

**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, April 7, 2010 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Horwich.

3. ROLL CALL

Present: Commissioners Browning, Busch, Gibson, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Gomez, Building Inspector Supervisor Sheldon, Fire Marshal Kazandjian, Civil Engineer Symons, and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, April 2, 2010.

5. APPROVAL OF MINUTES

MOTION: Commissioner Browning moved for the approval of February 3, 2010 Planning Commission minutes, as submitted. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

MOTION: Commissioner Browning moved for the approval of February 17, 2010 Planning Commission minutes, as submitted. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote, with Commissioner Gibson abstaining.

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1

7A. Commissioner Horwich reported on his attendance at the League of California Cities Planning seminar in Monterey, noting that he had a lot of written information from the conference to share. He reported that he attended sessions with topics that included the State's economic situation, planning commissioners' roles and responsibilities, architectural and site plan review, how to read an Environmental Impact Report, and

strategies for creating healthy communities, which included a discussion of mixed-use developments. He noted that he also attended networking breakfasts where he had an opportunity to compare notes with other commissioners. He related his belief that the conference was very worthwhile and thanked the Commission for allowing him to attend.

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Chairperson Weideman 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. **PRE08-00022: CBB ARCHITECTS (CARLOS AUDERO)**

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 within the Hillside Overlay District in the R-1 Zone at 5264 Doris Way.

Considered later in the meeting, see pages 6-10.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP10-00002: GUILLERMO GARCIA (PELICAN PARTNERS 2 LLC)**

Planning Commission consideration for approval of an automobile museum facility that will feature private events with food and alcohol, service/maintenance of museum vehicles, and a shared parking agreement on property located in the M-2 Zone at 3425 Lomita Boulevard.

Recommendation

Approval.

Planning Associate Gomez introduced the request.

Guillermo Garcia, representing the applicant, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 6, which requires unpermitted shipping containers to be removed within 60 days. He explained that the containers are needed for storage and the applicant would like to retain them and put a screen around them.

Planning Manager Lodan advised that the City discourages the use of shipping containers for storage and staff would like them removed but would be willing to work with the applicant on the timeframe for removal.

Mr. Garcia briefly described the proposed project, explaining that events at the museum will be held from 5:00 p.m. to midnight and the police will be notified when events are scheduled.

Responding to questions from the Commission, Mr. Garcia reported that events will be held on weekends; that there will be approximately 12 events a year; that events will be catered; and that the caterer is responsible for obtaining ABC (Alcoholic Beverage Control) approval for the service of alcohol.

Commissioner Busch voiced support for the project, stating that he believed it was a good addition to the City.

Commissioner Browning indicated that he also supported the project, but questioned why a shared parking agreement was not already in place since Condition No. 4 does not require a permit until 60 days after a business license has been obtained.

Dave Parker, Dave's Garage (automobile museum)/Pelican Products, reported that he owns all the property involved and has parking for another 400 cars across the street and would be glad to provide a shared parking agreement.

Commissioner Browning proposed amending Condition No. 16, which requires all activities to be conducted inside the building, to allow an exception so that vehicles could be displayed outside for larger events as long as adequate parking is provided and an event permit is obtained.

Commissioner Browning asked about handicapped parking, and Mr. Garcia reported that there are two handicapped parking spaces.

Building Inspector Supervisor Sheldon advised that an additional handicapped space could be created because the site has more than the required number of spaces.

Commissioner Busch indicated that he favored increasing the number of handicapped parking spaces from two to three.

Voicing support for the project, Commissioner Gibson reported that she has attended events at the museum and it is a well-run and very ethical organization. She noted that Mr. Parker is a long-time supporter of Torrance schools and has provided flashlights for troops in Desert Storm and Iraq.

Commissioner Skoll asked about the types of cars housed in the museum.

Matt Lewis, Dave's Garage, reported that the museum has a variety of cars ranging from classic cars from the 1950's, kit cars from the late 1930's to early 1940's, and newer cars such as Lamborghinis. He noted that the museum does not have race cars, but focuses on production performance vehicles as well as classics.

Mr. Garcia reiterated his request that the Commission consider allowing the shipping containers to remain, noting that the project has six more parking spaces than required and the containers would be screened from view.

Planning Manager Lodan explained that the City discourages the use of shipping containers for storage because they take up on-site parking and impede circulation and they can also be subject to vermin infestation.

