

**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, December 21, 2011 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 Gibson, Horwich, Polcari, Rizzo, Uchima, Weideman and Chairperson Skoll.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Kevin Joe, Management Associate Fulton, Police Lieutenant D'Anjou, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, December 15, 2011.

5. APPROVAL OF MINUTES

MOTION: Commissioner Weideman moved for the approval of the October 5, 2011 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Weideman moved for the approval of the November 2, 2011 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

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

8. TIME EXTENSIONS – None.

9. CONTINUED HEARINGS

9A. PRE11-00012: MICKEY MATSUMOTO

Planning Commission consideration for approval of a Precise Plan of Development to allow first and 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 4718 Vanderhill Road.

Recommendation: Approval.

Planning Associate Joe introduced the request and noted supplemental material available at the meeting, including a revised site plan and elevations.

Commissioner Uchima announced that he was absent from the December 7 Planning Commission meeting, but he had listened to audiotapes from the meeting and visited 4718 and 4722 Vanderhill Road and was prepared to participate in this hearing.

Commissioner Weideman and Commissioner Rizzo disclosed that they had visited the project site and 4722 Vanderhill Road.

Mickey Matsumoto, 4718 Vanderhill Road, applicant, voiced his agreement with the recommended conditions of approval. He reported that he and his architect met with the neighbors at 4722 Vanderhill Road and they were able to reach a compromise, which involved shifting the addition four feet to the north to open up a view corridor.

Referring to revised plans, Will Basilio, project architect, briefly described the modifications that were made to address view and light impact at 4722 Vanderhill Road.

Gerel Santiago, 4722 Vanderhill Road, stated that while the revisions do not completely eliminate the view impact, they do address the blockage of sunlight from downstairs rooms and she feels it's an acceptable compromise. She thanked the three Commissioners who visited her home to personally view the impact.

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

MOTION: Commissioner Uchima moved to approve PRE11-00012 as revised per supplemental material. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote.

Planning Associate Joe read aloud the number and title of Planning Commission Resolution No. 11-066.

MOTION: Commissioner Uchima moved to adopt Planning Commission Resolution No. 11-066 as amended. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote.

10. WAIVERS - None.

11. FORMAL HEARINGS

11A. ZON11-00002: CITY OF TORRANCE

Planning Commission consideration of an Ordinance establishing standards for regulating mobile food vendors.

Management Associate Fran Fulton provided background information about the item on mobile food vendors considered by the City Council at the December 6, 2011 City Council meeting. She explained that the item specifically addressed food truck events at Torrance schools, which are exempt from the requirement that a Temporary Parking Lot Permit be obtained, however, all mobile food vendors are required to have a City of Torrance business license and to have their vehicles inspected by the Torrance Police Department. She noted that the Council also approved modifications to an existing ordinance, which make mobile food vendors subject to the same requirements as restaurants with regard to restaurant grading, and the Council requested that there be a listing of properly licensed mobile food vendors on the City's website, which will be done after the first of the year when the business license renewal period is over. She advised that staff is concerned that mobile food vendors who have vehicles that have passed the police department's inspection sometimes use other vehicles that have not been inspected, therefore they are looking into including Vehicle Identification Numbers (VINs) on business licenses to discourage this practice.

In response to questions from the Commission, Ms. Fulton clarified that the City does not require a Temporary Parking Lot Permit for events held on TUSD (Torrance Unified School District) property in order to aid the district in its fundraising efforts, but such a permit would be required for a food truck event held anywhere else.

In response to Commission Gibson's inquiry, Police Lieutenant Steve D'Anjou, Traffic Division/Special Events Division Commander, reported that as of December 1, only 6 "gourmet" food trucks inspected by the police department had passed a basic safety inspection, while 20 have failed, of which only 2 came back to be re-inspected and an additional 5 mobile food vendors paid for and scheduled a vehicle inspection but did not show up.

Commissioner Rizzo questioned whether food carts would be covered under the definition of "mobile food vendor" and therefore subject to proposed Ordinance regulating them.

Assistant City Attorney Sullivan advised that food carts would not be covered under the proposed Ordinance and while they have shown up sporadically, they have not been a problem.

Lieutenant D'Anjou noted that if a food cart vendor was causing a problem, the operator could be cited for operating a business without a business license.

