

**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, June 5, 2013 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, Polcari, Rizzo, Skoll, Watson
and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Lang,
Associate Civil Engineer Symons, Plans Examiner Noh,
Sr. Fire Prevention Officer Kazandjian,
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 Thursday, May 30, 2013.

5. APPROVAL OF MINUTES – None.

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. CUP13-00007: ANGEL BINS (SIMON PROPERTY GROUP)

Planning Commission consideration for approval of a Conditional Use Permit to allow the installation and operation of donation bins on properties located in the H-DA1 Zone at 3520 and 3525 Carson Street, 21741 Del Amo Circle and 3635 Fashion Way.

Recommendation: Approval.

Planning Assistant Lang introduced the request.

Commissioner D'anjou disclosed that she invited Goodwill and the Salvation Army to this hearing, but did not know if either organization had sent a representative.

Chairperson Weideman disclosed that his wife is a member of the South Bay Auxiliary for Children's Hospital, which operates a thrift shop in Redondo Beach, but this would not affect his decision.

Elaine Abelaye-Mateo, representing the applicant, stated that Angel Bins is a division of Paragon Textiles, which is a socially responsible for-profit recycling company. She explained that 21 billion pounds of clothing and textiles are discarded on an annual basis in the United States, of which only 15% is recycled, and the company offers a solution by diverting unwanted items from landfills while helping local non-profits raise money for their programs. She reported that Angel Bins began a partnership with Simon Properties and the Torrance Education Foundation last fall and has placed four bins at Del Amo Fashion Center and five bins at Torrance elementary schools.

Murtaza Haji, CEO of Angel Bins, provided background information about the company, noting that it offers two forms of fundraising: 1) Hosting fundraising events for schools/non-profits, which provides one-time funds, and 2) Installing donation bins, which provides recurring revenue. He stated that he immediately contacted City staff when he became aware that a Conditional Use Permit was required for the bins and has been working with them ever since to obtain the necessary approvals. He offered his assurance that the company will do everything possible to ensure that the bins do not create blight. He reported that they are equipped with "smart chips" that monitor the fullness of the bins; that they will be picked up before they get past 50% full; and that any graffiti will be cleaned up within 24 hours of receiving notice. He voiced his agreement with the recommended conditions of approval with the exception of Condition No. 11, which limits the number of new bins to four additional locations per year, explaining that the company would like to add 20 bins in 2014.

Responding to questions from the Commission, Planning Manager Lodan advised that staff was recommending that the applicant be limited to 20 bins this year and no more than 4 additional bins each year after that unless there is Planning Commission approval and that no cap was placed on the total number of bins the company would be allowed, but they must comply with the distance restriction (at least 1000 feet apart). He reported that the applicant plans to contact property owners where there are existing unpermitted bins and get their permission to replace them with Angel Bins, however, only 17 of the 35 unpermitted bins on the list provided by applicant are actually located within Torrance.

Chairperson Weideman recommended that Condition No. 11 be amended to state that the location of the first 20 bins, as well as the location of all future bins, must be reviewed and approved by the Community Development Department.

In response to Commissioner Rizzo's inquiry, Planning Manager Lodan reported that the Zoning Code does not specifically address donation bins, but they are being processed under the section regulating recycling centers because it's very similar to that type of operation. He explained that the City has had to take action because a number of unpermitted bins have been

placed around Torrance and enforcement efforts have been hindered due to the lack of contact information on the bins and absentee landlords.

Assistant City Attorney Sullivan noted that the Zoning Code was in the process of being updated, and Commissioner Rizzo recommended that the issue of regulating donation bins be addressed in the update.

Responding to questions from the Commission, Planning Manager Lodan confirmed that the City intends to track the location of each of the bins to ensure that only the approved number is installed and they comply with all requirements. He clarified that it will be up to the applicant to work out agreements with property owners to replace existing unpermitted bins; that the City will not be party to this action; and that a property owner has the ability to decline Angel Bin's offer.

Chairperson Weideman suggested that approved bins be marked with some type of sticker indicating that they are permitted by the City of Torrance so they can be distinguished from unpermitted bins.

