

March 16, 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 7:05 p.m. on Wednesday, March 16, 2005, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Botello.

3. ROLL CALL

Present: Commissioners Botello, Faulk, Horwich, LaBouff, Uchima and Chairperson Muratsuchi.

Absent: Commissioner Drevno (excused).

Also Present: Sr. Planning Associate Lodan, Planning Assistant Hurd, Fire Marshal Gebel, Deputy City Attorney Whitham, Building Regulations Administrator Segovia and Associate Civil Engineer Symons.

Sr. Planning Associate Lodan relayed Commissioner Drevno's request for an excused absence.

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

4. POSTING OF THE AGENDA

MOTION: Commissioner Faulk, 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

None.

6. REQUESTS FOR POSTPONEMENTS

Sr. Planning Associate Lodan relayed the applicant's request to continue Item 7A, DIV04-00023: Doug and Sonia Mockett, to April 6, 2005.

MOTION: Commissioner Horwich, seconded by Commissioner Uchima, moved to continue Item 7A to April 6, 2005; voice vote reflected unanimous approval (absent Commissioner Drevno).

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. DIV04-00023: DOUG AND SONIA MOCKETT

Planning Commission consideration for approval of a Division of Lot to allow the merger of 3 lots into 1 lot (as a condition of CUP04-00012), 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 April 6, 2005.

7B. PRE04-00033: SHADI SHENASI (ALLEN SHENASI)

Planning Commission consideration for approval of a Precise Plan of Development to allow a new two-story, single-family residence in the Hillside Overlay District on property located in the R-1 Zone at 5238 Bindewald Road.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Allen Shenasi, applicant, explained that this item was continued at the March 2 meeting because Hatsuko Nokes, property owner at 5242 Bindewald Road, expressed concerns about the project's impact on privacy, however, the balcony Ms. Nokes is concerned about is 22 feet from the property line and there is already a huge balcony next door that overlooks her property.

Ms. Nokes stated that she did not believe 22 feet was enough of a buffer to ensure privacy and voiced objections to the size of the second-story bedroom window facing her property.

Chairperson Muratsuchi reported that he did not observe any line of sight from the proposed project into the residence on Ms. Nokes' property; noted that any second story on the subject property would have a view into Ms. Nokes' backyard; and indicated that he was not inclined to deny a project on that basis when it complies with all other provisions of the Hillside Ordinance.

In response to Commissioner Fauk's inquiry, Ms. Nokes confirmed that she does not live at this location, but reported that her sister plans to move there and possibly remodel the residence.

Sr. Planning Associate Lodan clarified that the second-story bedroom window is approximately 4' x 6' and advised that a window at this location is required for light and ventilation as well as for egress in case of a fire.

Chairperson Muratsuchi asked about justification for the Floor Area Ratio (FAR) in excess of .50. Mr. Shenasi stated that the space is needed because 5 people will be living in the home.

In response to Commissioner Uchima's inquiry, Sr. Planning Associate Lodan confirmed that the stairwell was counted twice (both levels) when calculating the FAR per City regulations.

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

Commissioner Uchima voiced support for the project as proposed, stating that he was comfortable with the FAR and he did not believe the project would have an adverse impact on privacy. He related his experience that people sit on balconies to enjoy the view, which in this case is to the rear of the property, not to look into a neighbor's backyard.

Noting his support for the project as proposed, Commissioner Botello pointed out that the staircase has three sections and a landing, which provides no livable space, but adds to the FAR. With regard to privacy, he stated that he is more concerned about balconies when they are off a den or family room, however, in this case, it is off the master bedroom and unlikely to see much use.

Chairperson Muratsuchi stated that he could not support a project with an FAR in excess of .50 without the necessary justification, especially since the Malafrontes (Agenda Item 9A) were required by the City Council in October of 2004 to redesign their home to meet this limit. He voiced his opinion that to do so would show a glaring inconsistency in the treatment of Hillside cases and that it would be unfair to those who have followed the Code and adhered to this limit.

Commissioner Faulk suggested the possibility of imposing a condition requiring the FAR to be reduced to .50. Chairperson Muratsuchi expressed concerns that reducing the FAR would necessitate a significant redesign.

MOTION: Commissioner Faulk moved for the approval of PRE04-00033, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Uchima and passed by a 5-1 roll call vote, with Chairperson Muratsuchi dissenting (absent Commissioner Drevno).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-027.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 05-027. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

8. WAIVERS

None.

