

July 7, 2005

**MINUTES OF A REGULAR MEETING OF  
THE ENVIRONMENTAL QUALITY AND  
ENERGY CONSERVATION COMMISSION**

**1. CALL TO ORDER**

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:00 p.m. on Thursday, July 7, 2005, in the West Annex Meeting Room at Torrance City Hall.

**2. ROLL CALL**

Present: Commissioners Basile, Chim, Minter, Persaud, Reilly, Watson and Chairperson McCabe.

Absent: None.

Also Present: Sr. Environmental Quality Officer Jones and Environmental Division Administrator Cessna.

**3. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Chairperson McCabe.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Chim, seconded by Commissioner Watson, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; voice vote reflected unanimous approval.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Minter moved for the approval of the May 5, 2005 Environmental Quality and Energy Conservation Commission minutes as submitted. The motion was seconded by Commissioner Persaud and passed by unanimous roll call vote.

**MOTION:** Commissioner Minter moved for the approval of the June 2, 2005 Environmental Quality and Energy Conservation Commission minutes as submitted. The motion was seconded by Commissioner Basile and passed by unanimous roll call vote, with Commissioners Chim, Persaud and Reilly abstaining.

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Chairperson McCabe explained the policies and procedures of the Environmental Quality and Energy Conservation Commission, including the right to appeal decisions to the City Council.

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6. **SIGN HEARINGS**

6A. **SNP05-00006: CAFÉ TLJ FRENCH ASIAN BAKERY CAFÉ -  
2814 SEPULVEDA BOULEVARD**

- Request:**
- A) One 2'8" high x 16'9" internally illuminated cabinet wall sign.  
Located on west elevation. 44.7 sq. ft.
  - B) Face change to 1'8" high x 5' double-face, ground sign tenant panel. 16.7 sq. ft.

**TOTAL REQUEST: 61.4 SQ. FT.**

**Recommendation**

Staff recommends approval of the request as submitted.

With the aid of slides, Sr. Environmental Quality Officer Jones reviewed the request and shared a model of the building and sign created by the applicant.

Commissioner Watson voiced her opinion that the remodeled restaurant would be a great improvement to this center, which at one time had a western theme, but has begun to look a little shabby.

Sr. Environmental Quality Officer Jones reported that she had spoken with the center's owner, who indicated that he plans to get rid of the water tower and the western motif.

Mr. Hakamuri, project architect, explained that the design includes tubular metalwork around the top of the building, which is meant to resemble a breadbasket.

Responding to questions from the Commission, Mr. Hakamuri explained that the metalwork will have a durable baked-on powder coat finish; that the tenant will be responsible for its maintenance; and that it can be easily disassembled and removed should the restaurant go out of business. He reported that Café TLJ is a bakery chain in Korea, which is opening two outlets in Southern California, the café/bakery in Torrance and a bakery in Northridge.

Commissioner Minter, seconded by Commissioner Reilly, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioners voiced support for the proposed signage.

**MOTION:** Commissioner Watson moved for the approval of SNP05-00006 as submitted. The motion was seconded by Commissioner Persaud and passed by unanimous roll call vote.

**6B. SNP05-00005: SUNBELT BUSINESS SALES & ACQUISITIONS-  
2287-2293 190<sup>TH</sup> STREET**

- Request:**
- A) One 30" high x 27' internally illuminated individual channel letter wall sign with logo and copy "SUNBELT SALES & ACQUISITIONS." Located on west elevation.  
67.5 sq. ft.
  - B) One 14" high x 19.5" internally illuminated individual channel letter wall sign with copy [www.SUNBELTSOCAL.com](http://www.SUNBELTSOCAL.com).  
Located on the south elevation.  
22.8 sq. ft.

**TOTAL REQUEST: 90.3 SQ. FT.**

**Recommendation**

Staff recommends approval of the west elevation sign and denial of the business website address on the south elevation. Staff suggests a sign stating the name of the business in place of the website address.

