

July 6, 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 7:07 p.m. on Wednesday, July 6, 2005, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Muratsuchi.

3. ROLL CALL

Present: Commissioners Drevno, Guyton, Horwich, LaBouff, Muratsuchi and Chairperson Uchima.

Absent: Commissioner Faulk.

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

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

4. POSTING OF THE AGENDA

MOTION: Commissioner Muratsuchi, 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

MOTION: Commissioner Muratsuchi moved for the approval of the May 18, 2005 Planning Commission minutes as submitted. The motion was seconded by Commissioner Drevno; voice vote reflected unanimous approval, with Commissioner LaBouff abstaining (absent Commissioner Faulk).

6. REQUESTS FOR POSTPONEMENT

Chairperson Uchima noted that requests had been received to continue Agenda Item 8A, WAV05-00011, Gregory Buchalla and Item 8B, PRE04-00035: Doug and Emily Galloway, indefinitely and to continue Item 10D, MOD05-00007: Anastasi Development, to July 20, 2005.

MOTION: Commissioner Horwich, seconded by Commissioner Guyton, moved to continue Agenda Item 8A indefinitely; voice vote reflected unanimous approval (absent Commissioner Faulk).

MOTION: Commissioner Guyton, seconded by Commissioner Horwich, moved to continue Agenda Item 8B indefinitely; voice vote reflected unanimous approval (absent Commissioner Faulk).

MOTION: Commissioner Horwich, seconded by Commissioner Muratsuchi, moved to continue Agenda Item 10D to July 20, 2005; voice vote reflected unanimous approval (absent Commissioner Faulk).

Chairperson Uchima announced that hearings for Items 8A and 8B will be re-advertised after a new hearing date has been set and that the hearing for Item 10D will not be re-advertised as it was continued to a date certain.

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

7. **TIME EXTENSIONS**

None.

8. **CONTINUED HEARINGS**

8A. **WAV05-00011: GREGORY D. BUCHALLA**

Planning Commission consideration for approval of a Waiver to allow a reduction in the rear yard setback requirement on property located in the R-1 Zone at 2125 234th Street.

Continued indefinitely.

8B. **PRE04-00035: DOUG AND EMILY GALLOWAY (LANE BUILDING DESIGNS)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story single-family residence with an attached four-car garage on property located in the Hillside Overlay District in the R-1 Zone at 936 Calle Miramar.

Continued indefinitely.

8C. **CUP05-00010, PRE05-00011, PCR05-00002: WITHEE MALCOLM ARCHITECTS (MALAGA BANK)**

Planning Commission consideration for approval of a Conditional Use Permit, a Precise Plan of Development and a Planning Commission Review to allow the construction and operation of a new two-story bank building with subterranean parking on property located in the Hillside Overlay District in the C-2 Zone at 25904 Rolling Hills Road.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Dan Withee, project architect, using a site plan and photographs to illustrate, responded to claims made at the previous meeting that the proposed project would obstruct the view of residents in the apartment building at 25935 Rolling Hills Road and block the One-Stop Mart at 25920 Rolling Hills Road from the view of motorists on Crenshaw Boulevard. He pointed out that the One-Stop Mart would have clear visibility from three directions. – eastbound/westbound Rolling Hills Road and northbound Crenshaw – and would have fairly good visibility from southbound Crenshaw closer to the intersection. He noted that the store is not located on the corner and even a one-story building would block it from view. Indicating that he visited the apartment building earlier in the day but was not able to enter first floor apartments, he maintained that the project would have no significant impact on second or third-floor views and the few units that could be impacted on the first floor did not have a view until the gas station formerly on this site was demolished.

Mark Doosc, owner of apartment building at 25920 Rolling Hills Road, requested a continuance so more Commissioners would have an opportunity to view the project's silhouette from his apartment building.

Commissioner Drevno noted that she had an appointment to see the apartments earlier in the day and Mr. Doosc failed to show up.

Rosemary Iloenyosi, owner of One-Stop Mart, submitted a petition in opposition to the project. She contended that the proposed project would hinder access to her property and make it dangerous for pedestrians who walk to the store. She reported that the fence that has been erected between her property and the subject property has caused accidents in the parking lot because there is no longer enough room to back up.

At Mr. Withee's request, Fire Marshal Carter provided clarification regarding Condition No. 5, which requires the applicant to provide certification that the site is free of hazardous materials and that waste and oil residue have been remediated to acceptable background levels. Associate Civil Engineer Symons provided clarification of Condition No. 10, which requires the undergrounding of utilities.

Mr. Withee requested an opportunity to work with Fire Marshall Carter on the language in Condition No. 5, explaining that the site contains MTBE and other chemicals for which no acceptable background level has been established, therefore, it would be impossible to obtain certification. Fire Marshal Carter agreed to meet with Mr. Withee to discuss this issue.

