

June 16, 2010

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, June 16, 2010 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Browning.

**3. ROLL CALL**

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

Absent: Commissioner Busch.

Also Present: Planning Manager Lodan, Planning Assistant Yumul, Plans Examiner Noh, Fire Marshal Kazandjian, Assistant City Attorney Sullivan and Civil Engineer Symons.

Commissioner Browning relayed Commissioner Busch's request for an excused absence from this meeting; hearing no objection, Chairperson Weideman so ordered.

**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, June 11, 2010.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Browning moved for the approval of May 5, 2010 Planning Commission minutes, as submitted. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

**6. REQUESTS FOR POSTPONEMENTS – None.**

**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.**

**9. CONTINUED HEARINGS**

**9A. CUP09-00026, PRE09-00008: JALAL ASHRAFZADEH (TINISH LLC)**

Planning Commission consideration for approval of a Conditional Use Permit and Precise Plan of Development to allow the expansion of an existing mini mart, the retail sale of beer and wine for off-site consumption, the relocation of the repair shop, and a new restaurant to an existing service station on property located within the Hillside Overlay District in the C-3 Zone at 25905 Rolling Hills Road.

**Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

Commissioner Gibson stated that she was absent from the February 17, 2010 meeting when this item was originally considered, but she has reviewed all the written material along with the minutes from the meeting and was prepared to participate in this hearing.

Erickson Marques, Sanjar & Associates, representing the applicant, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 28, which requires the old sign holder/post to be removed, explaining that the applicant would like to retain the post and re-use it for a new sign. He briefly described the revisions that were made to address concerns discussed at the earlier hearing, including relocating the restaurant and repair shop to the southeast corner of the lot; reducing the height of the mini mart so that it will not exceed the existing height of the building; moving the propane tank, storage tank and air and water facilities as far away as possible from residences; and relocating the trash enclosure next to the mini mart and screening it with a wall. He noted that there will be a cinderblock wall at the rear of the repair facility to help muffle noise and that a pollution-control exhaust system will be installed for the restaurant/repair shop building to mitigate odors.

With regard to Condition No. 28, Planning Manager Lodan explained that one of the concerns about the existing sign is that it is very close to the property line. He proposed modifying Condition No. 28 to state that the existing sign shall be replaced with a monument sign located entirely on private property or removed to the satisfaction of the Community Development Director.

Noting that the existing sign has been in place for approximately 30 years, Commissioner Browning indicated that he would not support the applicant's request to retain the pole unless both the pole and the footings have been inspected to ensure that they are structurally sound.

Mr. Marques expressed the applicant's willingness to have an engineer inspect the post to make sure that it's adequate to support the new sign.

Mark Doose, co-owner of apartments at 25935 Rolling Hills Road, stated that the revisions have done a good job of minimizing view impact, but he was still concerned about noise and pollution from the auto repair shop.

Cynthia Rodriguez, apartment manager for 25935 Rolling Hills Road, expressed concerns that the project would block city views from some apartment decks and asked that landscaping be planted along the back side of the restaurant/repair building to mask the blank wall.

Planning Manager Lodan noted that the applicant will be required to submit a landscape plan for the entire site and there is a 10-foot area behind the restaurant/repair building, which could be used to create a landscaped buffer for apartments to the south.

Ms. Rodriguez indicated her preference for tall bushes and/or trees to mask the wall.

Planning Manager Lodan encouraged the applicant to come to an agreement with neighbors on the landscaping before submitting the landscape plan to the Community Development Department.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan confirmed that the applicant will be expected to maintain the landscaping once it has been installed.

Nick Marino, 25935 Rolling Hills Road, #109, expressed concerns that the proposed project would block the view from his apartment and that he would be bothered by noise during the construction process.

Chairperson Weideman noted that while there will be more noise during the construction process, the project includes a block wall to buffer noise from the auto repair shop so there should be some improvement once it has been completed.

Mr. Marques doubted that Mr. Marino's view would be adversely impacted, relating his understanding that his apartment faces a 6-foot fence. He stated that he believed most of the issues discussed at the previous hearing have been resolved by the revisions and requested that the project be approved as submitted.

Commissioner Browning stated that he was inclined to support the project because the applicant has made an effort to mitigate concerns and he believed the project will be an improvement for this corner since conditions of approval prohibit the overnight storage of vehicles, which has been a problem at this site.

In response to Commissioner Browning's inquiry, Assistant City Attorney Sullivan clarified that the mini mart's ABC (Alcoholic Beverage Control) license, which would allow the retail sale of beer and wine for off-site consumption, prohibits anyone from consuming alcohol on the subject property, including the bays of the auto repair shop, however, the restaurant could apply for a separate license to allow the service of alcoholic beverages within the restaurant.

