

**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, October 17, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Weideman.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

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

Absent: None.

Also Present: Planning Manager Lodan, Associate Planner Gomez, Plans Examiner Noh, Sr. Fire Prevention Officer Kazandjian, Associate Civil Engineer Symons, Plans Examiner Gorbin, and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, October 12, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner Weideman moved for the approval of the September 19, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote, with Commissioner Polcari abstaining.

6. REQUESTS FOR POSTPONEMENTS – None.

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 – None.

11. WAIVERS – None.

12. **FORMAL HEARINGS**

12A. **CUP12-00016: KEVIN FRANKLIN /CGS & COMPANY (DOROTHY FRIEDMAN TRUST)**

Planning Commission consideration for approval of a Conditional Use Permit to allow an on-sale beer and wine license in conjunction with the operation of a restaurant use on property located in the C-2 Zone at 3160 Pacific Coast Highway.

Recommendation: Approval.

Associate Planner Gomez introduced the request.

Kevin Franklin, consultant representing CGS & Company, voiced his agreement with the recommended conditions of approval. He stated that the current tenants at this location operate a gourmet sandwich shop and they would like to be able to offer beer and wine, noting that the previous tenants had a beer and wine license but never put it in operation. He confirmed that there will be no entertainment of any kind.

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

Commissioner Gibson noted that the restaurant is open at 7:00 a.m. and questioned whether alcohol could be served at that time, and Planning Manager Lodan advised that alcohol may not be served before 10:00 a.m.

Commissioner Gibson stated that she was not familiar with the self-serve wine dispenser being proposed by the applicant.

Planning Manager Lodan reported that the applicant has agreed to the condition (Condition No. 5) requiring that all alcohol be served by employees because the City needs to do further study before approving the self-serve wine dispenser.

MOTION: Commissioner Polcari moved to approve CUP12-00016, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote.

Associate Planner Gomez read aloud the number and title of Planning Commission Resolution No. 12-068.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 12-068. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote.

12B. **CUP12-00017: INTEGRITY CHRISTIAN CENTER (TORRANCE BUSINESS CENTER)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a church and related functions in conjunction with a joint-use parking arrangement on property located in the M1-PP Zone at 3555 Lomita Boulevard, #K.

Recommendation: Approval.

Associate Planner Gomez disclosed that she is a member of the church involved and was advised by the City Attorney that she should not engage in any discussion of the case therefore her duties would be limited to reading the introduction.

Associate Planner Gomez introduced the request.

Kenny Gatlin, pastor of Integrity Christian Center, provided background information about the church, noting that the church places a strong emphasis on the family and the congregation is racially diverse with people from every social/economic background. He reported that the church is currently meeting in a hotel so they would like to begin working on the project as soon as possible. He explained that Phase I of the project will begin immediately upon approval of the application and will take only a few months; that the church will then begin fundraising for Phase II; and that the church has requested to be allowed up to two years after occupancy to enter into plan check for Phase II. He noted that several members of the congregation were present at the meeting and in lieu of having them speak, he asked for a show of hands to indicate their support for the project (*approximately 50-60 people raised their hands*).

Pastor Gatlin voiced his agreement with the recommended conditions of approval with the following exceptions:

- No. 8 *Requires the applicant to upgrade the nearest trash enclosure to meet NPDES standards.* He explained that the trash enclosure is used by other tenants in the business park and he thought it was unfair for the church to bear the financial responsibility for these improvements. He reported that the church's weekly trash output is equal to about two days of the average household.
- No. 10 *Prohibits the following types of signs: A-frame or freestanding signs; bow or flag banners; air-assisted signs; signs attached to light or utility poles, trees or vehicles; persons holding signs; and temporary signs mounted on the roof of the building.* He explained that one the main reasons the church is moving is to improve its visibility and he felt that the ministry was being discriminated against since other tenants in this business park have both fixed and temporary signage.
- No. 13 *Requires that the property owner grant an easement for the purpose of street improvements at the corner of Lomita Boulevard and Madison Street or prove that the property owner does not own this area and record a quitclaim deed with the County Recorder's office prior to issuance of building permits.* He explained that neither the church nor the Conditional Use Permit is linked to this issue and the church has no way to mediate a solution in this matter, which is between the property owner and the City.