A brief discussion ensued, and it was the consensus of the Commission to retain Condition No. 6, but to allow more flexibility with regard to the timeframe.

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

MOTION: Commissioner Busch moved for the approval of CUP10-00002, as conditioned, including all findings of fact set forth by staff, with the following modification:

Modify

1No. 6 That any unpermitted container bins shall be removed ~~within 60 days of obtaining a business license~~ to the satisfaction of the Community Development Director.

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

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 10-021.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 10-21 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

12. **RESOLUTIONS** - None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS**

14A. **MIS10-00091: BALAZS CSAKI/MAGELLAN TRAVELER, LLC (AMB HEADLANDS REALTY)**

Planning Commission consideration for approval of a Minor Modification of a previously approved Conditional Use Permit (CUP05-00033) to allow the installation of a security gate and fence on property located in the M-2 Zone at 2856 Columbia Street.

Recommendation

Denial without prejudice.

Planning Associate Gomez introduced the request.

Balazs Csaki, representing Magellan Traveler, applicant, explained that the company is buying a building in the Torrance Matrix Business Park and would like to add

fencing and a gate to enhance security. He explained that the company deals in high value items and heightened security measures are necessary to prevent intruders and ensure the safety of employees, who often work late at night.

Commissioner Browning voiced his opinion that the proposed wrought iron fencing would detract from the appearance of the business park because it was out of harmony with other buildings. He noted that the Torrance Police Department is approximately two blocks away and would quickly respond to any request for assistance. He expressed concerns that the security fence would make it difficult for police and fire personnel to gain entry in the event of an emergency and indicated that he supported the staff recommendation to deny the project without prejudice.

Commissioner Skoll stated that he was disturbed by the fact that he could find no information about the company on the internet and the applicant has been very vague about the nature of the items involved.

Mr. Csaki reported that the company sells rare coins and likes to keep a low profile because several coin shops have been robbed within the last year or two. He explained that the business name is different than the LLC, which was set up to facilitate the purchase of the building.

Commissioner Busch stated that he could appreciate the applicant's security concerns, recalling that there was an armed takeover of a business at Maricopa and Crenshaw at 2:00 a.m. about three months ago. He noted, however, that this business park was designed with an open parking lot to accommodate on-site circulation for emergency vehicles, trash and delivery trucks and he agreed with staff's assessment that the proposed fencing could potentially cause problems and degrade the design and harmony of the development.

Planning Manager Lodan reported that other tenants/owners have inquired about fencing off their areas and they were informed that staff would not support their request.

Commissioner Busch asked if the company could still function without the security fence.

Mr. Csaki reported that they have not completed the purchase of the building and the sale would be severely jeopardized if the security fence is not allowed.

Commissioner Uchima asked if the business has security guards, noting that businesses that deal in expensive items, such as jewelry, typically have full-time security.

Mr. Csaki reported that the business does not employ security guards. He explained that he was primarily concerned about employees being ambushed, which is not uncommon in this industry. He noted that without the security fence, employees working late at night would not be able to tell if it was safe to leave the building and go to their cars because someone who had seen the Brinks truck making deliveries could be lurking in the parking lot.

Commissioner Gibson suggested that Mr. Csaki might wish to consider hiring a security guard to protect the safety of his employees, and Mr. Csaki responded that a security fence is more cost effective than hiring security guards.

Commissioner Busch stated that he likes to encourage businesses to come to Torrance, however, he could not support the proposed security fence and expressed the hope that the applicant would work with staff to find another solution to his security concerns.

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

MOTION: Commissioner Busch moved to deny MIS10-00091 without prejudice. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 10-022.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution No. 10-022. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

The Commission briefly recessed from 8:00 p.m. to 8:07 p.m.

Agenda Item 9A was considered out of order at this time.

9A. PRE08-00022: CBB ARCHITECTS (CARLOS AUDERO)

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 within the Hillside Overlay District in the R-1 Zone at 5264 Doris Way.

Recommendation

Approval.

Planning Associate Gomez introduced the request.

Charles Belak-Berger, CBB Architects, project architect, reviewed the revisions made to the project to address the concerns of the neighbor at 5304 Doris Way, including lowering the height an additional two feet, and reported that this neighbor no longer objects to the project.

Commissioner Browning asked about the undated letter in the staff report from the owners of 5304 Doris Way listing their objections to the project, and Planning Manager Lodan advised that the letter was from the previous hearing before the project was revised.