Commissioner Gibson asked if the same thing would apply to children operating a lemonade stand, and Lieutenant D'Anjou stated that according to the letter of the law, the children could be cited, but related his experience that it was unlikely that the police would write citations for this and would only become involved if there were safety issues.

Planning Manager Lodan advised that the City has an existing parking lot event permit process that staff would like to expand to include mobile food vendor events and was therefore proposing an ordinance that will address over-crowding and parking issues, as well as allow more flexibility by increasing the number of times per year a business may hold such an event. He briefly highlighted the following provisions:

- Requires a Temporary Parking Lot Event Permit for food truck events, excluding ice-cream trucks, catering trucks on a fixed route of construction sites or industrial properties, and events held on TUSD property.
- Requires events to be a minimum of 100 feet away from residentially zoned properties.
- Limits food truck events to 24 per year per property.
- Requires that events take place on sites with a minimum of 100 parking spaces.
- Limits the number of parking spaces to be displaced by the event to no more than 10%.

Planning Manager Lodan noted that all mobile food vendors operating in Torrance must obtain a City business license, a vehicle inspection from police department, and a food handling permit from the L.A. County Department of Public Health regardless of where they operate.

Matt Geller, representing the Southern California Mobile Food Vendors Association (SoCalMFVA), stated that the association supports the City's efforts to regulate mobile food vendor events to protect the health and safety of the public, but they have the following concerns:

- The 100 parking space lot size minimum/10% maximum parking displacement. He stated that this was overly restrictive because it would greatly limit the locations available for food truck events and the usual displacement is 30-40% and sometimes as much as 50%. He proposed eliminating the minimum lot size requirement and increasing the maximum percentage of displaced parking spaces to between 30 and 40%.
- The prohibition of tables and chairs. He stated that some food trucks like to put out tables and chairs because it makes it more of a social event otherwise people grab their food and leave. He conceded that this should be done in a controlled environment with restroom facilities provided.
- The required display of letter grades from the L.A. County Health Department. He explained that some mobile food vendors do not have letter grade placards because their vehicles are housed in commissaries within cities that have not authorized the health department to issue them.

Mr. Geller stated that the SoCalMFVA supports the proposed requirement that food trucks undergo safety inspections by the police department and believes this is good for the industry.

Planning Manager Lodan advised that staff recommended that tables and chairs be prohibited for safety reasons and to minimize the footprint of an event, however he understood that event organizers might find it desirable in some cases. He indicated that staff was open to the idea of allowing seating on a case-by-case basis as long as it can be done safely without hindering circulation in the parking lot and there are provisions for clean-up after the event. He suggested the possibility that an applicant could submit a detailed seating plan for approval as part of the permitting process to be reviewed and signed off by the various city departments involved.

Mr. Geller proposed increasing the number of days per year an event can occur on a particular property from 24 to 26, explaining that there are cases where food trucks visit a site every two weeks and limiting visits to 24 would leave a gap. He expressed concerns that food trucks on a fixed route can be at a location no more than 20 minutes, or they become subject to Temporary Parking Lot Permit requirements, relating his experience that it can take much longer to service a very large business complex.

Commissioner Gibson expressed concerns that a nearby business not participating in a food truck event could be impacted due to people using their restroom facilities.

Planning Manager Lodan reported that the permit process requires the property owner or his/her agent to sign-off on the application and staff envisions in a multi-tenant situation, the host would be responsible for providing restrooms, not another business that happens to be sharing the same property.

Commissioner Uchima voiced support for allowing tables and chairs at food truck events on a case-by-case basis. He noted that the office complex where he works hosts a tenant appreciation day once year and tables and chairs are set up in the parking lot next to a food truck so tenants can meet and socialize while eating and it has never caused any problems.

Commissioner Rizzo asked about the possibility of having food trucks that do not have letter grade placards from the health department post their inspection reports instead.

Mr. Geller explained that the inspection report is three pages long with small print and terminology that's hard for the public to understand. He noted that each food truck is required to display a health department permit and probably all will have letter grades within the next 6-12 months.

Commissioner Weideman suggested that the description of catering trucks exempted from obtaining a Temporary Parking Lot Permit, "*food trucks on routes which operate on sites for less than 20 minutes,*" be amended for purposes of clarity and expressed concerns that 20 minutes may not be long enough for some of the larger industrial complexes.

Mr. Geller suggested eliminating the 20-minute time limit and specifying that the food service must take place between 11:00 a.m. – 2:00 p.m.