Commissioner Skoll noted that the staff report indicates that the church has requested that parking lot events be incorporated into the Conditional Use Permit, which will allow them to hold events without filing individual Parking Lot Event applications, and questioned whether the City would be setting a precedent by allowing this.

Planning Manager Lodan advised that this has been done in other cases when an applicant holds events on an annual basis, most recently when Lowes was granted approval for its annual Christmas tree lot via the CUP process. He noted that the church has not finalized its calendar, so the applicant will be filing a Minor Modification in the near future.

With regard to Condition No. 13, Associate Civil Engineer Symons explained that the City would like to clear up the ownership of the property covered by the easement so code enforcement and parking issues can be addressed.

Planning Manager Lodan advised that the only opportunity the City has to resolve issues like this is when there is an application for a discretionary permit so Condition No. 13 was added even though the church is not directly involved. He related his understand that the property owner is willing to comply with this condition and believes he doesn't own this property and has no interest in owning it.

Chairperson Uchima expressed concerns that the condition could delay the church's project because it must be resolved prior to the issuance of building permits.

Associate Civil Engineer Symons explained that the quitclaim process is fairly easy and involves little or no expense.

Planning Manager Lodan suggested amending the condition to state that it must be resolved "prior to final inspection."

Referring to Condition 8, Chairperson Uchima recalled that Hope Chapel is located in this business park and questioned how the trash enclosure issue was handled when the CUP for that church was granted.

Planning Manager Lodan advised that NPDES requirements increase in stringency every year and the current standards were not in effect when Hope Chapel's CUP was approved. He noted that Condition No. 8 states "to the satisfaction of the Community Development Director", so there is some flexibility, however, to address the church's concerns he proposed amending Condition No. 8 to require only that the trash enclosure include lids that met NPDES requirements.

With regard to Condition No. 10, Planning Manager Lodan explained that this is a standard condition imposed on all businesses and other uses that involve signage and the types of signs listed are all signs that are not permitted per the Torrance Municipal Code. He noted that the applicant will be allowed to put up signage that complies with code requirements, such as wall, ground, and directional signs, and these signs require separate review and approval as stated in Condition No. 9.

Noting that Hope Chapel has a sign on Lomita Boulevard, Pastor Gatlin stated that he would like his church's name to have the same visibility, and Chairperson Uchima explained that the applicant should work with the property owner on this issue.

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

MOTION: Commissioner Weideman moved to approve CUP12-000117, as conditioned, including all findings of fact set forth by staff , with the following modifications:

- No. 8 That the applicant shall upgrade the nearest trash enclosure lids to meet NPDES standards, to the satisfaction of the Community Development Director.

No. 13 That an easement for the purpose of street and highway improvements shall be granted from the property owner....If the owner proves he does not own this area, the property owner shall record a quitclaim deed with the County Recorder's Office prior to ~~issuance of building permits~~ final inspection.

The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

Associate Planner Gomez read aloud the number and title of Planning Commission Resolution No. 12-069.

MOTION: Commissioner Weideman moved to adopt Planning Commission Resolution No. 12-069 as amended. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote.

12C. MOD12-00007, PRE12-00014: MESKO RESTAURANT GROUP (RIVIERA VILLAGE PROPERTIES)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP74-34) and Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

Recommendation: Approval.

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

Michael Zislis and Jon Mesko, representing Mesko Restaurant Group, briefly described the proposed Rock & Brews restaurant, submitting colored renderings to illustrate. Mr. Zislis noted that they made an effort to contact everyone who submitted a letter in opposition to the project so they could clear up misconceptions. He explained that they do not intend to have live entertainment and the only music will be piped-in music to go along with old sports and music videos and the volume will be low enough so as not to interfere with conversation at the communal tables.

