

May 16, 2012

**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, May 16, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Weideman.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

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

Absent: Commissioner Uchima (excused).

Also Present: Planning Manager Lodan, Planning Associate Martinez, Associate Civil Engineer Symons, Plans Examiner Noh, 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, May 11, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner D'anjou moved for the approval of the April 4, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote (absent Commissioner Uchima).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 12A (CUP12-00005: Myung Chung) to June 6, 2012 because additional time is needed to address parking issues.

MOTION: Commissioner Weideman moved to continue Agenda Item 12A to June 6, 2012. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote (absent Commissioner Uchima).

7. ORAL COMMUNICATIONS #1 – None.

Chairperson Skoll 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. **MIS11-00265: KARYN MADICK**

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow single-story additions to an existing one-story, single-family residence, including a garage reorientation, on property located within the Hillside Overlay District in the R-1 Zone at 605 Paseo de los Reyes.

Recommendation: Approval.

Planning Associate Martinez introduced the request.

Commissioner Weideman disclosed that he visited 404 Via Malaga earlier in the day and viewed the silhouette from the front room and that observation plus the testimony at this hearing will be the basis of his decision.

Commissioner Rizzo disclosed that he viewed the silhouette from various locations while walking around the area.

Karyn Chamberlain (formerly Madick), 605 Paseo de Los Reyes, applicant, stated that she has made many concessions to try to satisfy her neighbors, some of which she now regrets like agreeing to eliminate all north-facing windows in the kitchen, and it has been her experience that if she gives an inch, they take a mile. She voiced her opinion that her neighbor's contention (601 Paseo de los Reyes) that the project should be denied because of the garage reorientation was absurd. She reported that the neighbors to the south (609 Paseo de los Reyes), who recently completed their own addition, are now complaining that this project will take away their whitewater/King Harbor view, but the view in question is from an easterly bedroom and according to her observation, the view loss would be only about 5%. She expressed frustration that there continues to be objections to this very modest one-story addition, which is probably one of the most conforming remodels in the neighborhood. Urging approval of the project, she noted that she erected a silhouette even though one was not required and offered her assurance that she will continue to work with her neighbors during the construction process.

Commissioner Weideman thanked Ms. Chamberlain for agreeing to silhouette the project.

Glenn Smith, 609 Paseo de los Reyes, stated that he had asked that the project be silhouetted because the heights listed on the plans didn't match his personal observations and after the silhouette was erected, it was discovered that the maximum height was incorrect. He related his understanding that there were other errors on the plans, but Ms. Chamberlain was reluctant to bring them up because the architect is a neighbor and a friend. He explained that when he first saw the silhouette on May 8 it appeared that the project would not have an impact on his views, but another segment

was later added that blocks harbor and whitewater views from his master bedroom. He reported that Ms. Chamberlain visited his home after the silhouette was erected and later brought an architect over, who indicated that the area causing the view obstruction could probably be lowered so he was under the impression that she was trying to work it out. He noted his disagreement with staff's assessment that the project would not have adverse impact on his view and contended that the view loss was significant and would reduce the value of his home. He requested if the project is approved, that the applicant be required to hire a State licensed surveyor to certify that the height does not exceed the height approved before the final roofing material is applied. He submitted a letter from his realtor affirming that view was a very important factor when he and his wife purchased their home in 1994.

Commissioner Weideman asked about the percentage of view loss observed by staff. Planning Manager Lodan advised that staff typically does not quantify view loss but did not feel the loss was significant enough to deny the project.

Responding to questions from the Commission, Planning Manager Lodan clarified that the silhouette was certified on May 9, 2012 to be an accurate reflection of the plans and the highest portion of the existing roof will be lowered from 14 feet 6 inches to 14 feet. He noted that there is a requirement that a project's height be certified during the construction process for Precise Plans, however, it is not required for Minor Hillside Exemptions, but the Commission could add this as a condition of approval.

Gail Smith, 609 Paseo de los Reyes, expressed concerns about the project's impact on her view, explaining that the view was the main reason she and her husband purchased this home and they were told that no one could obstruct it. She urged the Commission to protect their investment and require the roofline to be lowered.