9. FORMAL HEARINGS

9A. PRE05-00004: RALPH AND LAURA MALAFRONTÉ

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence in the Hillside Overlay District in the R-1 Zone on property located at 22508 Susana Avenue.

Recommendation

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting, consisting of an additional recommended condition of approval and public correspondence.

Laura Malafronte, applicant, reported that an earlier project was denied by the City Council because it exceeded an FAR of .50 and council members were unwilling to expand the definition of "hardship" to include issues other than topography. She briefly described the proposed project, noting that the FAR has been reduced to .50, the master bedroom has been relocated to the front of the house, and the large windows on the back have been replaced with two smaller casement windows, which are required for emergency egress. To address privacy issues, she proposed using rain glass on these windows and having them open from the south, which would obscure the view into properties to the north. She noted that the house has been moved back a foot to accommodate the cross view of the neighbor to the north and offered her assurance that shrubbery will be planted around the perimeter to enhance privacy.

Beate Baltes, Shadycroft Avenue resident, stated that she still objects to the project's impact on her view, light, air and privacy and disputed the Malafrontes' claim that it was designed to cause the least intrusion on neighboring properties. Using a drawing to illustrate, she proposed that a portion of the house be shaved off to restore her view.

Gregory Waligorski, Shadycroft Avenue, stated that he believes the Malafrontes have made a genuine effort to comply with the Hillside Ordinance and while he would suffer some loss of light and view, he felt the right balance would be struck if privacy issues could be addressed. He explained that he is very concerned about privacy for security reasons.

In response to Commissioner LaBouff's inquiry, Deputy City Attorney Whitham confirmed that the Hillside Overlay Ordinance does not address the issue of security.

Chairperson Muratsuchi asked about the Malafrontes' proposal to install rain glass and plant shrubbery to address the privacy issue. Mr. Waligorski stated that he thought this was a step in the right direction and asked that these items be made conditions of approval.

Sr. Planning Associate Lodan noted that the additional condition in the supplemental material requires east and north-facing windows on the second floor to be made of frosted or similar type of glass.

Referring to Mr. Waligorski's e-mail dated 3-16-05 (supplemental material), Commissioner Horwich stated that he was troubled by some of the statements contained in the e-mail – such as the possibility that the Malafrontes' home could be sold to someone evil, leaving his family open to surreptitious surveillance, which could lead to serious crimes like child abduction, rape and murder – and questioned how this was pertinent to the proposed project.

Ms. Baltés explained that she and Mr. Waligorski have a young child and their concerns about privacy were heightened when they ran an Internet search on child molesters in their neighborhood and found an acquaintance on the list.

Bruce Carter, Shadycroft Avenue resident, expressed concerns about the project's impact on privacy, explaining that his master bedroom faces the rear of the Malafrontes' home and frosted windows do not obscure views when they are open.

Commissioner Uchima noted that the casement windows, which crank out, would have to be completely open to provide a direct view.

Ms. Malafronte explained that the rear bedrooms were designed so a bed could be positioned between the two casement windows with nightstands placed in front of them and there will be no place to sit and look out the windows.

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

Deputy City Attorney Whitham advised that she would not recommend imposing a condition requiring the planting/maintenance of shrubbery because such conditions are very difficult to monitor and enforce.

Voicing support for the project, Commissioner Faulk stated that he thought the Malafrontes have done a good job of addressing all the issues that have come up during the lengthy approval process and believes the project will enhance the neighborhood.

The Commission briefly entertained the idea of requiring shrubbery to be planted to enhance privacy to the satisfaction of the Community Development Director, without addressing the shrubbery's maintenance, however, it was the consensus of the Commission that such a condition could still be problematic.

Chairperson Muratsuchi voiced support for the project, stating that he did not believe the project's impact was enough to restrict the Malafrontes' right to build on their property. He expressed the hope that the Malafrontes will plant shrubbery as promised because it should take care of any privacy concerns.

MOTION: Commissioner Botello moved for the approval of PRE05-00004, as conditioned, including all findings of fact set forth by staff with the following modification:

Add

- That the east-facing and north-facing windows on the second floor shall consist of frosted glass or a similar type of glass, subject to the approval of the Community Development Director.

The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-032.