Commissioner Browning reported that he visited the subject property and 5304 Doris Way, but did not speak to anyone because no one was home at either address.

Voicing support for the project, Commissioner Skoll stated that he believed the architect had done a good job of revising the project and he was impressed that the architect been able to resolve the neighbor's concerns and gain her support.

Commissioner Browning, noting that this project has been revised three times, questioned why Mr. Belak-Berger had not reduced the FAR (floor area ratio) to 0.50 in conformance with the Hillside Ordinance.

Mr. Belak-Berger related his understanding that an FAR of up to 0.60 is allowed in the Hillside Overlay. He explained that the property owner would like to have decent-sized rooms and a slightly larger than minimum-sized garage and he felt the additional square footage would not be an issue since so much of the square footage is essentially buried below grade. He conceded that he has pushed the envelope in the past, but related his belief that the proposed FAR of 0.52 was justified in this case.

Commissioner Browning suggested that it might be time to stop allowing Mr. Belak-Berger to push the envelope.

Mr. Belak-Berger noted that a client has certain expectations in terms of room size when dealing with the significant costs associated with building below grade and he believed this project was very reasonable. He pledged never to submit a project in the Hillside area with an FAR over 0.50 if the Commission approves this project.

Commissioner Browning stated that the Commission was not dealing with past or future projects and that the policy of limiting FAR's to 0.50 came at the direction of the City Council. He noted that in order to exceed 0.50 an applicant must demonstrate that being confined to this limit would constitute an unreasonable hardship and voiced his opinion that the applicant had not done so in this case.

Mr. Belak-Berger related his belief that having to eliminate the additional square footage would be an unreasonable hardship, but indicated that he would reduce the FAR to 0.50 if that was the only way to gain approval of the project.

Commissioner Busch recalled that Commissioner Horwich had commented on Mr. Belak-Berger's tendency to submit projects that exceed FAR guidelines and then attempt to negotiate with the Commission at an earlier hearing. He questioned whether the issue of subterranean space was addressed in the Hillside Ordinance.

Planning Manager Lodan advised that the Hillside Ordinance does not specifically mention subterranean space and if any portion of the below-grade space is daylighted, the entire level is included in the FAR.

Commissioner Bush questioned why the garage had been increased from 420 square feet in the previous proposal to 455 square feet in the current proposal.

Mr. Belak-Berger reported that the property owner was concerned that the garage would be difficult to negotiate and had asked that it be made a little larger.

Commissioner Busch asked where the space could be eliminated to achieve an FAR of 0.50.

Mr. Belak-Berger stated that the downstairs bedrooms and den could possibly be reduced in size, however, none of the rooms were excessively large and it would create a more jagged elevation.

Commissioner Busch questioned whether the lot size was typical for the area and whether there were other homes in the vicinity of similar size and FAR.

Planning Manager Lodan reported that lot sizes in the Hillside area vary considerably and the subject lot at 6,420 square feet would be slightly below the average; that there are a number of newer homes within the notification area of similar square footage and most of them are two stories above grade; and that FARs for homes in the area range from 0.50 up to 0.60.

Commissioner Busch noted that the City Council recently approved a project on Amberleaf that had been denied by the Commission adding a condition that the FAR be reduced to 0.50.

Planning Manager Lodan pointed out that the project on Amberleaf was a much larger house on a much larger lot.

Commissioner Horwich stated that he believed Mr. Belak-Berger does try to negotiate with the Commission, however this was the third time this project has been considered and each time the FAR has been reduced and the view and privacy impacts have been eliminated, therefore, he would support the project as proposed.

Chairperson Weideman invited public comment.

Claire Shanahan, 5304 Doris Way, voiced support for the project, stating that she appreciated the revisions that were made to preserve her view and privacy and her only remaining concern was about the City's oversight of the construction. She explained that property lines were incorrectly observed when the project on the other side of her house was constructed two years ago, which resulted in walls being shifted, and she wants to make sure that does not happen again. Additionally she noted that there is no margin of error in the height of the project and any deviation from the silhouette will impact her view.

Building Inspector Supervisor Sheldon stated that he was aware of Ms. Shanahan's concerns and invited her to call the building inspector for her area if she has any questions or concerns while the project is under construction.

Ms. Shanahan asked if construction could start after 7:30 a.m. since all the bedrooms in her home border the subject property.

Chairperson Weideman noted that the permitted hours of construction have been shortened since the house next door to her was constructed.

