

August 18, 2004

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

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:03 p.m. on Wednesday, August 18, 2004, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Uchima.

**3. ROLL CALL**

Present: Commissioners Botello, Drevno, Faulk, Horwich, LaBouff, Uchima and Chairperson Muratsuchi.

Absent: None.

Also Present: Planning Manager Isomoto, Planning Assistant Kevin Joe, Plans Examiner Nishioka, Fire Marshal Fawcett, Associate Civil Engineer Symons and Deputy City Attorney Whitham.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Faulk, seconded by Commissioner Horwich, 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 Uchima moved for the approval of the June 2, 2004 Planning Commission minutes as submitted. The motion was seconded by Commissioner Faulk, and voice vote reflected unanimous approval.

**MOTION:** Commissioner Drevno moved for the approval of the June 16, 2004 Planning Commission minutes as submitted. The motion was seconded by Commissioner Uchima, and voice vote reflected unanimous approval.

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Isomoto noted that the applicant has requested that Item 7A (DVP04-00002, MOD04-00007: South Bay Chrysler Jeep Dodge) be withdrawn. She relayed the following requests for postponements: Item 9A (CUP04-00027, DIV04-00016: Rong-Tsuen Chen) to October 20, 2004; Item 9B (PRE04-00017, WAV04-00012: Tim Murphy and Linda Bunting) to September 15, 2004; and Item 9C (PRE04-00021, WAV04-00017: Nancy Johnson) indefinitely.

**MOTION:** Commissioner Horwich, seconded by Commissioner Uchima, moved to continue Item 9A to October 20, 2004, Item 9B to September 15, 2004 and 9C indefinitely; roll call vote reflected unanimous approval.

Planning Manager Isomoto announced that the hearings for Items 9A and 9B will not be re-advertised because they were continued to a date certain and that Item 9C will be re-advertised after revised plans have been submitted and a hearing date has been set.

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

**7. CONTINUED HEARINGS**

**7A. DVP04-00002, MOD04-00007: SOUTH BAY CHRYSLER JEEP DODGE (PATICK WIRZ/ AHT ARCHITECTS)**

Planning Commission consideration for approval of a Development Permit and a Modification of previously approved Conditional Use Permits (CUP72-1, CUP71-44) to allow the expansion and renovation of an existing automobile dealership on property located in the Hawthorne Boulevard Corridor Specific Plan Promenade Sub-district at 20433 Hawthorne Boulevard.

Item withdrawn at the applicant's request.

**7B. PRE04-00001: RALPH MALAFRONTTE (MANUEL GEORGE)**

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 in the Hillside Overlay District in the R-1 Zone at 22508 Susana Avenue.

**Recommendation**

Approval.

Planning Assistant Kevin Joe introduced the request.

Ralph Malafronte, applicant, voiced his agreement with the recommended conditions of approval. He briefly described the revisions made in response to concerns expressed at the May 19 Planning Commission meeting, noting that the project's height has been reduced approximately 4 feet; the front setback has been increased 6'6" to accommodate the view of the neighbor to the north; and the sill height of rear-facing and north-facing windows in the master bedroom were raised to 5'10" to mitigate the impact on privacy.

Beate Baltes, 22505 Shadycroft Avenue, voiced objections to the proposed project, maintaining that it would have an adverse impact on the view, light, air and privacy of neighbors and noting that the Floor Area Ratio (FAR) exceeds the guideline of .50. She stated that the Malafrontes have not contacted her over the last three months to discuss her concerns; that they would gain an ocean view at the expense of

neighbors' quality of life and home values; and that the space they want could be obtained by expanding into their backyard. She reported that the project has caused her intense emotional and financial stress.

Gregory Waligorski, 22505 Shadycroft Avenue, stated that he continues to oppose the project because the revised plans fall far short of a solution and expressed dismay that Mr. Malafronte had neglected to work with his neighbors. He suggested that more could be done to minimize the impact on his property, including reducing the project's mass and height and planting shrubbery along the property line to screen the project from his view.