Responding to Commissioner Gibson's inquiry, Mr. Marques expressed his willingness to work with Ms. Rodriguez on the landscaping for the site and confirmed that the applicant intends to maintain it.

In response to Commissioner Skoll's inquiry, Plans Examiner Noh reported that the proposed cinder block wall would buffer noise from the auto repair shop but he could not say to what extent without additional information.

Planning Manager Lodan noted that Condition No. 26 requires that the applicant submit a noise attenuation study by a professional noise consultant to verify that the project will comply with the City's Noise Ordinance and will not be a nuisance for neighboring residential properties. With regard to Condition No. 28, he recommended that the condition be amended if Commissioners choose to allow the retention of the sign pole in order to confirm that it is structurally sound. He requested that the Commission add a condition concerning the submittal of a landscape plan.

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

Chairperson Weideman stated that he appreciated the revisions that have been made, but could not support the project because there are two other establishments selling beer and wine within 300 feet.

**MOTION:** Commissioner Skoll moved for the approval of CUP09-00026 and PRE09-00008, as conditioned, including all findings of fact set forth by staff, with the following modifications:

**Modify**

No. 28 That the old "Foothill Cantina Restaurant" sign shall be replaced with a monument sign located entirely on private property and the existing pole must be examined by a structural engineer or removed to the satisfaction of the Community Development Director.

**Add**

No. 37 That a landscape plan shall be submitted for approval to the Community Development Department prior to the issuance of building permits and shall be implemented prior to occupancy. The plan shall utilize drought resistant/xeriscape plant materials and shall provide state-of-the-art water saving irrigation system and/or drip irrigation for larger shrubs and trees. Project shall comply with 2010 State water efficient landscape ordinance.

The motion was seconded by Commissioner Browning and passed by a 5-1 roll call vote, with Chairperson Weideman dissenting (absent Commissioner Busch).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 10-009 and 10-010.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 10-009 and 10-010 as amended. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Busch).

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **DIV10-00002: AMY STUDARUS (BRADFORD & JANELL STONE AND YASHUSHI NAGASAKI)**

Planning Commission consideration for approval of a Division of Lot to allow a lot line adjustment between two properties located within the Hillside Overlay District in the R-1 Zone at 841 and 845 Calle Miramar.

**Recommendation**

Denial without prejudice.

Planning Assistant Yumul introduced the request.

Amy Studarus, M & M & Co., representing the applicants, reported that the proposed lot line adjustment is the result of a settlement agreement between the Stones (841 Calle Miramar) and the Nagasakis (845 Calle Miramar), which came about after survey revealed that approximately 240 square feet belonging to the Nagasaki property was located on the Stone's side of the fence. Noting that staff was recommending denial of the application because it would create irregularly shaped lots, she explained that the proposed lot line follows the existing fence and would allow the Stones to retain their hardscape, landscaping and a memorial fountain. Noting that staff is also concerned that one of the resulting lots does not conform to the minimum average lot size for R-1 lots within 300 feet (7215 square feet), she clarified that the size of the parcels differs slightly from what was listed in the staff report and that 845 Calle Miramar will be 7205 square feet and 841 Calle Miramar will be 7887 square feet, therefore the lot at 845 Calle Miramar is only 10 square feet smaller than the average lot size and well over the 6000 square foot minimum for R-1 lots.

Commissioner Browning related his understanding that the Stones have enjoyed the use this property for over 30 years and asked about the principal of adverse possession.

Assistant City Attorney Sullivan advised that in order to acquire property by adverse possession one would have to pay the property taxes for the subject property in addition to occupying it in an open and hostile manner.

Helen Kim, Levinson Arshonsky & Kurtz, legal counsel for the Nagasakis, provided background information about the property line dispute, explaining that the encroaching fence was in place even before the Stones purchased the property over 30 years ago. She reported that her clients agreed to dismiss a lawsuit against the Stones based on an agreement to move the lot line as proposed and this agreement was approved by a judge as evidenced by documents included in the agenda item. She noted that the Nagasakis have incurred approximately \$20,000 in legal expenses as a result of this litigation and the Stones have probably incurred an equal amount and urged the Commission to approve the proposed lot line adjustment, which would simply formalize the boundary that has been in place for more than 36 years.

In response to Commissioner Browning's inquiry, Ms. Kim confirmed that both parties have agreed to the lot line adjustment, noting that Mr. Nagasaki was present at the meeting.

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

Commissioner Skoll expressed support for the lot line adjustment, relating his belief that the findings of fact necessary for approval have been met.

Commissioner Horwich requested clarification of staff's recommendation to deny the lot line adjustment.

Planning Manager Lodan explained that staff's recommendation was due to the irregular lot line that would be created and the lack of compliance with minimum lot size requirements, however, staff looks at an application from a technical point of view and the Commission has more latitude to consider other factors.

