

**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, May 19, 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 Busch, Browning, Gibson, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Martinez, Plans Examiner Noh, Fire Marshal Kazandjian, and Civil Engineer Symons.

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, May 14, 2010.

5. APPROVAL OF MINUTES

MOTION: Commissioner Browning moved for the approval of April 7, 2010 Planning Commission minutes, as submitted. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

MOTION: Chairperson Weideman moved for the approval of April 21, 2010 Planning Commission minutes, as submitted. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote, with Commissioner Browning abstaining.

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan noted that Agenda Item 14A, the information item on signage, was being postponed to a later date because the staff person who was to present the information is ill.

7. ORAL COMMUNICATIONS #1 – None.

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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.

Agenda Item 11A was considered out of order at this time

11. **FORMAL HEARINGS**

11A. **CUP10-00006, MOD10-00005: JAMES KONG (2455 SEPULVEDA, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a sit-down restaurant with a shared parking agreement in conjunction with a Modification of a previously approved Conditional Use Permit (CUP07-00020) on property located in the M-2 Zone at 2455 Sepulveda Boulevard.

Recommendation

Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting.

Michael Quaranta, JM Commercial Properties, James Kong, voiced his agreement with the recommended conditions of approval. He reported that this application was on behalf of a Japanese restaurant with 1180 locations in Japan, 25 in the Far East and 4 in Hawaii; that the proposed restaurant will be the company's first location on the mainland; and that there will also be a corporate office adjacent to the restaurant. He briefly described the proposed project, noting that the applicant was proposing a shared parking arrangement whereby 5 stalls on the adjacent property at 2435 Sepulveda Boulevard, which is also owned by the applicant, would be used to satisfy parking requirements. He related his belief that the project would be beneficial for both the applicant and the City.

(Chairperson Weideman asked Commissioner Horwich as Vice Chair, to take over chairing the meeting at this time because he was not feeling well).

In response to Commissioner Gibson's inquiry, Mr. Quaranta reported that the name of the restaurant is Curry House Coco Ichibanya.

Responding to Commissioner Browning's inquiry, Planning Manager Lodan advised that the 5 stalls to be used on the Weinerschnitzel property are in excess of parking requirements for that site and confirmed that the subject property will meet parking requirements when all tenant spaces are occupied.

Commissioner Browning noted that he was opposed to this retail center when it originally came before the Commission, but understands that times have changed and does not want to see vacancies at this center.

Responding to questions from the Commission, Mr. Quaranta expressed confidence that the remaining 7 parking spaces at Weinerschnitzel would be adequate for the fast food restaurant, noting that he has never seen this parking lot close to full. He reported that the new restaurant's hours of operation will be 11:00 a.m. to 10:00 p.m.

Commissioner Busch stated that he was also opposed to center when it was originally considered due to concerns about traffic and while he recognizes that economic times have changed and he likes the concept of the restaurant, he still had reservations about this project due to traffic impact.

Commissioner Horwich expressed concerns about the way parking requirements have been calculated, i.e. requirements for the take-out portion of the restaurant is calculated at 1.45 spaces, and related his belief that each of the 8 categories should be rounded up to a full space since there is no such thing as a fraction of a car.

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

Commissioner Skoll stated that he thought this was a great project for Torrance and looked forward to dining at the restaurant.

Chairperson Weideman noted his concurrence with Commissioner Skoll's comments.

MOTION: Chairperson Weideman moved for the approval of CUP10-00006 and MOD10-00005 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by a 6-1 roll call vote, with Commissioner Busch dissenting.

Planning Associate Martinez read aloud the number and title of Planning Commission Resolution Nos. 10-030 and 10-031.

MOTION: Chairperson Weideman moved for the adoption of Planning Commission Resolution Nos. 10-030 and 10-031. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

9. CONTINUED HEARINGS

9A. PRE09-00007: JIM DELURGIO

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 in conjunction with a new accessory structure located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation

Approval.

