

**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 20, 2013 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 D'anjou, Polcari, Rizzo, Skoll, Watson and Chairperson Weideman.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Associate Civil Engineer Symons, Sr. Fire Prevention Officer Kazandjian, and Assistant City Attorney Sullivan.

**MOTION:** Commissioner Polcari moved to grant Commissioner Gibson an excused absence from this meeting. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote.

**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, March 15, 2013.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Rizzo moved for the approval of the February 20, 2013 Planning Commission minutes as submitted. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Gibson).

**6. REQUESTS FOR POSTPONEMENTS – None.**

**7. ORAL COMMUNICATIONS #1 – None.**

Chairperson Weideman 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. CUP12-00001, DVP12-00006, WAV12-00009: BEHROUZ ELIASSI (GLUKEL, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the conversion of an existing auto repair facility to retail uses, add 750 square-feet of retail space to the existing building and construct a new 1,940 square-foot multi-tenant commercial building, in conjunction with a Waiver to allow a reduction of the side setback requirement, on property located in the H-MP Zone at 22707 Hawthorne Boulevard.

**Recommendation:** Denial without prejudice.

Planning Associate Martinez introduced the request.

Commissioner Polcari disclosed that he drives by this site frequently and is very familiar with it.

Rebecca Duel, representing the applicant, briefly described the revised project, noting that the auto repair operation has been eliminated and replaced with retail space.

Commissioner Skoll noted that staff has included a list of 30 recommended conditions should the Commission decide to approve the project and questioned whether the applicant was in agreement with these conditions.

Ms. Duel reported that the applicant would agree to all of the conditions as long as the Waiver is granted. She stated that according to her calculations 53 parking spaces are required instead of 54 as mentioned in the staff report.

Planning Manager Lodan advised that if the calculations result in a fraction of a parking space, staff rounds up therefore 54 spaces are required.

In response to Chairperson Weideman's inquiry, Planning Manager Lodan provided clarification regarding the proposed Waiver, explaining that a minimum side setback of 10-feet is required and the applicant was proposing a zero lot-line on the north side.

Commissioner Skoll asked about the Fire Department's position on the Waiver, and Sr. Fire Prevention Officer Kazandjian advised that in this case the zero lot line would not create accessibility issues for the fire department.

Ms. Duel stated that the Waiver is necessary because the building cannot be shifted 10 feet to the south to comply with the setback requirement since it would interfere with the driveway and eliminating 10 feet from building would make the tenant spaces too narrow.

Commissioner D'anjou noted that some of the tenant spaces are not completely separated and asked what the applicant envisions for these shared spaces.

Ms. Duel explained that the space was designed to be flexible with non-bearing walls that can be moved to accommodate a tenant's needs.

Chairperson Weideman asked about staff's assessment of the redesigned project. Planning Manager Lodan advised that the revised project was slightly less problematic due to the elimination of the auto repair operation, however, staff is still concerned about on-site circulation and potential hazards for pedestrians and vehicles.

Commissioner Skoll questioned whether a Waiver of side setback requirements has ever been granted in the Meadow Park Sub-district, and Planning Manager Lodan reported that a Waiver was granted for the Montessori school on Hawthorne Boulevard, which was approved by the City Council.

Assistant City Attorney Sullivan reviewed the findings that must be made in order to approve a Waiver per TMC Section 94.2.4. He noted that Waivers are usually granted when a parcel is substandard in size or irregularly shaped, which is not the case with this property.

Ms. Duel stated that the owner of the property has spent a lot of time and money to get to this point; that he just wants to develop the lot and make it nice for the community; and that if the project is not approved, he will leave the lot like it is, which is not very appealing.

Chairperson Weideman related his understanding that the building could be repositioned to comply with setback requirements, and Ms. Duel responded that the owner was concerned that the retail space would be too far back from the street, making it hard to rent and the project would not be financially viable.

Commissioner Polcari indicated that he was not inclined to support the project due to concerns that customers of retail uses could get hit by vehicles going in and out of the parking lot.

Ms. Duel explained that there will be a raised curb and sidewalk on both sides of the drive aisle with doors to the retail space inset within the footprint of the building so that customers can enter and exit safely.

In response to Commissioner D'anjou's inquiry, Ms. Duel confirmed that the drive aisle remains 20 feet wide as previously proposed.

**MOTION:** Commissioner D'anjou moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner Gibson).

Commissioner D'anjou expressed concerns that the revised plans were not much different than the original plans and the circulation problem remains the same as customers would still be stepping out of the storefronts into the path of traffic. She voiced her opinion that aesthetically, the plans were mediocre at best.

Commissioner Rizzo noted his agreement with Commissioner D'anjou's remarks, relating his belief that the plans show a lack of imagination. He stated that he was also concerned about retail customers crossing paths with traffic going in and out the property and could not support the project as designed.

Commissioner Watson stated that was not sure what type of tenant mix the applicant would be able to attract given the project's current design.