Commissioner Gibson asked if the City will have a contract with the applicant, and Planning Manager Lodan advised that the City would only be granting a land use entitlement.

Mr. Haji reported that the company has a Memorandum of Agreement (MOA) with the Torrance Education Foundation, which specifies that the foundation shall receive \$1,000 per bin on an annual basis.

Chairman Weideman asked what would happen if a property owner preferred a different charity, and Mr. Haji responded that the company might consider another charity or it could scout out another location for the bin.

Commissioner Gibson questioned how many employees the company has to service the bins, and Mr. Haji reported that the parent company has approximately 80 employees and estimated that 2 or 3 more would be needed to service 40-50 bins in Torrance.

Rania Zein, representing Torrance Education Foundation, stated that the organization's board supports Angel Bins and appreciates their fundraising efforts. Urging approval of the application, she reported that TEF has been impressed with the company's customer service, the quality and cleanliness of their bins, the punctuality of their pick-up, and their state-of-the-art technology.

Chairperson Weideman related his observation that there are two Planet Aid bins in front of Carr Elementary School in North Torrance and questioned why these bins have not been replaced with bins that benefit the Torrance Education Foundation.

Ms. Zein indicated that she had no knowledge of these bins.

Commissioner D'anjou requested clarification regarding the amount of money TEF is supposed to receive from Angel Bins because she had seen differing amounts in school newsletters.

Ms. Zein reported that TEF is to receive \$1,000 per bin annually and the individual schools where bins are placed will receive \$500 per year. She indicated that she did not have

information regarding any proceeds that have been received from Angel Bins at this time, but could provide it at a later date.

Julie Dover, representing Goodwill, voiced objections to the proposed entitlement. She stated that there is a proliferation of unpermitted bins, which are typically placed without the permission of the property owner by for-profit companies that are textile exporters seeking to increase their profits in the international salvage market. She contrasted the benefits of contributing used goods and clothing to a non-profit organization versus a for-profit organization, referring to written material submitted to the Commission. She contended that for-profit donation bins are misleading because most people believe they are contributing to Goodwill or similar organizations. She noted that all money raised locally by Goodwill is given back to the community.

Tamara Brown, Angel Bins fundraising coordinator, reported that Angel Bins held a fundraiser for her son's Murrieta High School football team approximately one year ago raising \$8,000 in much needed funds; that she was so impressed with the company she decided to go to work for it; and that in less than 8 months, she has helped local charities in Murrieta, Riverside and San Bernardino raise \$103,702.00. She suggested that while Goodwill and the Salvation Army are very worthy charities, there are many schools and other organizations that are in desperate need of funding due to budget cutbacks and urged the Commission to approve this application, which is an opportunity to support the Torrance Education Foundation.

Returning to the podium, Mr. Haji stated that the company operates in a very transparent manner and complies with the State requirement that bins be identified as being operated by a for-profit company. He explained that without textile recycling companies, clothing that Goodwill is unable to sell would go into landfills and clearly there is a need for this type of business since 85% of textiles are not recycled. He voiced his opinion that Angel Bins is a win/win solution because they divert clothing away from landfills and provide revenue for charitable partners. He clarified that bins located on school properties receive only \$500 per year because donations are significantly less than bins at other locations where there is more traffic.

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

Planning Manager Lodan offered amended wording for Condition No. 11.

Chairperson Weideman proposed that Condition No. 7 be amended to state that donation bins shall be at least 1,500 feet apart instead of 1,000 feet.

Commissioner Gibson stated that while she believes Angel Bins' goals are honorable, she was not convinced that this issue has been studied thoroughly enough.

Commissioner Rizzo expressed concerns about the proliferation of donation bins since this will likely be the first of many such applications.

Chairperson Weideman indicated that he shared Commissioner Rizzo's concern about the proliferation of these bins and suggested approving only the four bins at Del Amo Fashion Center at this time and referring the matter back to staff for further study.