Margaret Walker, 401 Paseo de los Reyes, reported that she filed the appeal due to concerns about the reorientation of the driveway and was dismayed to receive the decision in the mail prior to the May 2 hearing before she had an opportunity to present her case. She stated that the project seems more imposing now that it has been silhouetted and expressed concerns that it could impact air and light to her kitchen since the only window faces the subject property. She recalled that other projects have been blocked when the applicant could not obtain the required signatures of neighbors and questioned how this project could go forward when only two of the six neighbors who must give their approval have signed off on it.

Planning Manager Lodan explained that if an applicant is unable to obtain the required signatures of neighbors, staff makes an assessment of the project and the Community Development Director decides whether to approve it, deny it or forward it to the Planning Commission for review and this decision may be appealed, which is what occurred in this case.

Wilma Herrick, Torrance, related her experience that a project may not proceed without the required signatures.

In response to Commissioner Weideman's inquiry, Plans Examiner Noh reported that the slope of the roof is 2½-in-12 and it would require an extra layer of construction material to make it any flatter.

Commissioner Rizzo asked if Ms. Chamberlain's architect was present and she indicated that he was not.

Commissioner Rizzo stated that he was concerned about Mr. Smith's report that there were changes to the silhouette after the initial installation that caused his view to be impacted. Ms. Chamberlain responded that she had spoken to the architect and he said that there was only one installation.

Commissioner Rizzo questioned whether there was room for compromise with regard to the small section of the roofline that was impacting the Smiths' view.

Ms. Chamberlain stated that she didn't know if it could be lowered without consulting with her architect and she was not ruling it out, but she felt that she had made every reasonable concession for a project that was already very reasonable. She further stated that compared to other projects in the area, this project probably has the least impact on any neighbor in any way, shape or form. She suggested that if the Smiths truly valued the view from the bedroom, they would not have planted wisteria where it could potentially block it. She urged the Commission to follow the recommendation of Planning staff and approve the project, relating her belief that nothing has been presented that would merit a denial.

Mr. Smith wanted to clarify that lowering the roofline was the only concession he has asked for and he only became aware of the impact after the silhouette was erected. He noted that the wisteria is only fence high and does not impact the view.

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

Chairperson Skoll, echoed by Commissioner Rizzo, expressed concerns that Ms. Chamberlain's architect was not present to confirm whether or not the roofline could be lowered.

Commissioner Weideman related his belief it would be best for the applicant if the Commission takes action this evening and denies the project without prejudice rather than continuing the matter for another two weeks. He noted that the focus of the last hearing was the driveway reorientation, with which he didn't have a problem.

Chairperson Skoll stated that he also thought another continuance would not be helpful to the applicant.

Commissioner Polcari reported that he was not at the May 2 hearing, but had listened to audiotapes from the meeting and thought the only issue was the driveway and indicated that he would support a motion to deny the project without prejudice.

Commissioner Gibson agreed that it would be best to deny the project without prejudice and give Ms. Chamberlain the opportunity to present her case to the City Council on appeal.

Commissioner Rizzo emphasized the need for Ms. Chamberlain to have her architect present at any future hearing.

Assistant City Attorney Sullivan requested that Commissioners clarify their basis for denial of the project, since it was clear from their comments that they had rejected the original basis of the appeal which was the driveway reorientation.

A brief discussion ensued and Commissioners indicated that the basis of the denial was the Smiths' testimony regarding obstruction of their view at 609 Paseo de los Reyes.

Commissioner Weideman noted for the record that he had visited 404 Via Malaga, the home of appellant Mary Jo Burger, and observed no view obstruction and that he had not visited 601 or 609 Paseo de los Reyes.

MOTION: Commissioner Weideman moved to grant the appeal and deny the project without prejudice on the basis of substantial adverse view impact. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Commissioner Uchima).

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

The Commission briefly recessed from 8:15 p.m. to 8:20 p.m.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP12-00005: MYUNG CHUNG (ALLEN HAGENBAUCH)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a church within existing industrial buildings on property located in the former Industrial Redevelopment Project Area M-2 Zone at 1812 Abalone Avenue.

Continued to May 16, 2012.

12B. **PRE12-00006: STANLEY ANDERSON (REID FRANKE)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second story additions to an existing one-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5641 Green Meadows Street.

