

**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, July 18, 2012 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner D'anjou.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

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

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Gomez, Plans Examiner Noh, Associate Civil Engineer Symons, 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, June 12, 2012.

**5. APPROVAL OF MINUTES**

Commissioner Skoll noted a scrivener's error in the Planning Commission June 6, 2012 minutes.

**MOTION:** Commissioner Polcari moved for the approval of the June 6, 2012 Planning Commission minutes as corrected. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan reported that a neighbor (Gerri Everist, 301 Via Mesa Grande) has requested that Agenda Item 10A, PRE12-00002: Kelly Hamm (Hakim Emad), be continued because she is unable to attend this meeting, however, the applicant has requested that the hearing go on as scheduled.

It was the consensus of the Commission to go forward with the hearing.

**7. ORAL COMMUNICATIONS #1 – None.**

Chairperson Uchima 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. **PRE12-00002: KELLY HAMM (HAKIM EMAD)**

Planning Commission consideration for approval of a Precise Plan of Development to allow a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 169 Via Pasqual.

**Recommendation:** Approval.

Chairperson Uchima announced that he was abstaining from consideration of this item because he lives within the notification area and exited the dais; Commissioner Weideman (Vice Chair) assumed the role of chair for this portion of the meeting.

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

Kelly Hamm, project architect, detailed the revisions that were made to address concerns expressed by neighbors and Commissioners at the February 15, 2012 Planning Commission meeting. He reported that various portions of the roof were lowered to address view impact and the roof over the master bedroom was changed to a flat roof and the bedroom was stepped down to preserve the view corridor of the neighbor at 301 Via Mesa Grande. He stated that the front tower was pushed back approximately 5' to soften the project's appearance from the street and the FAR (floor area ratio) was reduced from 0.593 to 0.565, which is consistent with other recently approved projects in this neighborhood. He noted that contrary to a neighbor's assertion at the last hearing, the property is not for sale and the real estate agent who sold the property has confirmed that he forgot to remove the listing from the MLS. He voiced his agreement with the recommended conditions of approval.

Commissioner Weideman invited public comment, and no one came forward to speak.

Commissioner Weideman noted that Gerri Everist, 301 Via Mesa Grande, in her letter dated July 10, 2012 (agenda material – attachment 4) expressed concerns that the silhouette does not appear to have been modified to reflect the 1'6" reduction in the height of the roofline over the master bedroom.

Mr. Hamm confirmed that the silhouette, which was certified by Gary J. Roehl on July 2, 2012, reflects the plans as proposed including the 1'6" height reduction in question.

Commissioner Gibson commended Mr. Hamm for providing a good summary of concerns and how they were mitigated.

Commissioner Skoll stated that it was apparent that Mr. Hamm had listened to concerns at the February hearing and made changes to address them, therefore he would vote to approve the project.

Commissioner Polcari noted his agreement with Commissioner Skoll's remarks.

Commissioner Weideman indicated that the FAR was still too high for him to support the project.

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

**MOTION:** Commissioner Skoll moved to the approval of PRE12-00002, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Polcari and passed by a 5-1 roll call vote, with Commissioner Weideman dissenting (absent Chairperson Uchima).

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 12-007.

**MOTION:** Commissioner Skoll moved for the approval of Planning Commission Resolution No. 12-007. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Chairperson Uchima)

Chairperson Uchima returned to the dais.

**11. WAIVERS**

**11A. WAV12-00007: THEODORE A. BORGES**

Planning Commission consideration for approval of a Waiver to allow a series of existing over-height block walls on property located in the R-1 Zone at 19205 Ronald Avenue.

**Recommendation:** Approval.

Planning Associate Gomez introduced the request.

Theodore Borges, 19205 Ronald Avenue, applicant, requested clarification of the staff recommendation concerning the wall on the south side of the property.

Planning Manager Lodan advised that per Condition No. 4, the applicant would be able to build a wall up to 8 feet high on the south side of the property starting 25 feet back from the front property line as long as the wall is entirely on the applicant's property.

Mr. Borges voiced his agreement with the recommended conditions of approval.

Ken Wiley, 19203 Ronald Avenue, urged that the Waiver be approved for the existing wall on the north side of the subject property because it blocks the view from his kitchen into the applicant's bathroom, noting that the wall appears to be well-constructed and is aesthetically pleasing.