Commissioner Weideman noted that there are manufacturing businesses in Torrance that operate three shifts, 24-hours a day so specifying a certain time period would not work.

Planning Manager Lodan suggested that the time limit could be expanded and/or clarifying language could be included, i.e. *food trucks on fixed routes servicing employees of a particular business.*

Lieutenant D'Anjou recommended against changing the 20-minute time limit to cover the exception to the rule. He explained that the City has only two commercial enforcement inspectors and they have neither the time nor the inclination to pursue this type of violation.

Commissioner Uchima asked about the impetus for the new regulations, and Planning Manager Lodan stated that the issue came to the Community Development Department's attention when complaints were received about a mobile food vendor in Downtown Torrance and this sparked a dialogue with mobile food vendors, who expressed an interest in developing a permit process for this type of activity. He noted that while there is a permit process in place for parking lot events, it allows only four per year at each location and it does not specifically address mobile food vendor events.

In response to Commissioner Gibson's inquiry, Lieutenant D'Anjou confirmed that issues concerning the holding of food truck events on TUSD property have been resolved.

Mike Beasley, president of Yukon Elementary Academic Alliance (YEAA), expressed support for the proposed ordinance regulating mobile food vendor events. He stated that his wife testified at the City Council meeting about the need for clear and easy-to-understand regulations and he believes the ordinance provides this. He thanked staff for expediting this process so his organization can go forward with fundraising events, offering his assurance that they now understand the requirements and will enforce them. He indicated that he favored allowing tables and chairs on a case-by-case basis as has been discussed.

Assistant City Attorney Sullivan disclosed that he worked with Mr. Beasley on setting up the Yukon Elementary Academic Alliance and his wife also taught at Yukon School, but this would not affect his comments or advice this evening.

Planning Manager Lodan requested input from the Commission on the 100 parking space minimum lot size/10% maximum parking displacement requirements. He noted that currently, there is a 10% maximum parking displacement for Temporary Parking Lot Events, but there is no minimum lot size.

Commissioner Uchima related his belief that the 100 parking space minimum lot size was too restrictive as it would make it impossible for churches and small businesses to host this type of event.

Mr. Geller reported that parking displacement is usually around 30-35%, but recommended that there be some flexibility because it varies based on the particular lot. He noted that they try to arrange trucks in a horseshoe if there are tables and chairs in order to protect the seating area.

Commissioner Weideman indicated that he favored setting a maximum parking displacement percentage as a means of regulating the size of events and eliminating the 100 parking space minimum lot size requirement.

Planning Manager Lodan explained that staff arrived at that number due to the growing popularity of food truck events as they want to make sure that if an event is hosted during business hours, there is adequate parking for both business and food truck customers. He indicated that he was open to allowing a little leeway with regard to the 10% displacement limit with the review and approval of the appropriate City departments.

Planning Associate Joe noted that an event that takes up only a couple of parking spaces can draw a hundred customers, therefore staff wanted to minimize the impact on the surrounding area.

Commissioner Rizzo asked if other cities have set maximum parking displacement percentages, and Planning Associate Joe advised that most cities regulate food truck events via a Temporary Use Permit, which allows them to restrict the size of an event, and he was not aware of any that specify maximum parking displacement percentages.

Mr. Geller reported that Torrance is a trail blazer in drafting regulations that specifically address mobile food vendor events and expressed support for Commissioner Weideman's proposal to set a maximum parking displacement percentage and eliminate the minimum lot size requirement.

Commissioners briefly debated what would be an appropriate maximum parking displacement percentage.

Lieutenant D'Anjou stated that from a police perspective, he would prefer to leave the parking displacement at a very conservative 10% rather than trying to come up with a perfect number. He noted that this can always be changed after the City has some experience with this type event if it turns out that it's too restrictive.

Commissioner Rizzo suggested the possibility of retaining the 10% limit on parking displacement, but allowing this to be exceeded at the discretion of the Community Development Director or via the Temporary Parking Lot Event Permit approval process.

Commissioner Horwich noted that several local restaurants also do fundraising events for various groups, including fundraisers for the Special Olympics and Tip-a-Cop nights. He stated that he saw a lot of problems with the proposed ordinance and wondered if the real purpose was to protect restaurants from low-cost competition.

Planning Manager Lodan responded that the proposed ordinance was not meant to protect existing businesses, but rather make it possible for a new type of business to operate.

