

October 5, 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 7:02 p.m. on Wednesday, October 5, 2005, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Drevno.

3. ROLL CALL

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

Absent: Commissioner LaBouff. (excused)

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

4. POSTING OF THE AGENDA

MOTION: Commissioner Muratsuchi, seconded by Commissioner Drevno, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval (absent Commissioner LaBouff).

5. APPROVAL OF MINUTES

None.

6. REQUESTS FOR POSTPONEMENT

Planning Manager Isomoto relayed the applicant's request to continue Agenda Item 8A (PRE04-00015, WAV05-00017: Michael Wellens) to October 19, 2005.

MOTION: Commissioner Horwich, seconded by Commissioner Guyton, moved to continue Agenda Item 8A to October 19, 2005; voice vote reflected unanimous approval (absent Commissioner LaBouff).

Chairperson Uchima announced that the hearing would not re-advertised because 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

7A. MIS05-00212: DENN ENGINEERS (SUBTEC – CHERYL VARGO)

Planning Commission consideration for approval of a Time Extension of a previously approved Tentative Tract Map (TTM60050) to allow the subdivision of one lot for condominium purposes on property located in the R-3 Zone at 2030 Washington Avenue.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Fran Uralman, representing the applicant, reported that the project is nearly complete and additional time is needed for the recording of the final map.

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

MOTION: Commissioner Muratsuchi moved for the approval of MIS05-00210, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-137.

MOTION: Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-137. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner LaBouff).

8. CONTINUED HEARINGS

8A. PRE04-00015, WAV05-00017: MICHAEL AND CAROLYN WELLENS

Planning Commission consideration of a request for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with a semi-subterranean garage and a height waiver to allow the structure to exceed the 27-foot height limitation on property located in the Hillside Overlay District in the R-1 Zone at 208 Paseo de Granada.

Continued to October 19, 2005.

9. WAIVERS

9A. WAV05-00024: JEFF BROWNING

Planning Commission consideration for approval of a Waiver to allow less than the required exterior side yard setback in conjunction with a one-story addition to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 22503 Linda Drive.

Recommendation

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of revised Code requirements.

Jeff Browning, applicant, voiced his agreement with the recommended conditions of approval.

MOTION: Commissioner Horwich moved for the approval of WAV05-00024, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-138.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution No. 05-138. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner LaBouff).

9B. WAV05-00025: BJC DESIGNS

Planning Commission consideration for approval of a Waiver to allow a reduction in the rear yard setback in conjunction with a one-story addition and a two-car garage to an existing single-family residence located in the R-1 Zone at 24474 Winlock Drive.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Dan Hoffman, representing the applicant, voiced his agreement with the recommended conditions of approval.

Vera Kopecky, 24466 Winlock Drive, requested clarification regarding the location of windows.

The matter was deferred until later in the meeting so staff could review the plans with Ms. Kopecky.

10. FORMAL HEARINGS

10A. CUP05-00025, DIV05-00013: SAMUEL KIM

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two new condominium units and a Division of Lot for condominium purposes on property located in the R-2 Zone at 24217 Ward Street.

Recommendation

Approval.

Planning Manager Isomoto introduced the request.

Alfredo Perez, representing the applicant, voiced his agreement with the recommended conditions of approval.

Commissioner Horwich questioned whether anyone is currently living on the site, and Mr. Perez reported that the existing single-family home is occupied.

Commissioner Horwich suggested that a condition be included requiring the applicant to provide tenant relocation assistance. Planning Manager Isomoto noted that this is a Code requirement, but a condition is often included as a reminder to the applicant.

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

MOTION: Commissioner Horwich moved for the approval of CUP05-00025 and DIV05-00013, as conditioned, including all findings of fact set forth by staff, with the following modification:

Add

- That tenant relocation shall be provided to the satisfaction of the Community Development Director.

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

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 05-139 and 05-140.

MOTION: Commissioner Fauk moved for the adoption of Planning Commission Resolution Nos. 05-139 and 05-140 as amended. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner LaBouff).

Consideration of Item 9B was resumed at this time.

9B. WAV05-00025: BJC DESIGNS

Ms. Kopecky reported that she had reviewed the plans and had no objections to the proposed project.

MOTION: Commissioner Muratsuchi moved for the approval of WAV05-00025, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-147.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-147. The motion was seconded by Commissioner Muratsuchi and passed by unanimous roll call vote (absent Commissioner LaBouff).

10B. PRE05-00024, WAV05-00015: RICK SELLERS

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing one-story, single-family residence in conjunction with a Waiver to allow a reduction in the side yard and front-facing garage setback requirements on property located in the Hillside Overlay District in the R-1 Zone at 109 Via La Soledad.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Rick Sellars, project architect, voiced his agreement with the recommended conditions of approval.