Harry Stuver, 5406 Towers Street, expressed support for the proposed Waiver, stating that he reviewed the plans for the walls and believes they are consistent with the neighborhood. He voiced his opinion that properties in this area should be exempt from height restrictions for fences and walls due to the close proximity of the Redondo Beach Police Department outdoor pistol range, which is the subject of litigation due noise and lead bullet fragments.

In response to Commissioner Weideman's inquiry, Mr. Stuver reported that the pistol range is within 50 feet of the rear wall of the subject property on Beryl Street.

Pat Hennessy, 19205 Ronald Avenue, confirmed that the wall on the north side of the property is necessary for privacy since his bathroom window is almost directly across from the kitchen window at 19203 Ronald Avenue.

Arthur Evans, 5922 Arvada Street, voiced support for the proposed Waiver of wall height restrictions, contending that the added height is necessary to buffer noise from the pistol range. He related his belief that the improvements made to the subject property have increased home values in this area.

Returning to the podium, Mr. Borges requested approval of the Waiver.

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

Commissioner Skoll expressed support for the Waiver.

Commissioner Gibson also expressed support, noting that she was familiar with the pistol range issue because her children attended Towers Elementary School.

**MOTION:** Commissioner Gibson moved for the approval of WAV12-00007, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 12-039.

**MOTION:** Commissioner Gibson moved for the adoption of Planning Commission Resolution No. 12-039. The motion was seconded by Commissioner Weideman and passed by unanimous vote

## **12. FORMAL HEARINGS**

**12A. CUP12-00010: JUNG KYU LEE (GINGER ROOT COMMERCIAL ASSOCIATES, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a restaurant with seating on property located within the C-2 Zone at 2734 Sepulveda Boulevard.

**Recommendation:** Approval.

Planning Associate Gomez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Jonathan Pae, project architect, voiced his agreement with the recommended conditions of approval. He clarified that the applicant intends to operate the restaurant from 7:00 a.m. to 10:00 p.m. rather than 10:00 a.m. to 12:00 a.m. as listed in the staff report. He explained that the restaurant will be serving coffee and bakery items, including hodo kwaja, a popular Korean walnut pastry.

Responding to questions from the Commission, Mr. Pae reported that the restaurant will include seating for 26 people and will be set up like a typical coffee house. He noted that parking requirements are based on the square-footage of the restaurant and not the number of seats.

Commissioner Weideman asked about requirements for signs that include a foreign language. Planning Manager Lodan advised that foreign languages are allowed but the predominant language must be English.

Mr. Pae reported that the sign will include large English lettering and smaller Korean lettering.

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

**MOTION:** Commissioner Polcari moved to approve CUP12-00010, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Modify**

No. 5 **Old:** That should the operation until 12:00 a.m. cause complaints or issues, the applicants shall revise the hours of operation accordingly.

**New:** That the hours of operation shall be 7:00 a.m. to 10:00 p.m.

The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 12-041.

**MOTION:** Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 12-041 as amended. The motion was seconded by Commissioner Rizzo and passed by unanimous vote.

**12B. PRE12-00010: BRYAN WINTERS (CLAUDIO AND BRIGETTE MEIER)**

Planning Commission consideration for approval of a Precise Plan of Development to allow 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 100 Via Estrellita.

**Recommendation:** Approval.

Planning Associate Gomez introduced the request and noted supplemental material consisting of a revised resolution amending Conditions Nos. 13, 14 and 15 to reflect that a Grading Permit will not be required.

Bryan Winters, project architect, voiced his agreement with the recommended conditions of approval. He briefly described the proposed project, noting that it would upgrade a 1950s post-war house and add a second-story master bedroom suite.

Pua Donohue, 245 Via Linda Vista, stated that she does not object to the project, but would like to know if the large tree in the backyard will be retained because without the tree, the project would intrude on her privacy.

Greg Scarich, 253 Paseo de las Delicias, expressed concerns that allowing the proposed deck would set a precedent.

Planning Manager Lodan advised that the deck is technically a balcony because it is adjacent to a living area. He reported that the balcony was reviewed for privacy impacts and it was determined that the impact was mitigated because of its location toward the middle of the property. He noted that each project is reviewed on a case-by-case basis so approving this one would not be setting a precedent.

John Conroy, 254 Via Linda Vista, stated that the project does not affect him, but he was present to support Ms. Donohue with regard to her concern about the retention of the tree.

Chairperson Uchima clarified that the Hillside Ordinance does not regulate trees.

Matthew Traylen, 648 Calle Miramar, indicated that his only concern was that the silhouette accurately reflects the height of the structure to be built because he wants to make sure his view is protected.