MOTION: Commissioner Botello moved for the adoption of Planning Commission Resolution No. 05-032 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

9B. CUP05-00005: SOUTH BAY TACOS DBA POQUITO MAS (PETER WHITE)

Planning Commission consideration for approval of a Conditional Use Permit to allow the on-site service of beer and wine in conjunction with an existing full service sit-down restaurant on property located in the PD Zone at 2625 Pacific Coast Highway

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Michael Cho, representing the applicant, voiced his agreement with the recommended conditions of approval.

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

MOTION: Commissioner Uchima moved for the approval of CUP05-00005, 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 Commissioner Drevno).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-033.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 05-033. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

9C. CUP05-00006: CJC DESIGN INC. (FRED COHEN)

Planning Commission consideration for approval of a Conditional Use Permit to allow beer and wine sales for off-premises consumption in conjunction with the conversion of the existing auto service building to a food mart with a take-out only fast food sales component, a 600 square-foot addition and the remodeling of existing service canopies to the existing service station in the C-2 Zone on property located at 3975 W. 190th Street.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Fred Cohen, CJC Design Inc., maintained that the proposed project would enhance the area and provide convenience for consumers. He voiced objections to the following conditions of approval:

Condition 6, which prohibits seating for fast food customers – He asked to be allowed to include a small eating area as long as parking requirements are met.

Condition 7, which limits food mart operating hours to 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and 6:00 a.m. to 12:00 a.m., Friday through Saturday – He requested that the gas station and food mart be allowed to operate 24 hours a day, with the sale of beer and wine to be limited to the hours specified by the State of California, or that the business be allowed to have the same hours as the nearby Arco Station or 7-Eleven.

Condition 8, which requires the propane tank to be relocated along the northern property line or to be removed – He stated that the amount of propane released into the air during the filling process is insignificant and poses no risk to nearby residential neighbors and asked to retain the tank in its current location.

Condition 12, which requires the stone veneer proposed for the base of the tower to be extended to encompass the entire tower and the base of the canopy columns – He contended that adding stone veneer to the entire tower would make the project less attractive because it would eliminate any contrast.

Condition 21, which requires the existing overhead-fed utility lighting system to be replaced with an underground-fed system – He requested that this condition be eliminated because he checked with Edison and the utility pole at this location cannot be removed.

Condition 22, which requires the closure of the two driveways closest to the intersection of Prairie Avenue and 190th Street – He explained that these driveways must remain open to facilitate fuel deliveries.

Mr. Cohen noted that neighbors have expressed opposition to allowing the sale of beer and wine, however, there are three other stores within a mile of this intersection that sell beer and wine and the Police Department has indicated that there have been no reports of disturbances from the surrounding neighborhood. With regard to concerns about noise, he maintained that the project would actually reduce noise due to the closure of the mechanic shop.

Commissioner Botello suggested that this item be continued because it appears that there are a number of issues that need to be worked out with staff.

Chairperson Muratsuchi invited comments from the audience.

Joe Judge, owner of Excel Gas, 3975 190th Street, reported that he took over this gas station in November of 2004 and runs a very clean operation and maintained that neighbors' complaints about being inundated by propane from the service station had no basis in fact.

Diane Toia, Roselle Avenue, voiced objections to the proposal to sell beer and wine at this location due to its proximity to schools and a park. Noting that she lives adjacent to the service station, she maintained that the proposed expansion would intrude on her privacy and threaten her security. She proposed that the applicant be required to increase the height of the fence to 12 feet to mitigate the impact on residential neighbors.

Patrick Furey, President of Northwest Torrance Homeowners Association, stated that the association's board is strongly opposed to the sale of beer and wine at this location. Noting that the service station is bordered by single-family homes and across the street from the second largest park in Torrance, he contended that there is no need for another store selling beer and wine because there are several in the vicinity.

Robert Lopin, Roselle Avenue, voiced objections to the sale of beer and wine due to the service station's proximity to the park and commented on past problems with crime at this park. He reported that he has been forced to keep his windows closed to stop propane from seeping into his home and maintained that the removal of the propane tank was the only solution. He noted that a wall very close to the tank was damaged in an accident and expressed concerns that a vehicle could hit the tank causing an explosion.

Peggy Weber, Roselle Avenue, expressed concerns that the proposed fast food restaurant would bring noise, traffic, and trash into the neighborhood.

Gerald Marholz, Gerkin Avenue, reported that he lives 150 feet away from the station but can still smell propane and related his understanding that large trucks, such as those that deliver fuel, are prohibited on Prairie Avenue.