Monte McElroy, 108 Via Mesa Grande, stated that she lives directly behind the subject property and questioned whether the perimeter walls will be moved because she has concerns about this issue.

Mr. Sellers explained that the rear wall is not on the property line and there has been some discussion about moving it, but the relocation of the wall is not part of this project.

In response to Commissioner Faulk's inquiry, Mr. Sellers confirmed that there was no dispute over the location of the property line.

Responding to questions from the Commission, Planning Manager Isomoto advised that the applicant could apply for a permit and relocate the wall immediately adjacent to the property line and this would not require Planning Commission approval as long as it does not adversely impact the view, light, air or privacy of neighbors. She

noted that the adjacent property owner's approval would be necessary to build the wall on the property line.

Ms. McElroy, using photographs to illustrate, explained that most homeowners on this block have not located their rear walls on the property line due to the berm and this area is unique as the berm has been kept as open space. Noting that she is an original owner, she reported that residents were directed to build walls on flat areas of their lots and they were to be approved by an architectural jury, which is no longer in existence. She expressed concerns that allowing the applicant to build a retaining wall to capture the sloped area of his yard would encourage others to do the same thing and suggested that the applicant would not need to expand his yard into the berm if he was not enlarging his building pad. She urged the Commission to consider the wall issue in conjunction with this project and requested that a condition be imposed requiring the walls to be maintained in their existing position.

Responding to questions from Commissioners, Deputy City Attorney Whitham confirmed that the Commission had the power to impose such a condition if they felt maintaining the walls in their existing position was necessary to mitigate negative impacts of the project.

Planning Manager Isomoto noted that, as an alternative, a condition could be included requiring the matter to be brought back to the Commission for review should the applicant wish to relocate the walls.

Commissioner Muratsuchi stated that he could not recall a case in which the Commission reviewed the repositioning of a wall. Planning Manager Isomoto reported that there was a case involving the moving of a wall in the Hillside area that was brought to the Commission when a neighbor objected.

Francis Connors, 114 Via Mesa Grande, indicated that she had no objections to the proposed project but would like to be notified of future hearings. Planning Manager Isomoto confirmed that Ms. Connor's address is on the notification list even though it was omitted on the Location and Zoning Map.

Chairperson Uchima asked if the applicant was seriously considering moving the wall. Mr. Sellers explained that at some point the property owner would like to capture the flat part of the rear yard by straightening out the wall but does not intend to build a retaining wall.

A brief discussion ensued regarding the wording of a condition that would not require Commission approval for minor changes to perimeter walls.

Commissioner Horwich suggested that it would be clearer and less confusing to require that the walls remain in their existing position and the property owner could apply for a modification of the Precise Plan if he decides to move the walls at a later date.

Brian Mushaney, owner of the subject property, stated that he was only considering extending the wall to include a flat area of his rear yard; that he had no intention of building a retaining wall; and that he saw no reason why he should have to come back before the Commission for approval.

In response to Commissioner Muratsuchi's inquiry, Mr. Mushaney indicated that he would have no objections to a condition limiting the height of the wall to 6 feet, with no retaining wall.

Ms. McElroy contended that the wall Mr. Mushaney was proposing could not be built without a retaining wall because her wall, which would be below it, is only a garden wall and the ground would erode. She reiterated her position that the reason Mr. Mushaney does not have enough usable yard is because he has over-expanded his building pad and suggested that the Waiver of the setback should not be granted. She noted that she has maintained the berm for 50 years.

Commissioner Drevno expressed concerns about imposing on Mr. Mushaney's property rights.

Commissioner Faulk indicated that he would support the project with the condition proposed by Commissioner Horwich. He stated that he was not concerned about setting a precedent, however, he wanted to ensure that any wall built would not adversely impact neighbors in terms of the Hillside Ordinance.

Commissioner Guyton, echoed by Commissioner Muratsuchi, voiced support for the project as proposed, without restricting the applicant's ability to reposition the walls on his own property.

Commissioner Muratsuchi pointed that the project has an FAR of .47, which is lower than most projects proposed in the Hillside area, and the requested Waiver is for the side yard and front-facing garage setbacks, not the rear yard, which complies with setback requirements.

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

MOTION: Commissioner Guyton moved for approval of PRE05-00024 and WAV05-00015, as conditioned, including all findings of fact, with the following modification:

Add

- That the height of the perimeter wall shall not exceed 6 feet.

Discussion continued, and the public hearing was briefly reopened so Mr. Mushaney could provide clarification of the height of his existing wall.

Ms. McElroy proposed a compromise, stating that she would not object if Mr. Mushaney built a five-foot wall inside his property line and removed her existing wall so she would not have to look at double walls.