Responding to questions from the Commission, Planning Manager Lodan provided clarification regarding the City's Noise Ordinance. He noted that the decibel (dba) limit varies based on the time of day, duration and type of noise, but it's typically 55 dba during daytime hours. He reported that the applicant will be required to submit a noise report prepared by a professional acoustical consultant to verify that the project will comply with the Noise Ordinance; that the consultant reviews the site and the plans and if necessary, makes recommendations regarding construction materials and baffling; that the noise study will be submitted during the plan check process; and that modifications would have to be made to bring the project into compliance should there be noise violations after the restaurant is in operation.

Mr. Zislis related his understanding that the noise level on Pacific Coast Highway is 55-65 dba.

Commissioner Skoll noted that Condition No. 13 requires that all vehicles associated with the restaurant park on site, including employees, visitors and deliveries and questioned how this condition would be enforced.

Planning Manager Lodan advised that the condition was included to encourage the restaurant to make sure that employees park on site, as well as deliveries and other things under the restaurant's direct control. He conceded that it will be much harder to monitor visitors, noting that they do have a right to park on public streets.

In response to Commissioner Skoll's inquiry, Mr. Zislis estimated that the restaurant would have approximately 50 employees with a maximum of 12 on-site at any given time. He reported that the restaurant will offer take-out and there will likely be parking spaces designated for this purpose, however the parking layout has not been finalized.

Commissioner Skoll expressed concerns about the adequacy of the parking. Mr. Zislis responded that the restaurant will comply with the City's parking requirements and it has considerably more parking than some other restaurants in the area, which have been grandfathered in with little or no parking.

Commissioner Rizzo noted that the supplemental material includes a request from the City of Redondo Beach that the applicant dedicate 10 feet of property at the southwest corner of Pacific Coast Highway and Palos Verdes Boulevard to allow for construction of a right-turn lane and asked how this would affect the project.

Planning Manager Lodan reported that staff wasn't able to analyze the impact since the request was received late this afternoon, therefore it was not included as a condition of approval.

Commissioner Rizzo expressed concerns about the location of the children's play area, which is only a short distance from this very busy corner.

Mr. Zislis offered his assurance that they would do whatever is necessary to make sure that children's play area is safe.

Mr. Mesko noted that there is a difference in elevation between the street and the play area, but Commissioner Rizzo indicated that this did not dispel his concerns since vehicles can become airborne.

Commissioner Weideman asked if the applicant intends to retain the existing kitchen area because if it is demolished, parking requirements will have to be recalculated since it will no longer qualify to be parked at the modified gross floor area rate, which allows for certain exclusions.

Louis Skelton, project architect, reported that the applicant does intend to retain the existing kitchen area, but walls might have to be removed due to structural issues. He noted that he was also the architect for Chicago Ribs, a prior restaurant at this location, so he's very familiar with this site.

Planning Manager Lodan advised that a determination will be made during the building process whether the project still qualifies for the modified gross floor area parking rate and approximately 9 spaces would need to be added to meet current requirements.

Commissioner Weideman requested that staff investigate the claim made in a letter in the supplemental material that outside dining is prohibited in the C-1 Zone.

Responding to questions from the Commission, Mr. Skelton reported that the restaurant will seat approximately 255 people and the hours of operation will be 11:00 a.m. to 11:00 p.m. He explained that the existing steep roof will be replaced with a roof with a 4-in-12 pitch and a cross nave to accommodate signage and baffle noise. He provided clarification regarding the design and function of fire pits, outdoor heaters, exhaust fans and roll-up doors. He noted that the applicant was now proposing a fixed wall of glass instead of roll-up doors on the south side of the restaurant due to residents' concerns.