Assistant City Attorney Sullivan reported that the new hours of construction are Monday through Friday, 7:30 a.m. to 6:00 p.m.; Saturday, 9:00 a.m. to 5:00 p.m., with no construction on Sundays or City holidays unless it is by the homeowner.

Noting that the original project included a roof deck which was deleted in the second revision, Chairperson Weideman requested assurance that the flat roof would not be altered to create a roof deck.

Mr. Belak-Berger reported that the roof was not designed to support the load of a deck and additionally there was no way to access the roof without major changes to the project that would require the City's approval.

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

MOTION: Commissioner Horwich moved for the approval of PRE08-00022, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and discussion continued.

Commissioner Browning offered the following substitute motion, citing the City Council's action on the Amberleaf project requiring a reduction in the FAR to 0.50.

MOTION: Commissioner Browning moved for the approval of PRE08-00022, as conditioned, including all findings of fact set forth by staff, adding a condition that the FAR shall be reduced to 0.50. The motion was seconded by Commissioner Busch and discussion continued.

Commissioner Uchima noted that the Commission has the discretion to approve a project with an FAR above 0.50 and has done so in the past and related his belief that being confined to this limit would be a hardship in this case. Indicating that he would support the project as submitted, he stated that the view from Ms. Shanahan's master bedroom was completely blocked before the project was revised and this impact has been eliminated and he felt the FAR of 0.52 was reasonable since much of the square footage was below grade.

Chairperson Weideman indicated that he also would support the project as submitted. He explained that his primary concern about this project has been the view impact and this issue has been addressed. He noted that limiting a project's FAR to 0.50 was meant to prevent massiveness and he believed the project's design had alleviated this concern.

Commissioner Busch pointed out that the Hillside Ordinance includes no definition for "hardship" so each Commissioner must decide what qualifies as such and in this case he did not believe there was a hardship, therefore, he would be voting in favor of the substitute motion.

Commissioner Browning indicated that he also did not believe there was a hardship in this case that would justify approving an FAR over 0.50.

Commissioner Horwich noted that the Commission's Code of Ethics mentions that the Commission has the privilege of using available exceptions to the rule and related his belief that this project fits into that category.

Commissioner Busch wanted to clarify that he was not opposed to the project, but felt the FAR should be reduced to 0.50.

Chairperson Weideman called for a vote on the substitute motion.

MOTION: Commissioner Browning moved for the approval of PRE08-00022, as conditioned, including all findings of fact set forth by staff, adding a condition that the FAR shall be reduced to 0.50. The motion was seconded by Commissioner Busch and failed to pass as reflected in the following roll call vote:

AYES: Commissioners Browning and Busch.
NOES: Commissioners Gibson, Horwich, Skoll, Uchima and
Chairperson Weideman.

Chairperson Weideman called for a vote on the original motion.

MOTION: Commissioner Horwich moved for the approval of PRE08-00022, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed as reflected in the following roll call vote:

AYES: Commissioners Gibson, Horwich, Skoll, Uchima and
Chairperson Weideman.
NOES: Commissioners Browning and Busch.

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution No. 09-020.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 09-020. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the City Council formally adopted the 2009 General Plan the previous evening.

16. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the Planning Commission meeting of April 21, 2010.

17. ORAL COMMUNICATIONS #2

17A. Commissioner Busch thanked Planning Manager Lodan and Development Review staff for providing written responses to questions that had been asked by Commissioners at previous meetings.

17B. Commissioner Busch related his belief that the Planning Commission's contribution to the General Plan update should be noted as the Commission worked extremely hard on the update and held approximately 15 public workshops.

17C. Commissioner Browning asked when the General Plan would be available to the public, and Planning Manager Lodan reported that it was currently available on line and the printed version will be available in the next week or two.

17D. Commissioner Browning commended Planning Associate Gomez for doing an excellent job of preparing the staff report for Agenda Item 14A.

17E. Commissioner Horwich reminded Commissioners that he had a lot of written information to share from the Planning seminar in Monterey.

17F. Commissioner Uchima thanked Commissioner Horwich for attending the conference and for the information provided.

17G. Chairperson Weideman also thanked Commissioner Horwich, relating his belief that it was important for a commissioner to provide a report either written or oral when attending a seminar at taxpayers' expense.

18. ADJOURNMENT

At 8:56 p.m., the meeting was adjourned to Wednesday, April 21, 2010.

Approved as Submitted May 19, 2010 s/ Sue Herbers, City Clerk