Planning Manager Isomoto stated that Building Regulations Administrator Segovia just reminded her that the applicant would have to apply for a building permit before any new wall could be built and all the necessary details in terms of foundation, height and the exact location would have to be supplied at that time. She explained that a building inspector would then visit the site and if it was determined that the wall would have any impact in terms of the Hillside Ordinance or if there was any controversy, the

matter would be brought before the Commission, therefore, it was not necessary to include a condition about the walls.

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

Commissioner Horwich commented that 45 minutes of discussion could have been avoided if Mr. Mushaney and his architect had been more straightforward about their plans for the wall.

MOTION: Commissioner Guyton moved for the approval of PRE05-00024 and WAV05-00015, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 05-143 and 05-144.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution Nos. 05-143 and 05-144. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner LaBouff).

10C. PRE05-00025: ROBERT GARSTEIN/ RGA, INC.

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 5105 Zakon Road.

Recommendation

Approval.

Planning Associate Hurd introduced the request.

Stephen Robinson, representing the applicant, voiced his agreement with the recommended conditions of approval.

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

MOTION: Commissioner Muratsuchi moved for the approval of PRE05-00025, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-145.

MOTION: Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-145. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner LaBouff).

10D. PRE05-00026: JEFF AND KRISTY SMITH (MICHELLE GAINER)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing one-story, single-family residence in the Hillside Overlay District in the R-1 Zone at 2703 Ridgeland Road.

Recommendation

Approval.

Planning Assistant Hurd introduced the request.

Michelle Gainer, project architect, voiced her agreement with the recommended conditions of approval.

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

Commissioner Faulk stated that he was disappointed that the applicant had failed to address concerns about the project's FAR of .59, which were discussed when this project was originally considered in September of 2004. He noted that while the applicant argues that the higher FAR is justified because the subject lot is smaller than the average lot in this neighborhood, the average is skewed due to a few extremely large lots and the majority of the lots are the same size as the applicant's.

Commissioner Muratsuchi indicated that he could not support the project because the applicant had failed to demonstrate that it would be an unreasonable hardship to be limited to an FAR of .50, as required by TMC Section 91.41.11.

Voicing support for the project, Commissioner Horwich noted that the Commission has the discretion to approve projects with an FAR up to .60. He related his observation that lots in the immediate vicinity are fairly level so there are no hillside issues and stated that he did not believe the project would have any harmful effect as proposed.

Commissioner Drevno noted her agreement with Commissioner Horwich's comments.

Chairperson Uchima voiced support for the project, indicating that he observed no adverse impacts. He noted that the lot coverage is only 37% and there are issues that have contributed to the higher FAR, such as the fact that this is a corner lot, which requires a larger side yard setback.

Commissioner Guyton stated that he normally would not support a project with an FAR of .59, but would support the project in this case because he observed no view obstruction and in fact, was not even able to see the houses to the rear because of dense foliage.

Commissioner Muratsuchi indicated that he favors a strict interpretation of the Hillside Ordinance, which does not allow an FAR in excess of .50 without a demonstration of hardship.

MOTION: Commissioner Horwich moved for the approval of PRE05-00026, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by a 4-2 roll call vote, with Commissioners Faulk and Muratsuchi dissenting (absent Commissioner LaBouff).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 05-146.

MOTION: Commissioner Drevno moved for the adoption of Planning Commission Resolution No. 05-146. The motion was seconded by Commissioner Guyton and passed by a 4-2 roll call vote, with Commissioners Faulk and Muratsuchi dissenting (absent Commissioner LaBouff).

11. **RESOLUTIONS** – None.

12. **PUBLIC WORKSHOP ITEMS** – None.

13. **MISCELLANEOUS ITEMS** – None.

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

Planning Manager Isomoto reviewed recent City Council action on Planning matters, reporting that the Standard Pacific project on Jefferson was approved with modifications by a vote of 4-2, with Councilmembers Nowatka and Scotto dissenting. She noted that the developer volunteered to pay the traffic portion of development impact fees, even though the project was not subject to the fees.

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

Planning Manager Isomoto reviewed the agenda for the October 19 Planning Commission meeting and the October 26 General Plan Workshop.

Commissioner Muratsuchi noted that he will be late for the October 26 meeting due to school board candidates' forum.

16. **ORAL COMMUNICATIONS**

16A. Planning Manager Isomoto reviewed the list of candidates for the City Council vacancy.

16B. Chairperson Uchima, seconded by Commissioner Horwich, moved to grant Commissioner LaBouff an excused absence from this meeting; voice vote reflected unanimous approval.

17. ADJOURNMENT

At 8:53 p.m., the meeting was adjourned to Wednesday, October 19, 2005, at 7:00 p.m.

Approved as Amended November 16, 2005 s/ Sue Herbers, City Clerk
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