Commissioner Watson suggested the possibility of having the permits for donation bins be renewable and subject to periodic review. She also suggested that there be some kind of

mechanism to ensure that charitable organizations receive what has been promised to them and bins that are not receiving sufficient donations to justify having them are removed.

In response to Commissioner Skoll's inquiry, Planning Manager Lodan confirmed that Environmental Quality staff is working to identify the owners of unpermitted bins and have them removed.

Commissioner Skoll indicated that he favored requiring a sticker to be affixed to bins indicating that they are permitted by the City of Torrance and requiring any graffiti to be removed within a certain period of time.

Commissioner D'anjou stated that she found bins at Del Amo mall to be deceptive because the most prominent markings indicate that they benefit the Simon Youth Foundation and the fact that they are owned and operated by a for-profit company is listed at the bottom in a very small font, which would lead people to believe they were donating goods to a 501(c)(3) non-profit organization. She related her belief that the onus would be on the charitable organization to enforce any agreement they have entered into regarding the bins since the City is not party to these agreements. She stated that in her view, the applicant was no more philanthropic than Walmart, which also donates money to various charities, and she favored limiting donation bins to organizations with 501(c)(3) status. She noted that 501(c)(3) organizations are subject to stringent reporting protocols that for-profit companies are not.

Commissioner Skoll related his belief that Commission D'anjou had raised some valid concerns and the issue warranted further study.

Assistant City Attorney Sullivan reviewed the Commission's options for taking action on this matter.

MOTION: Commissioner Rizzo moved to approve the four bins at Del Amo Fashion Center only. The motion was seconded by Commissioner Watson, and discussion continued.

Commissioner Gibson voiced her opinion that this issue needs a lot more study and offered the following substitute motion:

MOTION: Commissioner Gibson moved to continue the matter. The motion was seconded by Commissioner Skoll, and discussion continued.

Planning Manager Lodan offered to have staff research what other cities are doing to regulate these bins, to report on the City's enforcement history with regard to unpermitted bins; and to explore whether the regulation process for vending machines might be appropriate for donation bins. He asked if there was any other information Commissioners would like.

Commissioner Skoll asked about looking into non-profit versus for-profit operators, and Planning Manager Lodan advised that regulating donation bins is strictly a land use issue.

Planning Manager Lodan recommended that the item be continued indefinitely to allow staff sufficient time to do further research.

Chairperson Weideman asked about the status of the applicant's four existing bins at Del Amo mall during the interim, and Planning Manager Lodan reported that enforcement action

has been held in abeyance during the application process and staff was comfortable continuing this policy until the matter has been resolved.

MOTION: Commissioner Gibson moved to continue the matter indefinitely. The motion was seconded by Commissioner Skoll, and passed by a 5-2 roll call vote, with Commissioners Polcari and Watson dissenting.

11. **WAIVERS** - None.

12. **FORMAL HEARINGS**

12A. **CUP13-00006: TRENT L. MITCHELL (THE TELO INDUSTRIAL CENTER, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow a personal training and corrective exercise center on property located in the M1-PP Zone at 23520 Avenue, #3.

Recommendation – Approval.

Planning Assistant Lang introduced the request.

Trent Mitchell, applicant, voiced his agreement with the recommended conditions of approval. He reported that the gym will offer private and semi-private training sessions on an appointment-only basis.

Commissioner Skoll noted that the staff report mentions that deficiencies at this industrial center, which should have been addressed in conjunction with a previous entitlement (CUP11-00015), have not been taken care of, therefore a condition has been included requiring business licenses for this applicant and the applicant for CUP13-00013 to be withheld until the improvements have been implemented. He voiced his opinion that it was unfair to hold these applicants hostage based on requirements related to a previous entitlement.

Planning Manager Lodan advised that the property owner was put on notice with the previous application in 2011, but failed to correct the deficiencies so staff felt the only remedy was to make it a condition of approval.

Assistant City Attorney Sullivan explained that this was done in the past in conjunction with a church's application, which generated heated debate, however it has proven to be the most effective way to get a landlord's attention.

In response to Chairperson Weideman's inquiry, Mr. Mitchell confirmed that he was in agreement with all conditions of approval, but was concerned about getting the landlord to make the required improvements.