Cleve Hildebrand, 22435 Shadycroft Avenue, voiced his opposition to the revised project, maintaining that it would still impact his view, light and air. He stated that the area is primarily single-story homes and he would like to see it remain that way.

Bruce Carter, 22511 Shadycroft Avenue, stated that raising the sill height of windows facing his property takes care of the privacy issue to some extent but he was still concerned about the project's impact on light and air. He maintained that the revised silhouette was still imposing and proposed that the applicant expand his home by building out toward the backyard instead of building a second story. He expressed disappointment that the applicant did not discuss the revisions with neighbors.

Manuel George, project architect, reported that he and his clients met with neighbors immediately after the May 19 hearing and believed they understood their objections, which consisted mainly of concerns about the project's bulk and height and its impact on privacy and sunlight. He explained that revisions were made with these concerns in mind, including reducing the project's size and height, lowering it into the grade, changing from a gable to a hip roof, and moving windows and raising sill heights. He stated that it was not possible to provide the space needed using a one-story design and that he suspected that neighbors would have similar objections to a one-story because of the impact on them due to the greater lot coverage.

Mrs. Malafronte reported that she intends to plant trees/shrubs along the property line to enhance privacy. She wanted to dispel the idea that she would be gaining an ocean view by building a second story, relating her understanding that none of the homes on the east side of the street have ocean views.

In response to Commissioner Botello's inquiry, Mr. George indicated that there is approximately 34 feet 6 inches, from the family room wall to the property line and that this area is level except for the last 5-6 feet.

Commissioner Botello stated that he did not believe the applicant had demonstrated that there was something unique about this lot, that would make it a hardship to limit the project's Floor Area Ratio to .50, as required by the Hillside Overlay Ordinance, therefore, he would not support the project as proposed. He also voiced objections to the sheer wall on the south side of the project, indicating that he favored having some articulation or setback of the second story.

Mr. Malafronte asked if the Commission takes into account the square footage needed to accommodate the number of people living there when considering hardship, explaining that he requested that the architect design a house of this size to

accommodate his family, which consists of his wife, her four daughters and his son. Commissioner Botello stated that he does not consider family size because he feels it is too arbitrary.

Mrs. Malafronte reported that the neighbor to the south has very tall shrubbery, therefore, the appearance of the south wall was not given a lot of consideration. She suggested that a one-story addition with minimum setbacks could cause neighbors to be impacted by noise due to their close proximity and pointed out that the front setback was increased to preserve a neighbor's view of Palos Verdes. She voiced her opinion that the revised project was a good compromise.

In response to Commissioner Drevno's inquiry, Mr. Malafronte reported that he did not speak with neighbors after he spoke with them following the May 19 hearing because he thought he understood their concerns and did not feel it was necessary to get each neighbor's absolute approval of the revised design.

Responding to Commissioner Fauk's inquiry, Mr. George indicated that he did not view the silhouette from Shadycroft neighbors' backyards although he walked between the houses to try to gauge the impact from their perspective.

In response to Commissioner Fauk's inquiry, Mr. George estimated that approximately 300 square feet would have to be eliminated in order to achieve an FAR of .50.

**MOTION:** Commissioner Uchima, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Uchima commented that Hillside cases can be very difficult to decide because both neighbors and property owners have rights and it often comes down to a question of reasonableness. He voiced his opinion that the applicants had made an effort to work with neighbors, noting that they have followed suggestions given at the previous hearing and have clearly made compromises. He stated that when he first visited the site, he observed that the project would have a significant impact on neighbors, but when he returned to view the revised silhouette, he felt the impact had been reduced to such an extent that it would no longer be significant. Voicing support for the project, he noted that privacy issues have been addressed by raising the sill heights of bedroom windows and using frosted glass in bathrooms and suggested that privacy could be further enhanced by planting of trees/shrubs along the property line as proposed by Ms. Malafronte. He indicated that he did not favor a large one-story house that would take up the majority of the lot and eliminate most of the landscaped area.

Chairperson Muratsuchi requested a legal interpretation of the hardship provision in the context of the Hillside Ordinance.