Recommendation: Approval.

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

Commissioner Rizzo disclosed that he walked the neighborhood, but did not speak with anyone and that he is an acquaintance of Lynn Lord, a real estate agent with ReMax Palos Verdes Realty, who submitted a letter in opposition to the project, but this would not influence his decision.

Commissioner Polcari disclosed that Lynn Lord is an acquaintance of his family, but this would not affect his decision.

Commissioner Weideman disclosed that he walked the neighborhood and knocked on the door of the neighbor to the east but did not receive a response and his observations plus the testimony this evening will be the basis of his decision.

Stanley Anderson, project architect, voiced his agreement with the recommended conditions of approval, including the condition (Condition No. 11) requiring the corner window in the upstairs master bathroom to be converted to a high transom window and the window in the toilet room to be frosted or obscured. With regard to Condition No. 10, which requires a solid, 6-foot high privacy wall to be constructed along the easterly side of the balcony, he asked that the Commission consider allowing vertical wooden slats, which would allow airflow and be more aesthetically pleasing without compromising the neighbor's privacy.

Planning Manager Lodan advised that staff prefers solid stucco walls for balcony screening because wood can rot and become a maintenance issue.

Commissioner Weideman commented on Mr. Anderson's novel response to Item 2c in the Precise Plan Application, which suggests that the application should be approved because it would prevent a developer from "scraping the existing house and developing a property that is not so neighbor-friendly in regards to views and privacy."

Peter Nishita, 5635 Green Meadows Street, voiced objections to the project due to the impact on the privacy of his backyard and pool. He noted that he submitted a letter from real estate agent Lynn Lord indicating that the project would cause his home to lose between 5-8% in value or \$42,500 to \$68,000.

Commissioner Weideman noted that Condition Nos. 10 and 11 were included to mitigate the privacy impact on Mr. Nishita's property.

Janine Shelby, 5635 Green Meadows Street, pointed out that the benefit of frosted or obscured glass windows is negated if the windows are open and expressed concerns that a wall of windows can create a perceived privacy impact. She reported that the neighbor at 5629 Green Meadows addressed privacy concerns when building an addition by eliminating all windows that overlooked their neighbor's property. She indicated that she was not in favor of allowing wooden slats for the balcony wall. She stated that she and Mr. Nishita are convinced that there are solutions that will preserve their privacy and do not wish to stop the project. She noted that they will be losing sunlight to solar panels that heat their pool but they're willing to make that concession.

Responding to questions from the Commission, Planning Manager Lodan reviewed the size and location of the three second-story windows facing the Nishita/Shelby property, which are all in the master bathroom.

Plans Examiner Noh advised that none of the three windows is required for safety reasons because there are no egress requirements for bathrooms.

Ashley Hill, Los Angeles, architect/designer, reported that she prepared the diagrams in the supplemental material to demonstrate the extent of the violation of privacy to the Nishita/Shelby backyard pool area. She called for the elimination of the three windows facing the Nishita/Shelby property, suggesting that there are other ways to provide light and ventilation.

Commissioner Weideman noted the advantage of being able to open a window when showering for ventilation. Ms. Hill responded that there are two other windows on the north side of the bathroom for ventilation.

Reid Franke, 5641 Green Meadows Street, applicant, explained that he proposed vertical slats for the balcony privacy wall because they can be positioned to provide complete privacy for neighbors while still allowing airflow. He stated that he would like to retain the three windows on the east side for light and ventilation and has no intention of invading his neighbors' privacy.

Mr. Anderson clarified that all three windows will have a minimum sill height of five feet and they are 16-30 feet away from the property line. He explained that windows are necessary to provide light and ventilation for the separate toilet room and the shower.

Anne Hashisaka, 229 Via Los Altos, stated that she received notice of this hearing so she decided to attend and after seeing a photo in the supplemental material which shows trees on her property, she was concerned that the project might impact her view.

Planning Manager Lodan noted that the purpose of the silhouette is to allow neighbors to judge the view impact.

Mr. Anderson explained that neighboring properties to the west are at a higher elevation so he did not believe the second story would impact Ms. Hashisaka's view. He noted that the second story has an 8-foot plate height and the roof has a 3-in-12 pitch to minimize the height of the project.