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

Commissioner Horwich indicated that he favored a continuance so that he and other Commissioners could visit the apartment complex during evening hours to evaluate the project's impact on city light views, and it was the consensus of the Commission to continue the hearing to July 20, 2005.

Commissioner Muratsuchi questioned whether staff had any suggestions as to how the visibility of One-Stop Mart could be enhanced for southbound traffic on Crenshaw, possibly through the use of signage.

Sr. Planning Associate Lodan noted that the Hillside Overlay Ordinance was designed to protect views enjoyed from within a property and not the visibility of a business from the street. He stated that it was staff's opinion that the applicant has already taken the store's visibility into account and lowering the building any further would not be feasible as it would impair access to the garage level. He advised that the City, as a general rule, does not permit off-site signage.

Commissioner Muratsuchi noted that strip malls commonly have the names of several businesses on one sign and asked how having a monument sign with both Malaga Bank and One-Stop Mart on it would differ. Sr. Planning Associate Lodan explained that strip malls are typically under one ownership and in this case the two properties are separately owned.

In response to Commissioner Muratsuchi's inquiry, Deputy City Attorney Whitham confirmed that the Conditional Use Permit process affords some protection to adjacent land uses and that the Commission has the discretion to impose conditions to mitigate project-related adverse impacts on adjacent business properties.

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

Sr. Planning Associate Lodan announced that the hearing would not be re-advertised as it was continued to a date certain.

Commissioners briefly discussed the scheduling of visits to the apartment building. Deputy City Attorney Whitham cautioned that no more than three Commissioners could be on the site at one time due to restrictions in the Brown Act.

Commissioner Muratsuchi asked that the applicant consider providing some kind of signage for One-Stop Mart to mitigate the impact on this business.

Mr. Withee expressed concerns about the prospect of another continuance, and Chairperson Uchima assured the applicant that a decision on this project would be made at the July 20 meeting.

9. WAIVERS

None.

10. FORMAL HEARINGS

10A. PRE05-00002, WAV05-00012: ROBERT GARSTEIN (ROBERT AND JACKOLINE VAN LINGEN)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of one and two-story additions and a Waiver to allow a reduction in the front and side yard setbacks for an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 4726 Bindewald Road.

Recommendation

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of correspondence from Allen Shenasi, 4722 Bindewald Road.

Bill Applegate, representing the applicant, voiced his agreement with the recommended conditions of approval. He reported that the existing residence was purchased by Mr. Van Lingen's grandfather when the tract was originally built. Referring to Mr. Shenasi's letter, he noted that the view Mr. Shenasi claims would be impacted was acquired when he added a second story in 1994. He explained that the proposed project has a Floor Area Ratio of .53 – or .51 not including the double-counted stairway – and a height of 22 feet 7 inches, which is substantially less than Mr. Shenasi's home, which has an FAR of .60 and a height of 26 or 27 feet. He noted that Mr. Van Lingen's grandmother wrote a letter in opposition to Mr. Shenasi's addition in October 1994, citing concerns about the loss of sunlight and the intrusion on her privacy. He clarified that the eight-foot window shown on the diagram submitted by Mr. Shenasi is actually two small windows and the distance between the residence and the rear wall is almost 22 feet, not 16 feet as shown on the diagram.

Allen Shenasi, 4722 Bindewald Road, clarified that the eight-foot window shown in the diagram refers to the existing window on the first floor of the Van Lingen's home. He explained that all the homes in this tract were built with their rear walls in line; that the Van Lingen's built a family room addition that extends 21 feet into the rear yard some time ago; and that the applicant was proposing to build a second-story over this extension, which would block the west side of his home and detract from the value of his property. He requested that the applicant be required to redesign the project with the second-story addition over the front of the house to protect his view and privacy.

Noting that she visited the site, Commissioner Drevno related her observation that there are very few windows on the west side of Mr. Shenasi's property and the large window in the back looks out to the south and would not be significantly impacted by the project. She asked when the Van Lingen's first floor addition was built.

Mr. Shenasi stated that the Van Lingen's first story addition was in place when he purchased his home, and maintained that it should have never been allowed because it is out of line with the rear walls of homes along the rest of the street.

Commissioner Guyton indicated that he also visited the site and observed that Mr. Shenasi's view to the west appears to be blocked by the two-story house on the other side of the Van Lings.

Mr. Shenasi stated that he still enjoys a diagonal view to the west.

In response to Commissioner Drevno's inquiry, Mr. Shenasi confirmed that he has trees along the west side of his property.

In response to Chairman Uchima's inquiry, Mr. Shenasi indicated that his primary concern is the project's impact on the view from his second story and the privacy of his backyard.