Chairperson Weideman related his understanding that the applicant would not have to pay the rent if his business license was held up due to the landlord's failure to make the improvements.

Commissioner Skoll expressed concerns that the delay would cause the applicant to lose money since he would not be able to operate his business.

Dan Uyemura, applicant for CUP13-00013 (Item 12B), urged that applicants not be held responsible for site compliance issues, which are out of their control, explaining that it would hinder their ability to operate their businesses and put a strain on their relationship with their landlord.

In response to Chairperson Weideman's inquiry, Mr. Mitchell reported that he has 30 years' experience in the fitness business and chose to locate in Torrance because he raised his family here.

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

MOTION: Commissioner Polcari moved to approve CUP13-00006, 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 Assistant Lang read aloud the number and title of Planning Commission Resolution No. 13-022.

MOTION: Commissioner Polcari moved for the approval of Planning Commission Resolution No. 13-022. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

12B. CUP13-00013: DANIEL UYEMURA (THE TELO INDUSTRIAL CENTER, LLC)

Planning Commission consideration for approval of a Conditional Use Permit to allow a fitness facility within an existing industrial space on property located in the M1-PP Zone at 23510 Telo Avenue, #1.

Recommendation: Approval.

Planning Assistant Lang introduced the request and noted supplemental material consisting of correspondence from the applicant received after the agenda item was completed.

Daniel Uyemura, applicant, provided background information about the proposed CrossFit fitness facility, which offers high intensity training and life-style coaching. He explained that initially the only staff will be him and his partners, Jamie and Lexie Hagiya, but they hope to add 6 to 8 coaches within the next two years. He noted that all of the partners are long-time Torrance residents and Jamie had an illustrious career as a basketball player at South High and USC.

Commissioner Gibson asked what age group the facility is geared to, and Mr. Uyemura stated that CrossFit is for all ages from children to grandparents and programs include CrossFit Kids and CrossFit Teens.

Jamie Hagiya, applicant, reported that she became acquainted with CrossFit when training for a professional basketball career and she now wants to share her passion for exercise and working out by operating this gym. She noted her experience working with youths as a basketball coach.

In response to Commissioner Skoll's inquiry, Ms. Hagiya explained that CrossFit is not a typical gym as it does not have a lot of machinery and places an emphasis on functional movements common in everyday life using basic equipment like barbells and jump ropes.

Mr. Uyemura reiterated his concern about being held responsible for site compliance issues not related to his application (per supplemental material).

Commissioner Rizzo suggested that Mr. Uyemura and Mr. Mitchell (Agenda Item 12A) meet with the property owner to try to resolve this issue.

Mr. Uyemura reported that he had spoken with the landlord earlier in the day and also spoke with other tenants who have pledged to help him with this matter. He emphasized that he and his partners do not have deep pockets and any delay in opening could put them out of business.

Assistant City Attorney Sullivan recommended that Mr. Uyemura and Mr. Mitchell set up a meeting with the landlord and City staff to try to come up an acceptable solution.

Chairperson Weideman suggested that the applicant from CUP11-00015 should also be party to the discussion since this is when the compliance issues originally came up.

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

MOTION: Commissioner Skoll moved to approve CUP13-00013, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

Planning Assistant Lang read aloud the number and title of Planning Commission Resolution No. 13-023.

MOTION: Commissioner Skoll moved for the approval of Planning Commission Resolution No. 13-023. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

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 May 10, May 16, and May 24, 2013 were 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 June 19, 2013 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Commissioner Polcari requested an excused absence from the June 19 Planning Commission meeting because he will be attending his daughter's graduation.

Commissioner Rizzo, seconded by Commissioner Watson, so moved, and voice vote reflected unanimous approval.

18B. Commissioner Skoll reported that he will be unable to attend the dinner for former Commission Ray Uchima because he will be in Missouri.

19. ADJOURNMENT

At 8:47 p.m., the meeting was adjourned to Wednesday, June 19, 2013 at 7:00 p.m.

###

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