Commissioner Weideman asked if the applicant would agree to eliminate one of the three east-facing windows and replace it with a skylight, and Mr. Franke agreed to this modification.

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

A brief discussion ensued regarding the modification of conditions and it was the consensus of the Commission not to amend Condition No. 10 to allow wooden slats.

MOTION: Commissioner Weideman moved for the approval of PRE12-00006, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

No. 11 That a maximum of two windows shall be allowed on the easterly side of the master bath; that they shall be high transom windows with a minimum sill height of five feet and be made of frosted or obscured glass to the satisfaction of the Community Development Director; and that one skylight shall be allowed within the master bath.

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

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 12-028.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 12-028 as amended. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote (absent Commissioner Uchima).

Assistant City Attorney Sullivan noted that the Commission's decision could be appealed within 15 days of today's date in the City Clerk's office.

12C. PRE12-00005: FRANCISCO FREIRE

Planning Commission consideration for approval of a Precise Plan of Development to allow a new two-story, single-family residence with a semi-subterranean garage on property located within the Hillside Overlay District in the R-1 Zone at 460 Calle de Castellana.

Recommendation: Approval.

Planning Associate Martinez introduced the request and noted supplemental material consisting of a correction to the square footage and the deletion of a Code requirement from the Engineering Division.

Commissioner Rizzo disclosed that he walked around the streets surrounding 460 Calle de Castellana.

Commissioner Weideman disclosed that he walked around the street and viewed the silhouette from the deck and backyard of the home at 453 Calle de Aragon and those observations plus the testimony at this hearing will be the basis for his decision.

Francisco Freire, 460 Calle de Castellana, applicant, voiced his agreement with the recommended conditions of approval. He reported that he is originally from Brazil and purchased the subject property in 2007 and he would like to build a new home to accommodate his family, which includes a wife and two sons. He related his belief that the project will be an attractive addition to the street which will add value to the neighborhood.

William Kim, 449 Calle de Aragon, voiced objections to the project due to the impact on his view, noting that one of the main reasons he purchased his home in 1987 was the spectacular view. Submitting photographs to illustrate, he stated that the project would affect city, city light and mountain views from his kitchen, outdoor deck, BBQ area and pool, but the most significant impact is from his living room. He stated that he has had two meetings with the applicant and tried to reach a mutually agreeable solution, but unfortunately the revised height still has a dramatic impact on his view. He requested that the roof not exceed the height of the roof at 464 Calle de Castellana in order to restore his view. He also requested that his property and 453 Calle de Aragon be allowed to have vegetation trimmed on the subject property at the requestor's expense if it impedes their views in the future. He expressed the hope that solution could found so the project could go forward and he would not have to go through the emotional turmoil and expense of the appeal process or civil litigation.

Commissioner Rizzo reported that while he did not visit the home, he was able to see the silhouette through glass panels in Dr. Kim's front door from the sidewalk.

Ralph Arceri, 453 Calle de Aragon, reported that the proposed project partially obstructs the view from his backyard and urged that the applicant be required to lower the roofline to the height of the existing roof.

Commissioner Weideman reported that he observed an ocean view loss of approximately 15% from Mr. Arceri's backyard.

Aurelio Martins, 362 Camino de las Colinas, expressed support for the project, noting that Mr. Freire is his friend and business partner.

Returning to the podium, Mr. Freire reported that he tried to accommodate the Kims' view and almost reached an agreement but Mrs. Kim changed her mind and when they did not return his calls, he lowered the project one foot in an effort to move forward. He stated that he's not trying to take away anyone's view or lower anyone's property value, he just wants to improve his property. He noted that the large tree in his backyard will be removed in conjunction with the project.

In response to Commissioner Weideman's inquiry, Mr. Freire reported that the project was re-silhouetted on May 1 to reflect the one-foot height reduction.

Dr. Kim clarified that the photographs provided this evening were taken within the last week and reflect the height reduction.

Neil Kuhns, project architect, explained that it's not possible to expand the home horizontally due to setback requirements so the only option is to go up and he tried to be very sensitive to the neighborhood with his design. He acknowledged that there is some impact to views, but related his belief that a 15% view loss was within reason to allow his client to have a house more equal to other homes in the neighborhood.