Chairperson Uchima pointed out that Mr. Shenasi was allowed to build his addition, which obviously had an impact on the Van Lings. Mr. Shenasi reported that he was required to raise the sill height of windows on the west side and use obscure glass to protect the Van Lings' privacy.

Commissioner Drevno asked about the square footage of his home, and Mr. Shenasi estimated that his home is approximately 2800 square feet.

Mr. Applegate reported that Mr. Shenasi's home is actually 3857 square feet and contrasted the massiveness of his home with the addition proposed by the applicants. He indicated that the family room addition was built within the first five years after the home was completed and that the Van Lings explored the possibility of shifting the addition to the north but found that it was not practical. He maintained that there was no real impact on Mr. Shenasi's view and that the Van Lings' addition would not impact him anywhere close to the degree his addition impacted the Van Lings. He offered to install obscure glass on the two second-story windows facing Mr. Shenasi's property to minimize the impact on his privacy.

Indicating that he was inclined to support the project, Commissioner LaBouff stated that when visiting a site, he tries to anticipate possible problems, but when he observed the massiveness of Mr. Shenasi's home, he did not see how he could complain about the Van Lings' project.

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

Commissioner Guyton related his understanding that the Hillside Ordinance does not protect acquired views.

Deputy City Attorney Whitham explained that the ordinance itself does not address the issue of acquired view, however, historically, this type of view has been afforded less protection based on the premise that it would be unfair to deny someone the opportunity to build an addition just because it would impact the view from someone else's addition.

Commissioner Muratsuchi announced that he was going to abstain from voting on this item because he was out of town the past week and had not had an opportunity to visit the site.

Voicing support for the project, Commissioner Guyton stated that if anybody's privacy has been intruded upon, it is the Van Lingen's who are sandwiched between two large two-story homes both of which look down into the Van Lingen's backyard. He noted that their privacy has been further compromised by the balcony on the front of Mr. Shenasi's home and indicated that he saw no reason to deny the Van Lingen's an opportunity to add a second story as several of their neighbors have done.

Chairperson Uchima reported that he visited the site earlier in the day and noted his agreement with Commissioner Guyton's remarks. He voiced his opinion that Mr. Applegate's offer to use obscure glass for the east-facing windows was a reasonable solution and indicated that he would support the project with this added condition.

MOTION: Chairperson Uchima moved for the approval of PRE05-00002 and WAV05-00012, as conditioned, including all findings of fact set forth by staff, with the following modification:

Add

- That the two windows on the east side of the master suite shall be constructed of obscure glass.

The motion was seconded by Commissioner LaBouff and passed by unanimous roll call vote, with Commissioner Muratsuchi abstaining (absent Commissioner Faulk).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 05-081 and 05-082.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 05-081 and 05-082 as amended. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote, with Commissioner Muratsuchi abstaining (absent Commissioner Faulk).

10B. PRE05-00015, WAV05-00008: A & A BUILDERS

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence and a Waiver to allow a reduction in the front and side yard setbacks on property located in the Hillside Overlay District in the R-1 Zone at 20932 Tomlee 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.

Brian Boracia, representing the applicant, voiced his agreement with the recommended conditions of approval, including the additional condition in the supplemental material.

Raul Matute, 20933 Tomlee Avenue, voiced objections to the proposed project, explaining that his home is located on a flag lot and his front window will face the side yard of the new home. He asked that the 15-foot by 22-foot portion of the structure facing his front window either be eliminated or relocated to the other side of the lot.

A resident at 220 South Prospect Avenue, Redondo Beach, (name inaudible, no speaker card) reported that the proposed structure would block half of the view from his living room.

Deputy City Attorney Whitham advised that the Hillside Ordinance does not protect the views of those who live outside its boundaries.

Mr. Boracia expressed his willingness to address Mr. Matute's concerns, noting that his wife sold him the subject lot.

Commissioner Muratsuchi pointed out that a project's FAR is limited to .50 unless an applicant can demonstrate that this limitation would constitute an unreasonable hardship.

Mr. Boracia explained that the irregularly shaped site necessitated a lot of hallways and stairways, which resulted in an FAR of .55.

It was the consensus of the Commission to defer taking action on this item until later in the meeting to allow Mr. Boracia and Mr. Matute an opportunity to reach a compromise.

The Commission recessed from 8:50 p.m. to 9:05 p.m.

**10C. CUP05-00012, CUP05-00013, TTM062099: STILLION & SCHLOEDER
(SUBTEC – CHERYL VARGO)**

Planning Commission consideration for approval of two Conditional Use Permits to allow the construction of two separate three-unit attached condominium projects in conjunction with a two-lot vesting Tentative Tract Map on property located in the R-3 Zone at 2440 and 2444 Andreo Avenue.

Recommendation

Approval.

Sr. Planning Associate Lodan introduced the request and noted supplemental material consisting of correspondence received after the agenda was prepared.