C.J. Osterhues, Gerkin Avenue, voiced objections to the sale of beer and wine at this location, noting there are already numerous outlets for alcoholic beverages in the area, and expressed concerns that the fast food restaurant would exacerbate noise and traffic problems.

Commissioner Horwich recalled that in the early 1990s, many service stations added food marts and requested permission to sell beer and wine and those requests were turned down based on morality and safety issues. He expressed concerns that approving this request would result in a flood of applications from stations that were previously denied this opportunity and questioned whether there are gas stations selling beer and wine in the vicinity.

Sr. Planning Associate Lodan advised that there are several similar establishments, including the Chevron station at Artesia and Prairie, the Arco station at Prairie and 182nd Street, the Mobil station at Carson and Crenshaw, the Circle K at Crenshaw and Amsler, and the Shell station at Crenshaw and 190th Street.

Commissioner Horwich stated that he has serious concerns about the sale of alcohol at this location because of its proximity to the park and indicated that he favored either moving or eliminating the propane tank.

In response to Chairperson Muratsuchi's inquiry, Sr. Planning Associate Lodan reported that at least three of the stations mentioned are adjacent to R-1 properties.

Deputy City Attorney Whitham clarified that the City adopted an ordinance banning the sale of beer and wine at gas stations in 1986 and that the California legislature adopted a bill in 1989 that preempted the City's authority to enact a blanket prohibition. She explained that the City still has the power to require a Conditional Use Permit and that health, safety and general welfare issues may be considered. She noted that there are several conditions imposed by the State on the sale of alcohol at gas stations, which are listed under Code requirements.

Commissioner Botello voiced his opinion that a 24-hour operation at this location would place a tremendous burden on nearby residential properties and that something should be done to mitigate the impact on neighbors. He indicated that he would like to have input from the Police Department before making a decision on this project and expressed concerns that the propane tank could be a safety hazard due to its location where it could be struck by a car.

Chairperson Muratsuchi stated that he would not support the sale of beer and wine at this location because he did not believe it was in the best interests of the City and that he favored the removal of the propane tank.

Mr. Cohen explained that he often encounters opposition from neighbors when requesting permission to sell beer and wine at gas stations and maintained that allowing it at this location would not add to the crime rate or adversely impact the neighborhood in any way. He requested a continuance to discuss the driveway closures with staff.

Commissioner LaBouff, echoed by Commissioner Uchima, voiced his opinion that it was likely that someone would purchase beer or wine at the service station and take it to the nearby park where alcoholic beverages are prohibited.

Mr. Judge disputed the idea that the propane tank is a safety hazard, noting that the propane tank is protected in the same manner as the gas pumps. He reported that the sale of propane is vital to his business and he cannot survive without it.

Commissioner Uchima questioned whether there are new devices that can eliminate leakage when propane bottles are being filled. Fire Marshal Gebel reported that there have been some improvements and suggested that a review of filling procedures might be helpful. He advised that while propane has a distinctive odor, which can travel quite a distance, it is not particularly dangerous.

Commissioner LaBouff expressed concerns that a business owner who is simply trying to improve his business could lose an important revenue stream, should the removal of the propane tank be required.

MOTION: Commissioner Horwich moved to continue the hearing to April 20, 2005. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Drevno).

10. RESOLUTIONS

None.

11. PUBLIC WORKSHOP ITEMS

None.

12. MISCELLANEOUS ITEMS

None.

13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

None.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Sr. Planning Associate Lodan reviewed the agenda for the April 6, 2005 Planning Commission meeting.

15. ORAL COMMUNICATIONS

15A. Commissioners commended Mike Botello for his service on the Commission and wished him well.

15B. Commissioner Botello stated that he has greatly enjoyed serving on the Commission and his decision to resign was a very difficult one. He commended staff for doing an excellent job and thanked his fellow commissioners.

15C. Commissioner Faulk suggested that a retirement dinner be planned for Commissioner Botello.

15D. Commissioner Faulk indicated that he may be out of town for the next meeting and requested an excused absence,

Commissioner Uchima, seconded by Chairperson Muratsuchi, so moved; voice vote reflected unanimous approval.

16. ADJOURNMENT

At 9:45 p.m., the meeting was adjourned to Wednesday, April 6, 2005, at 7:00 p.m.

Approved as Written May 4, 2005 s/ Sue Herbers, City Clerk
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