Commissioner Polcari reported that he has been to the Rock & Brews in El Segundo and enjoyed the food and the atmosphere, but the restaurant can be noisy. He indicated that he had reservations about this project since, unlike the El Segundo location, there are several residences very close to the site.

Mr. Skelton responded that there are 9 residences within 200 feet of the El Segundo location and while there can be some noise between 7:00-9:00 p.m., it tapers off after that time. He explained that the closest residence to this location is 183 feet away, across the street on Palos Verdes Boulevard; that there are 4 other condos that face the street, with others behind them; and that there are apartments with balconies facing the restaurant further away.

Chairperson Uchima invited public comment, emphasizing that the repetition of evidence was not helpful.

William Claire, president of Riviera Villas Homeowners Association, 48 Palos Verdes Boulevard, asked that board members and residents of the complex acknowledge their presence by standing (*approximately 20 people stood up*). He voiced objections to the proposed project as detailed in his letter included in the supplemental material. He contended that the restaurant was not compatible with Riviera Village, which has low-key, family-oriented commercial uses, and related his understanding that outside dining and entertainment is prohibited in the C-1 Zone. He asked that the noise study be made available to the community for review before it is approved by staff or the Planning Commission. He reported that there are more than 100 residential units within 300 feet of the project, including several that directly face the project, and expressed concerns that these residents will be seriously impacted by the nightly rock concerts, along with the lighting, television screens, and noise from customers. He noted that the majority of residents are working people and their children who need a good night's rest. He also expressed concerns about the project's impact on property values, which have already been severely impacted by the mortgage meltdown and the recession. He stated that the bizarre nature of the rock-and-beer architecture with flame throwers and dark knight-type décor does not fit with residential and commercial neighbors. He urged that the effect of allowing an ongoing outdoor rock concert venue in the heart of the Riviera community be carefully considered and vowed that residents would pursue all available options to prevent this potential assault on their property values, their tranquility, and their lives if the project is approved.

Chairperson Uchima asked if Mr. Claire had met with the applicants, and Mr. Claire responded that a man showed up on his doorstep 3 or 4 days ago and only gave his first name and didn't say what he was doing, so he declined to speak with him.

Planning Manager Lodan reported that he and Assistant City Attorney Sullivan reviewed the Torrance Municipal Code related to C-1 zoning and there is nothing that would prohibit outdoor seating.

Mr. Claire stated that he went to City Hall and reviewed the C-1 zoning ordinance and it precludes any kind of outdoor activity.

Commissioner Skoll questioned whether it would be possible to allow the public to review the noise study before it is approved. Planning Manager Lodan advised that allowing the public to review the noise report would delay the plan check process and while he was not aware of anything that would prohibit it, staff would not recommend it. He explained that the plan check process is an administrative action by staff to ensure that a project is in compliance with building codes and it is not a public process.

Ruth Vogel, 114 Via La Soledad, expressed concerns about the project as detailed in her statement dated October 17, 2012 (supplemental material). She contended that the restaurant would cause a decline in property values throughout the Riviera because of noise, which carries faster and farther during nighttime hours, and that it would also establish a precedent for this type of business. She recalled that the previous owner of the Bristol Farms property across the street held concerts that greatly impacted the neighborhood due to noise and disorderly behavior. She stated that she does not want the area to deteriorate like lower Pier Avenue in Hermosa Beach, which that city is now trying to turn around. She related her understanding that noise has been a problem at Mr. Zislis' Shade Hotel in Manhattan Beach. She questioned whether the City of Redondo Beach has been consulted with regard to this project. She asked about signage for the restaurant, noting that digital signs have become a major problem.

Planning Manager Lodan advised that signage has not yet been discussed, but the applicant will be required to submit a sign program for approval (Condition No. 26). He noted that any digital/reader board sign would require Planning Commission approval.

Chairperson Uchima noted that HT Grill on Catalina has an outdoor patio that's open late on weekends and it does not appear to cause any problems, and Ms. Vogel related her understanding that there is no music on the patio.