Planning Associate Martinez introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Commissioner Browning stated that it has been brought to his attention that there is a court order pertaining to this property that the applicant has failed to comply with and he was not comfortable proceeding with this hearing without additional information.

Assistant City Attorney Sullivan advised that it was his position that this legal action was irrelevant because the role of Commissioners was limited to evaluating the project before them and any civil dispute was up to the parties involved to resolve through the court system.

Assistant City Attorney Sullivan disclosed that he had a conversation with the applicants, Mr. and Mrs. Delurgio, within the past 2-3 months in his role as supervisor of the criminal prosecution division of the City Attorney's office concerning a matter involving the unauthorized trimming of the Delurgios' trees; that the case was rejected for prosecution and he explained the rationale for this decision; and that he did not discuss the project with them other than acknowledging that he knew it was coming forward.

Commissioner Browning disclosed that Mr. Delurgio had invited him to view the project approximately two weeks ago, but he declined to do so because he had not received that agenda packet and after reviewing the packet, he decided not to meet with Mr. Delurgio because he felt it was unnecessary. He reported that he did view the silhouette from the living room of 513 Camino de Encanto and observed some view blockage but he has not made a decision on the project.

Commissioner Busch asked about the applicant's claim (Precise Plan Application, Item 2b) that many of the neighbors who claim view and privacy impairment have altered the view and privacy issues in their favor through illegal tree vandalism.

Deputy City Attorney Sullivan advised that Commissioners may give the applicant's statement in the application whatever weight they deem appropriate, noting that neighbors have the ability to comment on this claim during tonight's hearing.

Commissioner Busch asked if there has been legal action filed concerning the trees on this property, and Deputy City Attorney Sullivan reported that there is a videotape of a neighbor and a gardener trimming trees, but no charges were filed due to statute of limitation issues.

Nagy Bakhoun, Obelisk Architects, 3800 Pacific Coast Highway, project architect, voiced his agreement with the recommended conditions of approval. He reported on outreach efforts, noting that two open houses were held since the last hearing and there is an extensive log of communications with neighbors included in the staff report.

With the aid of slides, Mr. Bakhoun explained that despite the large lot, the usable area is fairly small due to views over and through the property and contended that a single-story residence would have a much greater impact on the views of neighbors. He reviewed the revisions that were made to project to address neighbors' concerns, including eliminating square footage and enlarging the rear yard setback.

Commissioner Busch noted that the applicant has proposed cutting down some trees to open up a view corridor for neighbors in conjunction with the project and suggested that doing this now rather than waiting would have given neighbors a better idea of how this would improve their views.

Mr. Bakhoun doubted that cutting down the trees would make any difference as neighbors are fundamentally opposed to a two-story addition on this property.

Commissioner Browning reported that he observed that the project would block a shoreline view at 513 Camino de Encanto; noted that Mayor Scotto has stated that he thinks even a 10% reduction in view was too much; and explained that he would have a difficult time approving this project because he judged the view blockage to be more than 10%.

Mr. Bakhoum declined to estimate the view blockage, but related his belief that the view blockage would be closer to 90% with a single-story addition.

Vice-Chair Horwich invited public comment.

Peter Lattey, 515 Camino de Encanto, contended that the revisions to the plans were not particularly significant and urged the Commission to delay the hearing until trees obstructing the view of the silhouette have been removed or trimmed. Noting that he is a licensed architect with over 30 years' experience, he also urged the Commission to require that the applicant provide conceptual plans for a one-story project because that's the only way to determine the best way to develop the property.

Roberta Blowers, 621 Camino de Encanto, stated that Mr. Delurgio entered into an agreement before a judge to trim the poplar trees to a height of 14 feet but has not complied, therefore she believes the trees should be considered transparent, as if they were not there. She reported that neighbors discussed their concerns about a potential addition even before the applicant purchased the property so he was well aware of their concerns. She noted that at the last open house, the architect expressed a willingness to draft simple plans for a subterranean option, but the applicant has not allowed him to do so. She related her belief that there was another way to provide the space the applicant desires without impacting surrounding neighbors.