Chairperson Uchima explained that the silhouette is certified by licensed surveyor to ensure that heights are accurate and related his understanding that the only item not silhouetted would be a chimney.

Commissioner Weideman questioned whether balconies are included in silhouettes, and Planning Manager Lodan advised that balconies may or may not be included depending on the location. He noted that there will be solar panels on the one-story portion of this home, which is another item that is generally not required to be included in a silhouette.

Mr. Winters confirmed that the proposed balcony was included in the silhouette. He stated that the applicant intends to keep the backyard as it is, other than trimming overgrown vegetation and does not intend to remove any trees because they also provide privacy for the applicant. He noted that the project is 2½ feet under the maximum height permitted in order to minimize the impact on surrounding neighbors.

In response to Chairperson Uchima's inquiry, Mr. Winters confirmed that there are no windows in the second-story addition facing Ms. Donohue's property.

Responding to questions from the Commission, Mr. Winters provided clarification regarding the size and location of the balcony. He acknowledged that there was a small portion that protrudes beyond the rear wall of the second story where someone could conceivably stand and look down into Ms. Donohue's property.

Chairperson Uchima questioned the reason for such a large balcony (12.5 feet by 13 feet). Mr. Winters responded that it was just to provide more outdoor living space. He noted that if the budget permits, the flat roof adjacent to the balcony will be a "green roof" consisting of trays of living plant material over a torch-down roof.

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

Commissioner Weideman indicated that he favored downsizing or eliminating the portion of the balcony that protrudes beyond the rear wall of the second story.

Chairperson Uchima requested clarification regarding the protrusion mentioned by Commissioner Weideman, and the public hearing was reopened so Mr. Winters could comment.

Mr. Winters explained that the balcony is L-shaped and the portion that extends beyond the wall of the master bedroom is approximately three feet. He doubted that much could be seen from this area of the balcony due to trees and mature vegetation.

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

Expressing support for the project, Commissioner Skoll stated that he was initially concerned about the look of the project, but apparently none of the neighbors object. He expressed the hope that the applicant would maintain the trees in the backyard as requested by Ms. Donohue.

Commissioner Weideman stated that he saw no reason why the 3-foot protrusion of the balcony could not be eliminated to avoid any possibility that Ms. Donohue's privacy could be impacted.

Chairperson Uchima noted his concurrence with Commissioner Weideman's remarks.

Commissioner Skoll stated that he would like confirmation from the architect that it was possible to eliminate this portion of the balcony before making a decision, and the public hearing was reopened so Mr. Winters could comment.

Mr. Winters stated that he was not opposed to eliminating this portion of the balcony as long as his clients are able to afford to make the adjacent roof a green roof. He reiterated his position that this area of the balcony was unlikely to create a privacy intrusion and related his belief that there was nothing in the Code that would prohibit the balcony as proposed.

Chairperson Uchima explained that the Commission must consider potential privacy intrusions because the Hillside Ordinance requires that view, light, air and privacy impacts be mitigated as much as possible.

Mr. Winters explained that the purpose of this area of the balcony is to allow his clients to look into their own backyard. He suggested the possibility that the decision could be made whether or not to eliminate the protrusion during the construction process.

Chairperson Uchima advised that the plans cannot be altered after being approved by the Commission.

Mr. Winters emphasized that privacy impacts were considered in the design of the project, noting that he stood on the roof in order to figure out the placement of windows.

Commissioner D'anjou directed Commissioners to an aerial view of the project showing that large trees cover almost the entire width of the backyard.

Chairperson Uchima and Commissioner Weideman indicated that they found the aerial view to be very helpful.

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

**MOTION:** Commissioner Polcari moved for the approval of PRE12-00010, 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.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 12-040.

**MOTION:** Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 12-040. The motion was seconded by Commissioner Gibson and passed by unanimous vote.

The Commission briefly recessed from 8:30 p.m. to 8:40 p.m.

13. **RESOLUTIONS** – None.
14. **PUBLIC WORKSHOP ITEMS** – None.
15. **MISCELLANEOUS ITEMS**

**15A. MIS11-00265: KARYN CHAMBERLAIN (formerly Maddick)**

Planning Commission consideration of a Motion to Reconsider the decision to uphold an Appeal and deny without prejudice a Minor Hillside Exemption to allow additions to an existing residence on property located within the Hillside Overlay District in the R-1 Zone at 605 Paseo de los Reyes.