Responding to questions from the Commission, Planning Manager Lodan provided clarification regarding the enforcement of the City's Noise Ordinance.

In response to Commissioner Skoll's inquiry, Planning Manager Lodan reported that the request for the property dedication was the only communication staff has received from the City of Redondo Beach about the project.

Amy Josefek, 115 Camino de las Colinas, urged the Commission to protect this quiet and peaceful neighborhood to ensure that property values and quality of life are maintained. She related her understanding that the area is located in Region 3 per the Torrance Municipal Code, therefore noise limits are stricter, with a maximum noise limit of 40-45 dba during nighttime hours, which equates to a quiet home or library. She voiced her opinion that the noise study should be completed before the project is approved and it should be done by an independent consultant with no ties to the applicant. She contended that the claim that the project includes no roof deck was misleading since she could see no real difference between a roof deck and the proposed outdoor patio. She expressed concerns that the only remedy for

residents disturbed by noise from the restaurant would be to call the police. She also expressed concerns about the lack of sufficient parking and the removal of mature trees on this site. She stated that a restaurant that promotes noise and alcohol in its name was utterly wrong for this location. She submitted a letter from a realtor assessing the impact on property values and a petition in opposition to the project.

Robert Keller, 139 Camino de las Colinas, requested that the noise study address the issue of how sound carries in the Riviera area due winds and other factors. He stated that he can hear music from the annual festival held in Riviera Village at his home, but unlike the proposed restaurant, it is not a problem due to the festival's short duration. He reported that he and his wife visited the Rock & Brews restaurant in El Segundo and was told by a waitress that there have been lots of complaints from residents about noise.

Janet Kaplan, co-president of Hollywood Riviera Homeowners Association, submitted additional petitions in opposition to the project.

Rodney Norris, representing Bull Pen Restaurant, 314 Avenue I, asked about the maximum occupancy of the restaurant, which differs from the maximum seating because it allows for standing area. He expressed concerns that his parking lot will be impacted by overflow parking from the proposed restaurant. He reported that his restaurant has live music and is insulated to buffer the noise, but he occasionally gets calls from neighbors when doors are left open. As a point of reference, he stated that fire alarms are 60 dba over ambient noise.

Debbie Kreag, 131 Palos Verdes Boulevard, stated that she was also representing her sons who live at 52 and 92 Palos Verdes Boulevard. She expressed concerns about the project's impact on parking, noting that there is very little parking available in this area.

Robert Howard, 118 Palos Verdes Boulevard, related his understanding that the applicant intends to cut down the ficus trees on the site and requested that they be retained because they block an unsightly view of the alley behind the Bull Pen. He noted his agreement with other neighbors' comments.

Planning Manager Lodan reported that the applicants are proposing to remove the ficus trees because their invasive roots are causing ongoing maintenance issues, however they will be required to replace them.

John Bailey, president of Southeast Torrance Homeowners Association, encouraged the Commission to seriously consider requiring the dedication for the right-turn lane as requested by the City of Redondo Beach in order to improve the flow of traffic, noting that Caltrans must be included in any discussions about modifications to Pacific Coast Highway.

John Kellam, 229 Camino de las Colinas, expressed concerns that approving this restaurant would lead to the approval of similar restaurants thereby changing the character of the neighborhood. He questioned whether the restaurant would be able to hold special events.

Chairperson Uchima explained that the Commission considers each project on an individual basis so approving this project would not establish a precedent. He noted that a Special Events Permit would be required if the restaurant wishes to hold events outside its regular scope of business.

Anthony Regalado, 44 Palos Verdes Boulevard, contended that the restaurant, which will offer 50 beers on tap, would be more accurately described as a bar. Noting his involvement in law enforcement, he expressed concerns that intoxicated customers will create a nuisance for nearby residents by leaving garbage and urinating in their yards and make it necessary for them to call the police, who have better things to do than dealing with drunks.