Cindy Constantino, 513 Camino de Encanto, contended that the proposed project clearly violates the Hillside Overlay Ordinance because it would have a drastic impact on her privacy and reported that a licensed appraiser has estimated that the project would decrease the value of her property between \$60,000-150,000. She stated that the Delurgios have ignored neighbors' requests that they consider a split-level or partially subterranean addition and shift the pool house/accessory structure to the northeast corner of the lot to preserve views.

Commissioner Busch asked about staff's judgment (staff report – page 3) that the proposed project does not impact views at 513 Camino de Encanto. Ms. Constantino responded that contrary to the staff report, her view of the ocean would be impacted by the project.

Commissioner Browning reported that he observed a white water view from Ms. Constantino's home that was blocked by the silhouette. He pointed out that the staff report states that privacy impacts have been reduced at 513 Camino de Encanto, but it does not say that they have been eliminated.

Gene Kusion, 523 Camino de Encanto, noted that his family has owned this property since 1964. Submitting photographs to illustrate, he stated that the project would block views of the ocean, shoreline, mountains and city lights and it would also intrude on his privacy because the proposed second story would have a direct line of sight into his home. He maintained that the redesigned project was not significantly different from the earlier project submitted in November 2009; noted that the City Council denied a two-story project next door at 210 Via El Toro due to view impact; and voiced his opinion that the project was not designed to cause the least intrusion on neighbors.

Responding to questions from the Commission, Mr. Kusion estimated his view loss to be approximately 50%. He noted that Mr. Delurgio has a spectacular ocean view from his existing home so it would be no hardship for him to build a single-story addition.

The Commission briefly recessed from 8:30 p.m. to 8:45 p.m.

Linda Gohata, 516 Camino de Encanto, stated that while Commissioners have indicated that they give more weight to ocean views, the Hillside Ordinance does not make this distinction. Urging that the project be denied, she related her understanding that the Hillside Ordinance provides that a second story can only be added if a one-story addition is not feasible and there can be no adverse impact to neighbors. She voiced her opinion that the Hillside Ordinance strikes the right balance between cities that have no view protection and cities with ordinances that are overly restrictive.

Commissioner Busch noted that the staff report mentions that historically the Hillside Ordinance has been interpreted by the Planning Commission and the City Council to afford more protection to views that are unique to the Hillside area and views of the sky have generally not been afforded the same level of protection.

Assistant City Attorney Sullivan advised that both the Planning Commission and the City Council have typically afforded more protection to ocean, mountain and city-light views and impact to blue-sky views has only become an issue within the last couple of years.

Armando Montano, 526 Palos Verdes Boulevard, voiced objections to the project, citing the impact on ocean views. He expressed the hope that Torrance would adopt an ordinance regulating trees, contending that trees on the subject property were only put there to hide the silhouette.

Vicki Radel, 515 Camino de Encanto, stated that she has lived at this address for 38 years and is strongly opposed to the project. She reported that the modifications have resulted in a slight improvement, which she appreciates, but the project would still block more than 10% of her view. She explained that the detached accessory structure will block ocean views from her living room, which can be remedied by using a flat roof, however the applicant has rejected this idea. She stated that the proposed two-story addition is much taller than anything else in the neighborhood and living next to it will be like living next to a cruise ship that never leaves port. She noted that she informed Mr. Delurgio before he purchased the property that she would oppose any addition that blocks her ocean view. She contended that there was no hardship involved to justify the project and that it would have an adverse cumulative impact.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that it would be possible to use a flat roof on accessory structure.

Andrew Filak, 514 Palos Verdes Boulevard, contended that the architect should have done a better job of familiarizing himself with the Hillside Overlay Ordinance before designing the project, noting that he purchased his home because of the protection it provides. He expressed concerns about the lack of enforcement of the California Coastal Act which limits construction within 1000 feet of the ocean.

