter of hardship, it needs to be done fairly with every project that comes forward. She related her belief that this process has worked and hasresulted in significant

improvements, including the restoration of Ms. Terre's ocean view, and indicated that she no longer had any objections to the project. She emphasized that the process was not meant to be one-sided and both parties need to compromise.

Mr. Hamm stated that he tried very hard to address all of Ms. Terre's concerns and hopes that the Commission will recognize this and approve the project.

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

Noting his agreement with Commissioner D'anjou's comments, Commissioner Polcari stated that he believed the architect had made a lot of concessions and he would vote to approve the project.

Commissioner Griffiths stated that while he believes the view issue has been resolved, he was still concerned about the privacy issue and the massing of the project. He noted that he has never voted for a project that exceeds FAR regulations for this area, so he had no qualms about adhering to the Code.

MOTION: Commissioner Gibson moved to deny PRE13-00004. The motion was seconded by Commissioner Skoll and passed by a 5-2 roll call vote, with Commissioners D'anjou and Polcari dissenting.

Planning Manager Lodan advised that a resolution reflecting the Commission's action would be brought back for approval at a later date.

Chairperson Rizzo recommended that the architect make additional revisions based on comments this evening if the case is appealed to the City Council.

In response to Commissioner Skoll's inquiry, Assistant City Attorney Sullivan confirmed that revisions may be made to a project before it's submitted to the City Council on appeal.

13. RESOLUTIONS – None.

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS

15A. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for February 14, and February 20, 2014 were distributed to the Commission.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the City Council considered the project at 209 Camino de las Colinas on February 25 and ultimately approved it adding a condition requiring the elimination of a south-facing window in the master bedroom to address privacy concerns.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the March 19, 2014 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Kay White, Via Los Miradores, requested clarification of the Planning Commission's action on Item 13C, which was provided by Planning Manager Lodan.

18C. Commissioner Skoll asked about the Rockefeller property on Lomita Boulevard, and Planning Manager Lodan reported that no application has been received.

18D. Chairperson Rizzo wished Assistant City Attorney Sullivan a happy birthday.

19. ADJOURNMENT

At 8:50 p.m., the meeting was adjourned to Wednesday, March 19, 2014 at 7:00 p.m.

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Approved as submitted
April 16, 2014
s/ Sue Herbers, City Clerk