With the aid of slides, Sr. Environmental Quality Officer Jones reviewed the request and discussed staff's recommendation. She explained that the Torrance Municipal Code specifies that building signage shall be used to designate the name of the occupant, identify the premises by name or address, or advertise the business conducted or the services rendered and that staff was concerned about allowing a website address because of the precedent it would set. She reported that the applicant had just informed her that the business has a second dba which is the website address.

Administrator Cessna advised that signs are intended to identify the premises where a business takes place and staff does not believe it should include contact information such as websites or phone numbers.

Commissioner Reilly questioned whether the Commission had a basis for denying the proposed sign if it is the company's legal name.

Administrator Cessna indicated that she would have to check with the City Attorney's office because this issue has never come up before.

Commissioner Minter recalled that there is a business in Redondo Beach called "EmbroidMe.com" and this is the name used on signage.

Administrator Cessna stated that staff would feel more comfortable with the proposed sign if the "www" was eliminated.

Ron Hottes, applicant, provided confirmation that [www.SUNBELTSOCAL.com](http://www.SUNBELTSOCAL.com) has been registered with Los Angeles County as a dba of his company. He explained that his company is a brokerage that sells businesses; that 95% of his clients find his company on the web and then come to his place of business; and that he believes it is very important to have this name on his building.

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Responding to questions from the Commission, Mr. Hottes explained how the business is structured, stating that Biz Sell Brokers, Inc., is the company's corporate name and it has two dba's, Sunbelt Business Sales & Acquisitions and [www.SUNBELTSOCAL.com](http://www.SUNBELTSOCAL.com). He noted that the businesses have different street addresses and the two signs correspond to the portion of the building to be occupied by each business. He reported that his company has been in operation for nine years; that it formerly operated under the name [www.BizSellBrokers.com](http://www.BizSellBrokers.com); and that the name was changed six months ago because people were having difficulty spelling it correctly.

Mr. Hottes further explained that his company was formerly a tenant in the building at 22700 Crenshaw Boulevard where it had no exterior signage and that he purchased the building where the company relocated to in June so that he would be able to put his company's name on the building.

Joe Safar, representing The Sign Shop, stated that it was essential that each business have its own sign.

Rod Gutierrez, on behalf of the applicant, maintained that the signage should be allowed as proposed because [www.SUNBELTSOCAL.com](http://www.SUNBELTSOCAL.com) is the company's legitimate name as evidenced by documents filed with Los Angeles County and the vast majority of the company's business is conducted on the web. He offered an example a company in Redondo Beach that has both the name of its "brick-and-mortar" operation and the name of its large web-based business on its sign. He voiced his opinion that denying this sign would severely impact this company.

Commissioner Watson, seconded by Commissioner Persaud, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Minter voiced his opinion that the "www" and the ".com" were unnecessary because most people who are familiar with the Internet recognize a name with the words strung together as a website address. He expressed concerns that allowing this sign could encourage others to register their full website address as a dba as a way of circumventing City regulations.

Commissioner Basile indicated that she did not favor approving the sign as proposed due to the precedent it would set.

Commissioner Reilly stated she did not believe the Commission had grounds for denying the sign as proposed because, according to her interpretation, it is within the scope of what is allowed by the Torrance Municipal Code. She suggested that the Code needs to be tightened if the City wants to ban the advertising of contact information.

Commissioner Watson expressed concerns about taking action on this request without obtaining a legal opinion because while she agreed that the "www" was superfluous, it is part of this company's legal identity.

Administrator Cessna confirmed that the Commission could delay taking action on this item pending clarification from the City Attorney's office.

Commissioner Chim noted that in previous cases, including a case in May involving the Bank of East Asia, the Commission has required an applicant to alter a copyrighted corporate identity for aesthetic reasons and requested that staff obtain legal clarification regarding whether the Commission has the authority to require the modification of signage that complies with the TMC based solely on aesthetics.

Administrator Cessna recalled that the bank agreed to modify the sign. She advised that companies cannot be compelled to change their copyrighted logo/name, however, a sign can be denied if it does not comply with City regulations or the sign program for the shopping center/business park in which it is located.