Planning Manager Lodan clarified that property owners west of Palos Verdes Boulevard are required to obtain Coastal Commission approval for projects after they have completed the City's approval process.

Commissioner Browning noted that Mr. Bakhom is familiar with the Hillside Ordinance and has designed other projects in the area.

Chuck Hammer, 221 Paseo de Suenos, stated that the applicant should throw the current plans away and come up with single-story project that does not impact

neighbors and that he should apologize to neighbors for taking up their time and explain why the Hillside Ordinance does not apply to him.

Commissioner Horwich cautioned speakers to refrain from making personal remarks.

James Corazzini, 513 Camino de Encanto, reported that Mr. Delurgio was warned by neighbors before he purchased this property that they did not want their views blocked. He stated that Mr. Delurgio already has a better view than any of his neighbors and he should not be allowed to improve his view at their expense.

Voc Gregorian, 625 Camino de Encanto, stated that he was invited to view the project from 513 and 523 Camino de Encanto and observed that it would have a huge impact on ocean views. He expressed the hope that the applicant would work together with neighbors and design a one-story project that won't affect views.

Commissioner Busch noted that several neighbors have recommended a one-story project, however, according to the staff report, it was staff's judgment that a one-story project would likely cause greater view impacts to more properties. He asked if it would be possible to build a house of the same approximate size on a single-level without impacting views.

Planning Manager Lodan advised that the only place to add more square footage to the ground floor without significant view impact is in front of the existing residence, but this would take away the desired off-street parking and the area is very limited in size.

Ramzi Ghaby, 509 Camino de Encanto, stated that the proposed project would intrude on his privacy and block a blue sky view.

Ruth Vogel, 114 Via la Soledad, reported that the City Council on July 15, 2008 denied a project on Newton Street in order to protect a neighbor's blue sky view, which she believes set a precedent with regard to this matter. She suggested that had this project been designed to cause the least intrusion on neighbors, it would have included a flat roof and subterranean elements.

Lorraine Marcone, 505 Camino de Encanto, stated that she has worked as a real estate agent for over 25 years and related her experience that buyers rely on the Hillside Ordinance to protect their view, light, air and privacy. She contended that the proposed project shows a blatant disregard for the Hillside Ordinance and it would have no value in the future if the project is approved.

Ted Gohata, 516 Camino de Encanto, maintained that he would lose his entire blue water view if the applicant is allowed to build a second story.

Returning to the podium, Mr. Bakhoun stated that the fact that neighbors are complaining about view impact from the detached accessory structure, which is less than 11 feet in height, illustrates why it is not possible to build a one-story addition on this lot. He explained that it's impossible to design a project for this lot that would have no view impact so he focused on maintaining primary views and related his belief that the project as designed would cause the least detriment. With regard to privacy impact, he pointed out that the second floor is over 100 feet from the rear property line. He urged the Commission to approve the project as submitted.

Commissioner Skoll asked if Mr. Bakhoun and/or Mr. Delurgio had looked at the silhouette from the affected properties after the project was redesigned, and

Mr. Bakhoum reported that they went to the edge of the property and looked back at the silhouette.

Commissioner Skoll related his experience that the silhouette needs to be viewed from the affected residence to gauge the full impact.

Commissioner Browning voiced his opinion that the proposed project does not work on this particular lot and suggested that the Delurgios may need to find another location for their dream house.

Commissioner Busch stated that he could not support the project because he believes it violates the Hillside Ordinance in terms of 513 and 515 Camino de Encanto and felt there were changes that could be made to mitigate the project's impact.

Commissioner Uchima asked if attempts were made to view the project from the homes of neighbors to the rear, particularly 515 Camino de Encanto. Mr. Bakhoum stated that some of the neighbors directed the applicant not to come onto their properties, but 515 Camino de Encanto was not one of them.