**MOTION:** Commissioner Watson moved to deny without prejudice CUP12-00001, DVP12-00006 and WAV12-00009. The motion was seconded by Commissioner Rizzo and passed by unanimous vote (absent Commissioner Gibson).

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution Nos. 12-049, 12-050 and 12-051.

**MOTION:** Commissioner Watson moved to adopt Planning Commission Resolution Nos. 12-049, 12-050 and 12-051. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner Gibson).

Chairperson Weideman informed the applicant of the right to appeal the decision to the City Council.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP13-00008: TESLA MOTORS (MARBLE PARK INVESTMENTS, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of an automobile service facility with ancillary sales on property located in the M1-PP Zone at 2560 237<sup>th</sup> Street.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request and noted supplemental material consisting of an additional condition of approval.

Christy Ortins, representing Tesla Motors, voiced her agreement with the recommended conditions of approval, including the condition in the supplemental material. She briefly described the proposed project, noting that all Tesla vehicles are custom ordered so there will be no inventory on site.

Chairperson Weideman asked about test drives. Ms. Ortins explained that customers come in when a vehicle is ready for pick-up and receive hands-on instruction regarding how to operate it and then they may take it out for a test drive at that time.

It was noted that test drives are not allowed in residential areas per Condition No. 8.

In response to Commissioner Skoll's inquiry, Ms. Ortins reported that they hope to open the business as soon as possible because there is a large market for their vehicles in this area.

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

**MOTION:** Commissioner Polcari moved to approve CUP13-00008, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 13-011.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution No. 13-011. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner Gibson).

**12B. CUP13-00005: ANDERSON DE SILVA (CHOI LYONS ALASKA LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a personal gym and private classes within an existing multi-tenant warehouse building on property located in the M-2 Zone at 438 Alaska Avenue.

**Recommendation:** Approval.

Planning Associate Martinez introduced the request.

Commissioner D'anjou disclosed that she visited the site and had been inside the facility.

Assistant City Attorney Sullivan disclosed that his son and Anderson de Silva's son play in the same soccer club, but not on the same team and he has had no interaction with Mr. de Silva.

George Martins, representing the applicant, reported that this will be a personal gym for Anderson de Silva, Middleweight Champion of the UFC (Ultimate Fighting Club), which is necessary because his celebrity status makes it impossible for him to train at a conventional gym due to constant interruptions from fans asking for autographs and taking photos. He noted that Mr. de Silva has major corporate sponsors, including Nike, Budweiser and Burger King, so he does not have to pay for the facility by himself.

Chairperson Weideman pointed out that Condition No. 5 limits occupancy to a maximum of 9 people at any given time and Mr. Martins indicated that he was aware of this restriction.

Commissioner Skoll asked about security for the facility since Mr. de Silva is so well known.

Edgardo Ofilada, representing the applicant, explained that there will be a security door, which requires visitors to be "buzzed in," and there will also be security cameras inside and outside the facility.

Planning Manager Lodan advised that the Police Department reviewed the application and did not add any requirements in terms of security.

Commissioner Rizzo questioned whether there was a mechanism that would allow the occupancy limit to be exceeded on a temporary basis since there will likely be times when more than 9 people will be present at the gym, such as when a sponsor visits or Mr. de Silva is being filmed.

Planning Manager Lodan advised that there is a special events permit process, however the number of special events is typically limited to 4 per year. He suggested that another option that would provide a long term solution would be for the applicant to obtain an off-site parking agreement with a neighboring property so the maximum occupancy could be increased.

Mr. Martins stated that he doubted there would be more than two special events per year since Mr. de Silva spends half of the year in Brazil, and they would probably just need one for the grand opening for sponsors.

Commissioner D'anjou stated that according to video footage she saw on-line, the gym had a grand opening party a few weeks ago so apparently it has been planned for some time. She related her understanding that the applicant obtained a business license for an office and the warehousing of sports equipment at this location.

Mr. Martins responded that Mr. de Silva decided he wanted his own training facility after establishing residency in the United States and Nike ended up providing all the equipment for the gym so they obtained a permit to allow for the storage of it.

Commissioner D'anjou reported that she visited the gym at approximately 11:00 a.m., which is within the timeframe that is listed as being Mr. de Silva's personal training time, and she observed 8 people at various workout stations.

Mr. Martins explained that two of Mr. de Silva's nephews were visiting the gym and his three coaches were there because they must continue to train on a daily basis to remain in shape so they will be able to assist Mr. de Silva when needed.

Commissioner Watson noted that staff has recommended that there be minimal signage for the facility, and Mr. Ofilada stated that there will be no signs.

In response to Chairperson Weideman's inquiry, Assistant City Attorney Sullivan confirmed that no business license would be required if this facility was strictly for Mr. de Silva's personal use, however since the applicant is proposing to offer private classes the operation is classified as a business.

Amir Cannon, director of operations for Celestron LLC, 2835 Columbia Avenue, expressed concerns about potential safety issues because there is a lot of truck traffic in this highly congested area.

Commissioner D'anjou noted that she had to park across the street when she visited the gym because there were no spaces available in the small parking lot for this building.