Commissioner Gibson noted that a lot of small restaurants have requested outdoor seating during her time on the Commission and these requests have almost all

been denied so she felt there was a fairness issue with regard to allowing tables and chairs at food truck events.

Planning Manager Lodan explained that the requests were denied in instances where restaurants did not have sufficient parking to accommodate the outdoor seating and due to the temporary nature of food trucks events, they are not held to the same standards as “brick and mortar” restaurants.

A brief discussion ensued regarding how best to proceed.

Planning Manager Lodan related his understanding that the Commission had reached a consensus on most of the issues discussed and proposed that straw votes be taken to clarify the Commission’s position.

Commissioner Weideman noted that the issue of requiring Vehicle Identification Numbers (VINs) on City business licenses to address the problem of food vendors bringing uninspected trucks to events has not been addressed.

Assistant City Attorney Sullivan advised that staff intends to add a provision requiring VINs on business licenses and is working with the Southern California Mobile Food Vendors Association on this issue. He noted that SoCalMFVA has been a valuable resource in drafting the regulations.

By 6-1 straw vote, with Commissioner Horwich dissenting, the Commission recommended that seating be allowed as part of mobile food vendor events with approval of a detailed site plan.

By unanimous straw vote, with Commissioner Weideman abstaining, the Commission recommended that the event host be required to provide access to restrooms.

The Commission briefly discussed whether to modify or eliminate the 20-minute time limit for food trucks on fixed routes that are exempted from having to obtain Temporary Parking Lot Event Permits.

Mr. Geller reported that even if the 20-minute limit is not enforced by the City, his association would not schedule a food truck for a site where that limit might be exceeded because they would not become involved in anything that’s illegal. He noted that the food truck that services the L.A. Mart in downtown Los Angeles is at the site for approximately 1½ hours.

Lieutenant D’Anjou advised that there is no L.A. Mart type business in Torrance that would require a food truck to be on-site for 1-2 hours and reiterated his recommendation that the 20-minute limit be retained.

Commissioner Weideman indicated that he favored retaining the 20-minute time limit but more clearly defining catering trucks that are exempted from having to obtain Temporary Parking Lot Event Permits.

By unanimous straw vote the Commission recommended that the definition of food trucks on a fixed route be expanded for purposes of clarification and that the 20-minute time limit be retained.

The Commission briefly discussed whether to retain or modify the 100 parking space lot size minimum and the 10% maximum parking displacement.

By unanimous straw vote the Commission recommended eliminating the minimum lot size requirement and retaining the 10% maximum parking displacement, adding a provision that would allow the 10% maximum to be exceeded with the approval of the Police and Fire Departments during the permitting process.

In response to Chairperson Skoll's inquiry, Planning Manager Lodan confirmed that the Ordinance will clearly state that mobile food vendor events on Torrance Unified School District property are exempt from obtaining a Temporary Parking Lot Event Permit.

Chairperson Skoll asked about the claim in a letter (Attachment 7) that there is another \$24 fee in addition to the business license fee and vehicle inspection fee that mobile food vendors must pay, and Planning Manager Lodan explained that a \$24 one-time processing fee is charged the first time a business applies for a license.

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

MOTION: Commissioner Polcari moved to forward ZON11-00002 to the City Council and to recommend that it be approved as amended, with the staff report to reflect the Commission's comments/straw votes. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Manager Lodan reported that the matter will likely be considered by the City Council in early February 2012.

12. **RESOLUTIONS** – None.
13. **PUBLIC WORKSHOP ITEMS** – None.
14. **MISCELLANEOUS ITEMS** - None.
15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.
16. **LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reported that the January 4, 2012 Planning Commission meeting has been cancelled.

17. **ORAL COMMUNICATIONS #2**

17A. Commissioners extended well wishes for a happy Hanukkah, a merry Christmas, and a healthy and prosperous New Year.

17B. Commissioner Uchima thanked Commissioner Gibson for arranging the Commission's holiday party.

17C. Chairperson Skoll echoed holiday greetings.

17D. Chairperson Skoll thanked Management Associate Fulton and Lieutenant D'Anjou for attending the meeting and for their input of the Mobile Food Vendor Ordinance and related his belief that the hearing on this topic had been very productive.

18. ADJOURNMENT

At 9:07 p.m., the meeting was adjourned to Wednesday, January 18, 2012 at 7:00 p.m.

Approved as Submitted February 1, 2012 s/ Sue Herbers, City Clerk