Commissioner Browning asked about the discrepancy in the lot square footage between the staff report and Ms. Studarus' figures.

Civil Engineer Symons advised that the figures will be verified and a couple of minor errors in the legal description will be corrected as part of the certificate of compliance.

Commissioner Horwich stated that he would support the lot line adjustment since both parties have agreed to it.

**MOTION:** Commissioner Skoll moved for the approval of DIV10-00002, adding the recommended conditions listed on page 21 of the staff report. The motion was seconded by Uchima and passed by unanimous roll call vote (absent Commissioner Busch).

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

**11B. CUP10-00005, DIV10-00001: MARK LACHARITE HOMES, INC. (THE MARK LACHARITE AND CHRISTINE LACHARITE FAMILY TRUST**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a two-unit residential condominium project in conjunction with a Division of Lot for condominium purposes on property located in the R-2 Zone at 18413 Mansel Avenue.

**Recommendation**

Approval.

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

Elizabeth Srour, project architect, briefly described the proposed project which consists of two detached condominiums separated by a 30-foot motor court, noting that it meets or exceeds all requirements. She stated that she was aware of the letter from a neighbor at 18406 Kingsdale Avenue (supplemental material) expressing concerns about privacy impact should there be any balconies or large windows facing her property and related her understanding that this neighbor was satisfied after reviewing the plans that there would not be a privacy impact. She voiced her agreement with the recommended conditions of approval. With regard to Condition No. 12, which requires the use of pavers or decorative concrete, she clarified that the applicant intends to use smooth concrete for walkways and other areas where bumpy surfaces could be a safety hazard.

In response to Chairperson Weideman's inquiry, Planning Manager Lodan advised that Condition No. 13, which requires revised plans to be submitted showing the correct window placement, does not involve windows facing 18406 Kingsdale.

Commissioner Skoll commended the applicant for designing an excellent project, noting that it was unusual for this type of application to have no opposition.

**MOTION:** Commissioner Uchima moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Busch).

**MOTION:** Commissioner Skoll moved for the approval of CUP10-00005 and DIV10-00001 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Busch).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 10-033 and 10-034.

**MOTION:** Commissioner Skoll moved for the adoption of Planning Commission Resolution Nos. 10-033 and 10-034. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Busch).

The Commission briefly recessed from 8:20 p.m. to 8:30 p.m.

Assistant City Attorney Sullivan introduced Lisa Hahn, a law student from George Mason University, who is serving as an intern in the City Attorney's office.

**11C. CUP10-00007: CHICKEN MAISON (PATRICIA WICK)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the expansion of an existing restaurant in conjunction with a request for a beer and wine license on property located in the C-2 Zone at 3901 Pacific Coast Highway, Suite D.

## **Recommendation**

Approval.

Planning Assistant Yumul introduced the request.

Assistant City Attorney Sullivan disclosed that the operator of a shoe repair shop he and his family uses was present in the audience, however this would not affect his legal advice to the Commission.

Tammy Wick Reyes, representing Patricia Wick, the owner of the subject property, related her belief that the expansion of Chicken Maison would benefit the existing tenants of the shopping center as well as the City of Torrance.

Sam Karame, representing Chicken Maison, voiced his agreement with the recommended conditions of approval.

Commissioner Browning requested clarification of parking requirements.

Planning Manager Lodan advised that based on information provided by the applicant, staff determined that 59 parking spaces were required and 59 parking spaces are provided, however, the owner of Deli Roma recently submitted information claiming that the shopping center has additional square footage that was not taken into account, which would require an additional 3 parking spaces. He explained that staff would need a site plan and a floor plan of the center to verify the square footage or as an alternative, the Commission could approve the project adding a condition requiring that the applicant demonstrate that sufficient parking is provided prior to entering the plan check process.

Chairperson Weideman indicated that he was not inclined to approve the project until the square footage has been verified.

Commissioner Horwich and Commissioner Gibson indicated that they were also not comfortable approving the project without verification the square footage.

Tony Nahabedian, owner of Deli Roma, 3901 Pacific Coast Highway, submitted additional documents and photographs for the record. He reported that he asked each tenant in the center to measure their square footage and according to his calculations 62 parking spaces are required. He stated that he is not opposed to the expansion of Chicken Maison, but was concerned about the impact on other tenants of the shopping center because it's almost impossible to find a parking space between the hours of 12:00 p.m. – 2:30 p.m. He noted that motorists frequently cut through the parking lot since no U-turn is allowed at Pacific Coast Highway and Ocean and this adds to the congestion in the parking lot. He stated that other tenants are concerned about the proposed expansion but they have been intimidated and are afraid to complain.