Commissioner Uchima reported that he viewed the project earlier this afternoon from 515 Camino de Encanto and observed a readily apparent loss of ocean view, therefore he could not support it. He related his belief that the architect would have a better idea of how to mitigate the impact by personally viewing the silhouette from this residence and other affected residences.

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

Commissioner Horwich stated that the blockage of blue sky views does not carry much weight with him, noting that he lives in a single-story home and homes on either side have added second stories so loss of blue-sky view is not unusual. He commented on the subjective nature of the Hillside Ordinance, pointing out that several people have contended that the proposed project clearly violates the Hillside Ordinance, however, obviously staff did not believe this was the case or they would not have recommended approval of the project.

Assistant City Attorney Sullivan clarified that while statements were made that the Hillside Ordinance requires that a project have no adverse impact on neighboring properties, according to the ruling in the Guzman case, a project may have no "significant or substantial" impacts.

Planning Manager Lodan advised that some people believe that if they can see the silhouette, they are adversely impacted by the project, however that is not the nature of the Hillside Ordinance. He explained that staff looked at the project in the totality of the impact on every house in the neighborhood and tried to balance a variety of interests and while they do see some limited impairment of ocean views, they did not feel it was a significant impact.

Chairperson Weideman stated that after hearing all the testimony, re-reading the case and reviewing the revisions to the plans, he believed the project would have a significant impact on the views of neighbors, therefore he would be voting against it.

Commissioner Busch noted that commissioners and staff sometimes have differing opinions on a project and the Commission is charged with making the final decision, which can be appealed to the City Council. He voiced his opinion that a project violates the Hillside Ordinance if it blocks a significant view of even one homeowner and reiterated his position that there was a violation in this case.

MOTION: Commissioner Busch moved to deny PRE09-00007 without prejudice. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

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

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP10-00006, MOD10-00005: JAMES KONG (2455 SEPULVEDA, LLC)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a sit-down restaurant with a shared parking agreement in conjunction with a Modification of a previously approved Conditional Use Permit (CUP07-00020) on property located in the M-2 Zone at 2455 Sepulveda Boulevard.

Considered earlier in the meeting, see pages 2-3.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS**

14A. **SIGNAGE INFORMATION**

Item was continued to a later date.

15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

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

Planning Manager Lodan noted that the June 2, 2010 Planning Commission meeting has been cancelled.

17. **ORAL COMMUNICATIONS #2**

17A. Commissioner Busch commended Commissioner Horwich for doing a great job of chairing the meeting and Planning Manager Lodan and City Attorney Sullivan for their knowledgeable responses to his questions.

17B. Commissioner Skoll thanked Commissioner Horwich for taking over as chair of the meeting.

17C. Commissioner Browning commended Chairperson Weideman for making the effort to attend the meeting even though he was not feeling well.

17D. Chairperson Weideman called attention to an article in *Planning* magazine concerning the case of Urban Habitat v. City of Pleasanton involving the city's RHNA allocation for affordable housing.

17E. Chairperson Weideman thanked Commissioner Horwich for chairing the meeting.

17F. Commissioner Uchima noted that he formerly served on the Environmental Quality Commission and expressed concerns that sign hearings could greatly add to the length of Planning Commission meetings.

Planning Manager Lodan reported that over the past few years, most sign requests have been handled administratively and staff will attempt to balance agendas so meetings don't go too late.

17G. In response to Commissioner Skoll's inquiry, Planning Manager Lodan confirmed that the election of officers will be on the June 16 Planning Commission agenda.

17H. Commissioner Horwich noted that he is not inclined to be too strict about the three-minute rule for speakers and prefers to let them have their say as long as they are not being repetitive.

18. ADJOURNMENT

At 10:00 p.m., the meeting was adjourned to Wednesday, June 16, 2010 at 7:00 p.m.

Approved as Submitted July 7, 2010 s/ Sue Herbers, City Clerk