Greg Young, representing the property owner at 2835 Columbia Avenue, reported that conditionally permitted uses are taking over space in industrial parks throughout Southern California because it is less expensive and this has created widespread problems. He urged the Commission to include conditions to ensure that businesses in the area can continue to operate without disruption.

At Chairperson Weideman's request, Planning Manager Lodan briefly described the special events permit process. He confirmed that the approval of a special events permit may be appealed, however there is no public notice in advance of a permit.

Mr. Cannon reported that there are already signs on the building and employees at his business are well aware of Mr. de Silva's presence.

Commissioner D'anjou stated that judging from the grand opening, she did not believe there's an intent to be incognito.

Mr. Ofilada reported that the signs were just banners for the grand opening, which have not yet been removed.

Mr. Martins stated that the required permits were obtained for the grand opening and police and fire personnel were present to ensure that everything was safe. He emphasized that Mr. de Silva will only be spending 4 to 5 months a year in the United States.

Chairperson Weideman asked staff about strengthening Condition No. 5.

Planning Manager Lodan proposed amending the conditions of approval to require that a special events permit be obtained should occupancy exceed 9 people at any time, with a limit of 4 special events per year, and to direct staff to review the operation after a certain period of time to determine if parking problems exist, and if so, an off-site parking agreement will be required at that time.

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

Commissioner Skoll indicated that he was inclined to support the project with the amended conditions.

Chairperson Weideman expressed concerns that the applicant may not take the conditions seriously.

Commissioner D'anjou stated that she was having a difficult time reconciling the applicant's description of the operation with her personal observations. She reported that the 11,000 square-foot facility is packed with equipment, including 4 or 5 pieces of the same equipment, and there are seating areas for people to lounge, which does not seem to indicate a facility that will be used by 2 or 3 people.

In response to Commissioner Polcari's inquiry, Planning Manager Lodan clarified that occupancy has been restricted to 9 people because the site has very limited parking.

Chairperson Weideman asked if there was potential for an off-site parking agreement, and Planning Manager Lodan advised that parking is fairly limited in the area, but there is the possibility of a shared arrangement whereby the gym would share parking with a neighboring business in the evening hours when the business is closed.

Discussion continued regarding the amended conditions, and Chairperson Weideman asked about consequences should staff determine that there is a parking problem and the applicant fails to obtain an off-site parking agreement.

Assistant City Attorney Sullivan advised that the Conditional Use Permit could be revoked and the business could be shut down.

Chairperson Weideman asked about enforcement, and Planning Manager Lodan advised that enforcement is handled by the City's Code Enforcement Officers and is usually done on a complaint basis.

**MOTION:** Commissioner Skoll moved to approve CUP13-00005, as conditioned, including all findings of fact set forth by staff with the following modifications:

**Add**

- That should occupancy exceed 9 persons at any time, a Special Events Permit shall be obtained for up to 4 events per year with conditions to the satisfaction of the Community Development Director.
- That the facility shall be monitored for a minimum of 6 months, and should parking or occupancy problems exist, an off-site parking agreement shall be obtained to the satisfaction of the Community Development Director. If no such agreement is obtained, the City will revoke the Conditional Use Permit.

The motion was seconded by Commissioner Polcari and passed by a 4-2 roll call vote, with Commissioner D'anjou and Chairperson Weideman dissenting (absent Commissioner Gibson).

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 13-012.

**MOTION:** Commissioner Skoll moved to adopt Planning Commission Resolution No. 13-012 as amended. The motion was seconded by Commissioner Rizzo and passed by a 5-1 roll call vote, with Commissioner D'anjou dissenting (absent Commissioner Gibson).

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 Report for March 7, 2013 was provided to the Commission.

16. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

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

Planning Manager Lodan reviewed the agenda for the April 3, 2013 Planning Commission meeting.

18. **ORAL COMMUNICATIONS #2**

18A. Commissioner Skoll reported that he attended an ExxonMobil Community Advisory Panel meeting earlier this evening and was pleased to learn that Commissioner D'anjou will be joining the panel. He noted that survey results were presented at the meeting which indicated that the majority of residents like having ExxonMobil in Torrance and appreciate the work they do in the community and want it to continue.

**18B.** Commissioner Skoll requested information about a Minor Development Permit and a Miscellaneous Permit listed in the Community Development Director Weekly Summary Report for March 7, 2013.

Planning Manager Lodan reported that the Minor Development Permit was to allow the enclosure of the patio at the former Jerry's Deli to accommodate a new restaurant. He explained that the Miscellaneous Permit to allow the use of a recreation vehicle for habitation was approved because family members of a hoarder, who passed away, need time to clean-up the property and requested permission to live in a trailer on the site during the process so the property won't be left vacant.

**18C.** Commissioner Weideman wished everyone a happy Easter.

**19. ADJOURNMENT**

At 8:38 p.m., the meeting was adjourned to Wednesday, April 3, 2013 at 7:00 p.m.

Approved as Submitted April 17, 2013 s/ Sue Herbers, City Clerk
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