Chairperson McCabe indicated that he favored continuing the hearing so a legal opinion could be obtained, and the public hearing was reopened so the applicant could comment.

Mr. Hottes questioned the rationale for denying him the opportunity to put the name of his company on his building.

Commissioner Watson explained that the Commission was concerned that the proposed sign was purely for advertising purposes rather than to identify the building.

Mr. Hottes responded that all signage is advertising and he would not be spending \$10,000 for these signs if he didn't think he would gain some benefit from them.

Commissioner Watson noted that, in addition to the advertising aspect, Commissioners were also concerned about the aesthetics of the sign because they feel the "www" is unnecessary and somewhat outdated.

Mr. Hottes stated that he included the "www" because he wanted to emphasize that his company is a web-based business and he would not agree to its elimination.

Responding to questions from the Commission, Mr. Hottes reported that he has only one City business license for the corporation and noted that a corporate entity can include several businesses with different names.

Administrator Cessna advised that the City typically does not have different dba's on the same building.

Returning to the podium, Mr. Gutierrez stated that, in terms of aesthetics, Mr. Hottes' building is nicely designed and an asset to Torrance and suggested that the City should appreciate that he chose to stay in Torrance when he relocated his business rather than moving it near his residence in Long Beach. He contended that the "www" has far less visual impact than the breadbasket shaped metalwork on the bakery considered in the previous item.

Commissioner Persaud clarified that her sole focus in the previous case was on the proposed signage.

Commissioner Persaud, seconded Commissioner Watson, moved to close the public hearing; voiced vote reflected unanimous approval.

Administrator Cessna suggested that the Commission could approve the sign eliminating the "www" and direct staff to obtain a legal opinion from the City Attorney

regarding whether the Commission has the authority to do this; if not, the sign could then be approved as proposed administratively. She indicated that she would also check into whether two business licenses are required for the two separate businesses.

Commissioner Chim reiterated her request that staff obtain clarification regarding the Commission's role, specifically whether the Commission has the authority to deny or require the modification of a sign that complies with the Code based solely on aesthetics.

Administrator Cessna noted that signs that comply with all regulations are not brought before the Commission because they can be approved administratively, and confirmed that considering the aesthetic aspect of a sign is within the parameters of the Commission's authority.

Commissioner Watson stated that since the Commission has more discretion than staff, she views the Commission's role as trying to forge a compromise when a matter cannot be resolved administratively.

**MOTION:** Commissioner Minter moved for the approval of Sign A, as submitted. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote.

**MOTION:** Commissioner Reilly moved for the approval of Sign B, as submitted, and the motion died for lack of a second.

Commissioner Reilly stated that she had no objections to the proposed sign and thought it was simple and low key.

A brief discussed ensued regarding the wording of an alternate motion.

**MOTION:** Commissioner Chim moved for the approval of sign B, deleting the "www" based on issues raised during the foregoing discussion, pending review by the City Attorney's office. If the City Attorney determines that the Commission does not have the authority to require the deletion of the "www," the sign would then be approved as submitted. The appeal period for this decision shall be extended to 15 days from the date the applicant receives notification of the City Attorney's opinion. The motion was seconded by Commissioner Basile and passed by a 5-2 roll call vote, with Commissioners Minter and Reilly dissenting.

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The Commission recessed from 9:05 p.m. and reconvened at 9:10 p.m. absent Commissioner Basile.

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7. **ENVIRONMENTAL MATTERS**

7A. **PROPOSED ADDITIONS TO THE PROPERTY MAINTENANCE ORDINANCE REGULATING CANOPIES AND ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY**

Environmental Quality Officer Switzer reviewed the proposed additions to the Property Maintenance Section of the Torrance Municipal Code to regulate canopies and encroachments into the public right-of-way per written material of record. He reported that the City has been experiencing an increasing number of complaints regarding portable canopies being used on driveways for parking and storage; that canopies are technically permitted under the TMC, but the structural requirements are impractical and cost-prohibitive; and that staff was proposing to amend the Code so that regulations for canopies are more understandable and easier to enforce. He noted that the new regulations specify that canopies are permitted in rear yards only and they may not be visible from the street.