Seamus Casey, 221 Camino de las Colinas, stated that with parking for only 45 people after taking away parking for staff, handicapped and take-out, it was highly likely that customers will be parking on nearby residential streets and after a night of drinking, it was also likely that they will relieve themselves before getting in the car for the long drive home. He related his experience that the Torrance Police Department will show up at a private residence if people are making noise after 10:00 p.m. and questioned why the proposed restaurant, which will be far noisier, would be allowed to stay open until 11:00 p.m.

Planning Manager Lodan explained that noise in residential areas is not addressed in the same way as noise in commercial areas, which is regulated by the City's land use code.

Assistant City Attorney Sullivan advised that there are much different standards for noise in commercial and residential areas, noting that noise complaints in residential areas are covered under the Penal Code section for disturbing the peace.

Richard Root, Via Buena Ventura, disputed staff's determination that the project was categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303 because according to his interpretation, it does not qualify for this exemption.

Planning Manager Lodan responded that since the project would replace an existing restaurant with another restaurant and the size was being slightly reduced, staff did not believe an Initial Study, the first step in the CEQA review process, was warranted.

Joseph Barker and his mother Barbara Barker, El Segundo, reported that they live in the property directly adjacent to Rock & Brews in El Segundo and they were initially concerned about noise, but it has not been a problem. Mr. Barker noted that Mr. Zislis has been very good about communicating with him and has done everything he has promised.

In response to Chairperson Uchima's inquiry, Mr. Barker stated that he has no connection whatsoever with the owners of the restaurant. He explained that one of the owners met with him and his mother yesterday to inquire about their opinion of Rock & Brews and they subsequently decided to come to the meeting and share their views in person.

Ms. Barker reported that she had the same fears residents are expressing this evening and was pleasantly surprised when the restaurant opened and created little disturbance in the neighborhood.

John Halverson, Redondo Beach, stated that he's been to the El Segundo Rock & Brews and has never found it to be noisy and that he was looking forward to having one in Riviera Village. He noted that Mr. Zislis has an excellent track record of bringing quality businesses to the South Bay, including the Shade Hotel.

In response to Chairperson Uchima's inquiry, Mr. Halverson stated that he has no personal interest in the project and no connection to the owners. He disclosed that he had met Mr. Mesko on the beach and has shopped in his Manhattan Denim store.

John Fields, Torrance, noted that he is Mr. Mesko's real estate agent for a project in Long Beach and related his experience that Mr. Mesko does everything he says he will do. He reported that Mr. Mesko turned one of the worst looking properties in Alamitos Beach into one of the nicest and has received rave reviews from the neighborhood for doing so.

Andrea Madenwald, 122 Camino de las Colinas, stated that residents are already inundated by noise from helicopters and this will only add to noise problems. She also expressed concerns about the project's impact on parking because parking is allowed on only one side of Camino de las Colinas and residents of nearby apartments park on the street due to inadequate on-site parking.

Virginia Gonzalez, 108 Palos Verdes Boulevard, questioned why applicants are using the address of 340 Vista del Mar instead of 6300 Pacific Coast Highway.

Planning Manager Lodan advised that both addresses are associated with this site.

Assistant City Attorney Sullivan reported that he reviewed the Torrance Municipal Code again and did not find anything that restricted outdoor dining in the C-1 Zone.

Returning to the podium, Mr. Zislis stated that he understands that the name of the restaurant has caused some people to be concerned, however, it is simply a restaurant with an outdoor patio, the same as HT Grill. He explained that what has been characterized as a rock concert will simply be background music and the restaurant will have plenty of bathrooms so there will be no need for customers to relieve themselves outside. He reported that he has been in the restaurant business for 23 years and has never been cited for a sound violation or anything else and being a good neighbor is vitally important to the success of his restaurants. He disputed the claim that the restaurant is a bar, explaining that the large number of beers on tap is due to the large number of local breweries and customer demand for them. He noted that he ran into similar opposition when the Strand House was portrayed as being another Studio 54 and the supplemental material contains a letter from an adjacent neighbor (Dr. Allan Sellner) relating his experience that the restaurant has been a good neighbor.