Chairperson Weideman requested clarification of a diagram submitted by Mr. Nahabedian and Mr. Nahabedian explained that he was concerned that the restaurant's new façade would lend itself to an outdoor dining area further impacting parking.

Chairperson Weideman noted that Condition No. 6 prohibits outdoor dining areas on walkways adjacent to restaurants in the shopping center. He related his understanding the Mr. Nahabedian formerly operated a Mexican take-out restaurant in the Chicken Maison tenant space.

Mr. Nahabedian explained that he sold the tenant space when he was unable to add seating due to parking issues.

Bill Knapp, 23991 Ocean Avenue, stated that he lives in the apartment building next to the shopping center and his only concern about the project was the potential for more noise.

Ms. Wick Reyes noted that her mother, Patricia Wick, also owns the apartment building at 23991 Ocean Avenue and she has worked with Mr. Knapp regarding his concerns about noise in the past and will continue to do so.

Commissioner Horwich recommended that the hearing be continued so the parking requirement could be verified.

Planning Manager Lodan advised that staff needs an as-built floor plan for both levels of the shopping center in order to determine the parking requirement.

Ms. Wick Reyes agreed to continue the hearing to August 4, 2010 and expressed her willingness to hire an independent consultant to provide the necessary information.

Commissioner Uchima noted that apparently this shopping center was designed for take-out restaurants only and expressed concerns that adding seating to the restaurant could greatly impact parking because patrons will be lingering over lunch and dinner rather than picking up food and leaving.

Ms. Wick Reyes stated that she believed the parking situation was workable because the only time the parking lot is busy is during lunchtime hours and there was no problem in the evening when the restaurant would be serving dinner. She reported that when leases come up for renewal, she is requiring that employees park behind the shopping center in order to free up parking in front of the businesses.

**MOTION:** Commissioner Horwich moved to close the public hearing. The motion was seconded by Commissioner Uchima, but failed to pass because Commissioners still wished to comment.

Commissioner Skoll stated that he thought having employees park behind the center was a good idea and asked how many parking spaces were available. Ms. Wick Reyes responded that she thought all employees could be accommodated behind the building with the new parking layout

Commissioner Browning suggested that the applicant make sure that delivery trucks could make the turn going west to east with the new parking layout and proposed a right-turn only sign for the Pacific Coast Highway driveway. He stated that he wasn't opposed to the restaurant's expansion, but was having a problem with the additional cars it would bring to an already crowded parking lot.

Ms. Wicks Reyes expressed confidence that the parking situation could be worked out because the congestion occurs only for a couple of hours during lunchtime. She noted that she is also attempting to restrict the times during which deliveries can be made.

**MOTION:** Commissioner Horwich moved to continue the hearing on CUP10-00007 to August 4, 2010. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Busch).

**12. RESOLUTIONS**

**12A. PRE09-00007: JIM DELURGIO**

Planning Commission adoption of a resolution reflecting their decision to deny 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.

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 09-053.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution No. 09-053. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Busch).

**13. PUBLIC WORKSHOP ITEMS - None.**

**14. MISCELLANEOUS**

**14A. PLANNING COMMISSION ELECTIONS**

**MOTION:** Commissioner Browning moved to elect Commissioner Horwich as Chair and Commissioner Skoll as Vice Chair for 2010-2011. The motion was seconded by Chairperson Weideman and passed by unanimous roll call vote (absent Commissioner Busch).

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

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

Planning Manager Lodan reviewed the agenda for the July 7, 2010 Planning Commission meeting.

**17. ORAL COMMUNICATIONS**

**17A.** Commissioner Uchima commended Chairperson Weideman for doing a great job of managing Commission meetings over the past year.

**17B.** Commissioner Gibson congratulated Chairperson Weideman on a job well done.

**17C.** Commissioner Horwich stated that he was honored to be elected as Chairperson and commended Chairperson Weideman for conducting meetings in an orderly and respectful manner.

**17D.** Commissioner Browning commended Chairperson Weideman for doing an excellent job and stated that he was pleased to be on the Commission while Commissioner Horwich serves as chair.

**17E.** Commissioner Skoll asked about the Delurgio appeal, and Planning Manager Lodan advised that the hearing has been postponed until the July 20 City Council meeting.

**17F.** Commissioner Skoll asked about activity on the Rockefeller project site on Lomita Boulevard. Planning Manager Lodan reported that the activity is grading only and that the developer intends to landscape the front of the property and erect a sign to begin marketing it.

**17G.** Chairperson Weideman thanked his colleagues and staff for making his job easy, noting that he was proud of the role the Commission played in updating the City's General Plan.

**18. ADJOURNMENT**

At 9:32 p.m., the meeting was adjourned to Wednesday, July 7, 2010 at 7:00 p.m.

Approved as Submitted July 21, 2010 s/ Sue Herbers, City Clerk
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