Cheryl Vargo, representing the applicant, briefly described the proposed project. She noted that each three-unit condominium development complies with all standards and requirements and that the two developments will share a common driveway. She reported that the project will require a new curb cut on Andreo, but an existing curb cut on Lincoln will be closed. She asked that Condition No. 4 (requiring a provision for a tie-breaker to be included in the CC&Rs) be deleted, explaining that the 2 three-unit developments will have separate homeowner associations so there would be no need for a tie-breaker.

Darryl Gray, 2443 Andreo Avenue, voiced objections to the proposed project, stating that the two existing homes on these lots are in perfectly good condition and should not be demolished. He stated that apartments and condominiums in the area have made it impossible to park on the street.

Noting that the lots are zoned R-3, Ms. Vargo explained that when properties recycle, their price reflects the underlying zoning and they are usually developed to the maximum density permitted so the purchaser can recoup his investment. With regard to parking, she reported that one of the lots is currently parking deficient as it has no garage and pointed out the proposed project will provide a total of 14 parking spaces.

Mr. Gray related his understanding that there is a one-car garage on the lot in question.

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

Chairperson Uchima indicated that he would support the project as proposed because the property is zoned for multi-family residences and the project meets all requirements.

MOTION: Commissioner Horwich moved for the approval of CUP05-00012, CUP05-00013 and TTM062099, as conditioned, including all findings of fact set forth by staff, with the following modification:

Delete

- No. 4 That the Covenants, Codes and Restrictions shall make a provision for a tie-breaker in the event of a disagreement between the owners of the two condominiums.

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

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 05-085, 05-086 and 05-087.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 05-085, 05-086 and 05-087 as amended. The motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote (absent Commissioner Faulk).

Commissioner Muratsuchi commented that he shares Mr. Gray's concerns about the replacement of single-family residences with higher density housing, however, he felt compelled to put his personal bias aside and vote to approve this project, which conforms to the zoning.

Consideration of Item 10B was resumed at this time.

10B. PRE05-00015, WAV05-00008: A & A BUILDERS

Mr. Boracia reported that he had reached a compromise with Mr. Matute by agreeing to eliminate all windows facing his property.

Mr. Matute confirmed that he had agreed to this compromise.

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

Commissioner Guyton asked about Mr. Boracia's claim that the .55 FAR was justified due to the irregularly shaped lot. Sr. Planning Associate Lodan confirmed that the design features a lot of circulation areas due to the width of the lot, which added to the FAR.

MOTION: Commissioner Horwich moved for the approval of PRE05-00015 and WAV05-00008, as conditioned, including all findings of fact with the following modifications:

Add

- That bedroom No. 5 and its bathroom shall have southerly facing windows.
- That master bedroom windows shall face south and the master walk-in closet window shall have a minimum sill height of six feet.

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

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 05-083 and 05-084.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution Nos. 05-083 and 05-084 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Faulk).

10D. MOD05-00007 (MOD94-0002, CUP90-35): ANASTASI DEVELOPMENT

Planning Commission consideration for approval of a Modification of a Conditional Use Permit to allow the establishment of a self-storage facility within an existing building and the construction of two new buildings, including 34 outdoor RV storage stalls, on property located in the M-2 Zone at 19840 Pioneer Avenue.

Continued to July 20, 2005.

11. RESOLUTIONS

11A. CUP05-00006: CJC DESIGN (FRED COHEN)

Planning Commission reconsideration for approval of a Conditional Use Permit (CUP05-00006) to allow beer and wine sales for off-premise consumption in conjunction with the conversion of the existing auto sales component, a 600 square-foot addition, and the remodeling of existing service canopies to the existing service station on property located in the C-2 Zone at 3975 190th Street.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution 05-079.

MOTION: Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-079. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Faulk).

12. PUBLIC WORKSHOP ITEMS – None.

13. MISCELLANEOUS ITEMS – None.

14. RECENT CITY COUNCIL ACTION ON PLANNING MATTERS

Sr. Planning Associate Lodan reported that the City Council voted to implement a voluntary historic preservation program at the June 28 Council meeting.

15. LIST OF TENTATIVE PLANNING COMMISSION CASES

Sr. Planning Associate Lodan reviewed the agenda for the July 20, 2005 Planning Commission meeting.

16. ORAL COMMUNICATIONS

16A. In response to Commissioner Guyton's inquiry, Building Regulations Administrator Segovia advised that construction is permitted in Torrance between 7:00 a.m. and 8:00 p.m., seven days a week.

16B. Commissioner Drevno requested an excused absence for the July 20 meeting.

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

17. ADJOURNMENT

At 9:43 p.m., the meeting was adjourned to Wednesday, July 20, 2005 at 7:00 p.m.

Approved as Written August 17, 2005 s/ Sue Herbers, City Clerk
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