In response to Commissioner Weideman's inquiry, Mr. Zislis confirmed that he would be willing to eliminate the small patio area on Palos Verdes Boulevard and to close roll-up doors at a certain hour to mitigate noise. He stressed his willingness to work now and in the future to correct any problems.

Mr. Skelton reported that after meeting with neighboring property owners, the applicants agreed to replace roll-up doors with a fixed glass wall on the Palos Verdes Boulevard side of the restaurant and to extend the existing screening wall to the bottom of the overhang and modified plans reflecting these changes have been submitted to Planning staff.

In response to Commissioner Weideman's inquiry, Planning Manager Lodan advised that the plans submitted to the Commission do not reflect the modifications.

Commissioner Gibson suggested that it would have been helpful if Commissioners were informed about the modifications at the beginning of the hearing.

In response to Commissioner Skoll's inquiry about outdoor speakers, Mr. Skelton explained that music videos will be played on outdoor screens placed along the walls of the

main building that face into the outdoor dining area, but there will be no screens, speakers or amplifiers on the side of the building facing residences.

Responding to questions from the Commission, Mr. Zislis reported that the outdoor screens will feature an assortment of classic rock, including the Grateful Dead, Van Halen, Led Zeppelin and KISS. He emphasized that the volume of the music will be low so customers can converse. Referring to Mr. Norris's comments, he clarified that fire alarms are 60 dba "above ambient noise" so they are approximately 110-120 dba.

In response to Chairperson Uchima's inquiry, Mr. Zislis confirmed that the Rock & Brews in El Segundo is almost identical to restaurant being proposed in Torrance.

Chairperson Uchima stated that he would like to visit the El Segundo restaurant to better understand the nature of the business and to judge for himself whether there are noise issues since there has been conflicting testimony.

Mr. Zislis explained that a delay would be costly and the Commission's decision will undoubtedly be appealed, therefore he would prefer that the Commission make a decision on the project this evening. He suggested that Commissioners could visit the El Segundo restaurant later and report their observations to the City Council.

Chairperson Uchima advised the applicants that he would vote to deny the project if a decision is made this evening because he did not have enough information to make an educated judgment at this time.

Commissioner Rizzo indicated that he also would vote to deny the project due to unresolved issues, including the dedication request from the City of Redondo Beach and how this would affect the design of the project. He reiterated his objection to the location of the children's play area.

In response to Commissioner D'anjou's inquiry, Mr. Zislis confirmed that he would agree to close the roll-up doors at 9:00 p.m. Sunday through Thursday.

Commissioner D'anjou asked about relocating the children's play area, and Mr. Skelton explained that the current location was selected because it would be visible from every seat in the restaurant, however, he was willing to explore other options. He reported that the 10-foot dedication requested by Redondo Beach would have very little impact on the project, noting that he contacted Caltrans before designing the initial layout and was told that there were no active projects along this stretch of Pacific Coast Highway. He clarified that he did not check with the City of Redondo Beach because the project is not within its jurisdiction.

Commissioner Skoll stated that he could not approve the project without seeing revised plans.

Mr. Skelton suggested that it would be more helpful if Commissioners added the conditions they would like to see placed on the project rather than simply denying it and turning it over to the City Council.

Chairperson Uchima wanted to make clear that he was only voting to deny the project due to concerns about noise and not because he didn't like the project.

Mr. Zislis reiterated his earlier suggestion that Commissioners could still visit the El Segundo restaurant and report their findings to the City Council.

Assistant City Attorney Sullivan advised that Commissioners do not make site visits after a case has been decided.

Commissioner Weideman stated that he liked the project and could support it with certain added conditions and he believed other Commissioners could be swayed if the applicants agreed to a continuance.