Administrator Cessna reported that the City has also had a problem with play equipment, such as basketball hoops, and other items in the public right-of-way; that this matter is not specifically addressed in the TMC; and that staff was proposing a second amendment to clarify this issue.

Environmental Quality Officer Switzer noted that he sent letters to businesses that commonly sell the portable canopies, such as Costco and Sam's Club, advising them of the City's concerns about these structures and suggesting that a sign be posted notifying people that they should check with their city of residence before purchasing a canopy because of possible restrictions, but he received no response.

Commissioners voiced support for the proposed amendments and offered some minor revisions to the proposed language.

Commissioner Reilly expressed concerns about the costs incurred by the City to enforce regulations such as the ones proposed.

Environmental Quality Officer Switzer reported that the City has been able to recover investigative costs when cases have gone to court, however, only a small percentage of cases go to court.

Administrator Cessna advised that staff has looked into the possibility of charging inspection fees when an officer must visit a location a second time after a warning has been issued, but this idea has not been well received.

Commissioner Reilly voiced her opinion that one warning is sufficient and people should be fined if they fail to comply.

Administrator Cessna noted that the proposed amendments must be reviewed by the City Attorney's office before they can be forwarded to the City Council, and it was the consensus of the Commission to take another look at them at the next meeting following legal review.

## **7B. GENERAL PLAN CONSERVATION ELEMENT UPDATE**

Administrator Cessna reported that an outline of the General Plan Conservation Element's existing objectives and suggested new areas for policies/ programs was included in the agenda material.

Due to the lateness of the hour, Chairperson McCabe suggested that Commissioners review this information and submit their comments to staff via e-mail and that the matter be brought back for further consideration at the next meeting.

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**8. INFORMATION MATTERS**

**8A. ACTION PLAN FOR PUBLIC OUTREACH AND ADDITIONAL INFORMATION ITEMS**

Administrator Cessna noted that information requested by the Commission at the last meeting, including the General Plan update schedule, calendar of events and Commission budget, was provided in the agenda material. She recommended that the Commission delay formulating an action plan for public outreach until the necessary work on the General Plan Conservation Element has been completed.

**9. NEW BUSINESS**

**Brochure Subcommittee**

Commissioner Watson submitted a sample brochure she prepared listing resources available on conservation/environmental issues and asked that Commissioners review the brochure and submit any comments via e-mail to Administrator Cessna. She reported that the Coffee Bean & Tea Leaf company does a lot of outreach on environmental issues and expressed the hope that the City could tap into this resource in the future.

Administrator Cessna noted that a recent article in the *Daily Breeze* about sustainable buildings would be included in next month's agenda packet.

**10. ORAL COMMUNICATIONS**

**10A.** Commissioner Persaud requested an excused absence from the August Commission meeting.

**10B.** Commissioner Minter commented on the earlier discussion of Item 6B and stated that he looked forward to the City Attorney's opinion on this case.

**10C.** Commissioner Reilly reported on her attendance at the Southern California Area Business Conference sponsored by the Governor's office.

**10D.** Chairperson McCabe expressed disappointment that the sign hearings had taken so long and the Commission was not able to get to important environmental issues. He indicated that he had a long list of items he wanted to discuss, which he would e-mail to Administrator Cessna for future consideration.

**11. ADJOURNMENT**

At 10:00 p.m., the meeting was adjourned to Thursday, August 4, 2005, at 7:00 p.m.

<p><u>Approved as Amended</u> <u>September 1, 2005</u> <u>s/ Sue Herbers, City Clerk</u></p>
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~~\_\_\_\_\_ SUBJECT TO APPROVAL~~

~~11. ADJOURNMENT~~

~~\_\_\_\_\_ At 10:00 p.m., the meeting was adjourned to Thursday, August 4, 2005, at 7:00 p.m.~~