Chairperson Uchima noted that he was absent from the May 16, 2012 Planning Commission meeting at which the Commission voted to deny MIS11-00265 without prejudice and asked Commissioner Rizzo to briefly summarize what occurred.

Commissioner Rizzo reported that the Commission considered the proposed one-story addition at 605 Paseo de los Reyes on May 16, 2012; that during the hearing, a neighbor (609 Paseo de los Reyes) claimed that the project would impact his view; and that as a result of this testimony, the Commission voted to deny the project without prejudice. He explained that Commissioners decided to vote on the project rather than continue the hearing for a second time because they felt it would expedite the approval process since the applicant would be able to file an appeal and have the matter decided by the City Council. He stated that he had assigned more weight to the neighbor's testimony because this same neighbor had noted potential errors in the maximum heights listed on the plans at a previous hearing and it was later confirmed that the heights were incorrect. He indicated that he was not opposed to reconsidering the project at the Planning Commission level if that was the applicant's preference, but noted the possibility that it could again be denied.

Chairperson Uchima disclosed that he lives within two blocks of the subject property but not within the notification area. He noted that he has lived in the Riviera for 33 years and enjoys an ocean view so he's very sensitive to view issues. He offered to recuse himself from this case if the applicant was concerned about his ability to be impartial. He also disclosed that he visited the site earlier today and noticed that the silhouette above the garage appears to impact an ocean view from across the street and that he had a brief conversation with a neighbor, but made it clear that he could not discuss the case.

Karen Chamberlain, 605 Paseo de los Reyes, applicant, stated that she was not in a hurry to get the project done and thought it would be a waste of the City Council's time to hear this case. She reported that she was in the process of interviewing for a new architect and was optimistic that a solution can be found to satisfy neighbors who are willing to be reasonable. She related her belief that it was unfair that the Commission denied the project based on neighbor's claim of view impact when none of the Commissioners had personally observed the impact and staff had assessed the view impact to be minor. She requested clarification of the Commission's position on the straight-in driveway issue, which was the focus of the original hearing. She commented on the difficulty of working with neighbors who refuse to have a civil conversation with her despite repeated attempts.

Chairperson Uchima invited public comment, emphasizing that the Commission was only considering whether to rehear the case and not the merits of the project.

Glenn Smith, 609 Paseo de los Reyes, stated that he had no objection to allowing the applicant an opportunity to revise the plans, noting that the view issue was his only concern.

Mary Jo Burger, 404 Via Malaga, indicated that she was opposed to the rehearing of this case.

Margaret Walker and James Atkins, 601 Paseo de los Reyes, also opposed the rehearing of this case, contending that the Commission's denial of the project should stand.

Ms. Chamberlain reiterated her request that the Commission reconsider their decision to deny the project.

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

Commissioner Skoll expressed support for reconsideration, relating his belief that the City Council would want the Commission to try to resolve this matter.

Commissioner Rizzo and Commissioner Polcari also expressed support for allowing Ms. Chamberlain an opportunity to revise the plans to try to resolve this case at the Planning Commission level.

In response to Commissioner Weideman's inquiry, Assistant City Attorney Sullivan confirmed that the Commission could request that the project be re-silhouetted if any substantial changes are made, and it was the consensus of the Commission to direct the applicant to do so.

**MOTION:** Commissioner Weideman moved to reconsider MIS11-000265. The motion was seconded by Commissioner Polcari and passed by unanimous vote.

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

Planning Manager Lodan reported that at the July 17 City Council meeting, the Council approved a contract with restaurateur/chef Michael Shafer to operate an outdoor marketplace in downtown Torrance on Thursday evenings on a trial basis.

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

Planning Manager Lodan reviewed the agenda for the August 1, 2012 Planning Commission meeting.

**18. ORAL COMMUNICATIONS #2**

**18A.** Commissioner Skoll requested an excused absence from the August 1 Planning Commission meeting because he is going to be out of town.

Commissioner Weideman, seconded by Chairperson Uchima, so moved and the motion passed by unanimous voice vote.

**18B.** Commissioner Skoll reported on his attendance at the ExxonMobil Community Advisory Panel meeting earlier this evening, noting that the topics of discussion included the extensive underground pipeline system and its maintenance.

**18C.** Commissioner Weideman recommended an article in *Planning* magazine.

**19. ADJOURNMENT**

At 9:15 p.m., the meeting was adjourned to Wednesday, August 1, 2012 at 7:00 p.m.

Approved as Submitted August 15, 2012 s/ Sue Herbers, City Clerk
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