Mr. Skelton responded that the applicants have already factored the appeal process into the timeline for the project, but they cannot afford to delay it any further.

Commissioner D'anjou commented that commissioners need to be aware that the costs involved when projects are delayed can be astronomical and indicated that she favored trying to come up with appropriate conditions this evening.

Mr. Mesko shared excerpts of Dr. Allan Sellner's letter (supplemental material), highlighting the fact that he lives only 30 feet away from the Strand House restaurant in Manhattan Beach, which has live music and dancing until 1:30 a.m., and he has not been disturbed by the project.

Mr. Skelton requested modification of the following conditions:

- No. 24 *Requires replacement of overhead utilities on Vista del Mar with underground utility system.* He explained that it might not be feasible practically and/or financially to replace the overhead utilities, but the applicant will work with staff on this issue.
- No. 3 *Limits hours of operation to 11:00 a.m. to 11:00 p.m.* He reported that even though this restaurant will operate within this timeframe, the property owner is concerned about giving up the existing 2:00 a.m. closing time in the event that another restaurant takes over the site in the future.
- No. 10 *Prohibits outdoor sound systems of any kind.* He stated that the applicant would like to be able to have background, ambient-level music in the outdoor dining area as earlier discussed.

Mr. Skelton provided clarification regarding the maximum occupancy of the building, explaining that the maximum occupancy per the California Building Code is 274 people, however this can be modified by the Fire Department for purposes of safety. He explained that the applicant was proposing to remove the trees on the site due to maintenance issues and to create more parking and better on-site circulation, however the applicant was willing to either replace or retain the ficus trees along the sidewalk according to staff's and/or the Commission's preference.

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

Commissioner Weideman indicated that he favored including conditions requiring the elimination of the patio area on Palos Verdes Boulevard; the relocation of the children's play area; and the closing of the roll-up doors at a certain hour. He stated that he also wanted to

strengthen Condition No. 25 concerning the noise report to ensure that it is prepared by an independent professional acoustical consultant who is not selected by the applicant.

A brief discussion ensued, and it was the consensus of the Commission not to modify Condition No. 10 or Condition No. 3 and to require that the roll-up doors be closed Monday through Thursday at 8:00 p.m.

Discussion continued regarding the elimination of the outdoor patio and roll-up doors facing Palos Verdes Boulevard and there was some confusion regarding how this area would be reconfigured.

Planning Manager Lodan commented on the difficulty of trying to condition this project without revised plans.

Chairperson Uchima made a motion to deny the project because he did not feel he had enough information to make a recommendation to the City Council. He noted that Commissioners' comments will be reflected in the minutes of the meeting.

MOTION: Chairperson Uchima moved to deny the project. The motion was seconded by Commissioner Polcari and passed as reflected in the following roll call vote:

AYES: Commissioners Polcari, Rizzo, Skoll and Chairperson Uchima
NOES: Commissioners D'anjou, Gibson and Weideman

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

13. **RESOLUTIONS** – None.
14. **PUBLIC WORKSHOP ITEMS** – None.
15. **MISCELLANEOUS ITEMS** – None.
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 November 7, 2012 Planning Commission meeting.

18. **ORAL COMMUNICATIONS #2**

18A. Commissioners commended Chairperson Uchima for his handling of the hearing on Item 12C.

18B. Commissioner Skoll related his belief that this Commission works very well together as evidenced by tonight's meeting.

18C. Commissioner D'anjou commended Planning Manager Lodan for doing an excellent job of fielding the various issues that came up during the meeting.

18D. Chairperson Uchima stated that he thought everyone had done an exemplary job this evening and expressed the hope that the City Council would be able to resolve the Rock & Brews restaurant case.

19. ADJOURNMENT

At 10:40 p.m., the meeting was adjourned to Wednesday, November 7, 2012 at 7:00 p.m.

Approved as Submitted December 5, 2012 s/ Sue Herbers, City Clerk