Commissioner D'anjou asked if the roofline could be lowered any further.

Mr. Kuhns stated that the roof could be changed to a flat roof, but the height reduction would be minimal because the roof already has a very low pitch and a flat roof would require a 30-inch parapet, which could end up being the same height as the proposed maximum ridge height but would cover a larger area. He suggested that neighbors who live above the project would probably find a sloped roof more aesthetically pleasing than a flat roof. He voiced his opinion that everything possible had been done to accommodate neighbors' views, including limiting second-story plate heights to 8 feet.

Commissioner Rizzo noted that the staff report includes a time line from the applicant (Attachment 5) which indicates that the architect met with Mrs. Kim and proposed lowering the roofline 3 – 3½ feet.

Mr. Kuhns explained that it was not possible to achieve any additional height reduction since the room below the master bedroom is already 3 feet below grade, noting that it was his associate Rodrigo Estrella who met with Mrs. Kim.

Chairperson Skoll stated that he thought the last photo in the packet submitted by Dr. Kim clearly shows a view impact.

Mr. Freire suggested that the photo was misleading because it appears to have been taken perched above a six-foot fence. Mr. Kuhns directed Commissioners to another photo in the staff report which he felt was more representative of the true impact.

Dr. Kim reported that the fence in question is only about 4½ feet high. He explained that photos he originally submitted of the silhouette were taken from a cell phone and the photos he submitted this evening were taken by a professional photographer, and he tried to be as fair as possible in representing the impact.

Mr. Freire stated that he felt he had done everything he could to work with his neighbors and expressed the hope the Commission could help him resolve this matter.

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

Commissioner Weideman stated that he believed both Mr. Arceri and Dr. Kim will gain as much view as they will lose when the large tree on Mr. Freire's property is removed during construction. He further stated that he was impressed by the fact that the applicant was proposing only 8-foot plate heights, a 2-in-12 roof pitch and was lowering the project three feet into the grade.

Commissioner D'anjou noted her agreement with Commissioner Weideman's remarks concerning the removal of the tree. Acknowledging that this was a difficult case, she stated that she did not think the view loss was enough to deny the project.

Chairperson Skoll stated that he believed the project was well-designed and it appeared that the applicant had done everything possible to mitigate the impact, therefore he would vote to approve it, relying on the observations of his fellow commissioners.

MOTION: Commissioner Polcari moved to approve PRE12-00005, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Rizzo and passed by unanimous vote (absent Commissioner Uchima).

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution No. 12-029.

MOTION: Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 12-029. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner Uchima).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS** – None.

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

Planning Manager Lodan reported that several residents spoke under Orals at the May 15 City Council meeting requesting that the Council consider adopting a tree ordinance, however, the Council did not direct staff to explore this.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the June 7, 2012 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Chairperson Skoll requested an excused absence for the June 7, 2012 Planning Commission meeting because he will be undergoing cataract surgery.

Commissioner Weideman so moved. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

18B. Commissioner D'anjou stated that she hoped to see everyone at the Armed Forces Day Parade this Saturday.

18C. Commissioner Weideman requested information regarding discrepancies in the City's sign ordinance versus sign guidelines.

Planning Manager Lodan reported that staff was in the process of revising the sign ordinance to take care of the discrepancies and confirmed that it will be completed before the Commission has another sign hearing.

18D. Commissioner Polcari commented on the demolition of Cathay Bank building at the corner of Hawthorne and Lomita Boulevard.

18E. Chairperson Skoll reported on his attendance at the ExxonMobil Community Advisory Panel meeting earlier this evening, which included a discussion of government regulations pertaining to oil companies. He noted that there was also mention of the \$50,000 donation given at last night's City Council meeting for the summer youth employment program.

18F. Chairperson Skoll reported that he saw a notice in the newspaper listing properties that are in arrears on taxes and was surprised to see Simon, part owner of Del Amo mall, on the list.

18G. Chairperson Skoll noted that he and his wife were looking forward to attending the Armed Forces Day Parade on Saturday.

19. ADJOURNMENT

At 10:05 p.m., the meeting was adjourned to Wednesday, June 6, 2012 at 7:00 p.m.

Approved as Submitted June 20, 2012 s/ Sue Herbers, City Clerk
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