Deputy City Attorney Whitham advised that there is no definition of hardship set forth in the Hillside Ordinance so it is subject to the interpretation of those who administer the Code. She added that staff believes the hardship provision can be interpreted more broadly to include issues other than just the topography of a lot.

Commissioner Fauk stated that the Commission looks at each case on an individual basis because every project has a different frame of reference; that the

Hillside Ordinance was specifically designed to have some flexibility; and that he believes the most crucial elements of the ordinance deal with views. He explained that judging the view impact is relatively easy when it involves a clear view of the ocean or the coastline but it becomes more complicated when it involves a view over rooftops. With regard to this case, he reported that he visited the affected homes behind the project and, in his opinion, the view impact does not rise to the level of significant, noting that in some cases the view is already blocked by vegetation. He stated that the impact on privacy, light and air are also important considerations, however, he felt that privacy issues had been addressed by the revisions and he did not believe air circulation or light would be impacted because of the distance between the project and adjacent homes. He acknowledged that a project's Floor Area Ratio is an important factor, but noted that the Commission has some discretion in this area and indicated that he would support the project as submitted.

In response to Commissioner Botello's inquiry, Planning Manager Isomoto clarified that notes on the original submittal indicated that the ceiling over the living room would not exceed 17 feet, therefore, this space was not double-counted when calculating the FAR as required for rooms with ceiling heights over 17 feet. She noted that the ceiling height would be confirmed during the building permit process should the project be approved.

Chairperson Muratsuchi agreed that Hillside cases are difficult, especially when someone's dream home seems to detract from the dream homes of others, therefore he relies on the rules in the Hillside Ordinance, which clearly state that an FAR of .50 shall not be exceeded unless there is a demonstration of hardship, and voiced his opinion that the applicant failed to do so. He related his understanding that the ordinance was intended to prevent mansionization; suggested that representations made concerning the square footage needed for family members seems to be getting larger; and indicated that he focuses on more objective criteria, such as topography, when considering hardship.

Commissioner Drevno stated that while the revisions have addressed some of the concerns previously discussed, she would not support the project with an FAR that exceeds .50

Commissioner Horwich expressed concerns about the mass of the project; indicated that he would like to see the FAR reduced to .50 and some stepping back of the second floor; and suggested that the hearing be continued to allow the applicant an opportunity to make revisions.

Deputy City Attorney Whitham recommended against a continuance due to the time constraints of the Permit Streamlining Act and suggested that a more prudent approach would be to allow the applicant to withdraw the application or deny the project without prejudice.

Commissioner Botello questioned whether the applicant would incur additional fees if the project was withdrawn or denied without prejudice. Planning Manager Isomoto advised that there could be a partial waiver of fees at the discretion of the Community Development Director.

A brief discussion ensued, and Commissioners entertained the idea of approving the project adding a condition requiring the FAR to be reduced to .50.

The hearing was reopened, and Mr. George requested an opportunity to confer with his clients regarding the impact this reduction would have on the project.

The Commission considered Item 8A while Mr. George and the Malafrontes conferred.

**8. WAIVERS**

**8A. WAV04-00018: VICTOR GOMEZ**

Planning Commission consideration for approval of a Waiver to allow a reduction of the rear yard setback requirement for an existing patio enclosure addition to a single-family residence on property located in the R-1 Zone at 4219 176<sup>th</sup> Street.

**Recommendation**

Denial.

Planning Assistant Kevin Joe introduced the request.

Victor Gomez, 4219 176<sup>th</sup> Street, applicant, requested approval of the Waiver, explaining that the patio enclosure was built before he purchased the property in 1985 and neighbors do not object to its retention.

Asked why this matter was before the Commission when the patio enclosure has been in place for almost 20 years, Carmen Gomez reported that the unpermitted room came to staff's attention when a neighbor, who was selling her property, requested approval of an over-height fence.

Responding to questions from the Commission, Planning Manager Isomoto provided clarification regarding the roof extension and confirmed that safety concerns about the building's construction and the improvements inside will have to be addressed whether or not the Waiver is approved.

Patrick Furey, President of Northwest Torrance Homeowners Association, voiced support for the granting of the Waiver, noting that he does not know the applicants and they are not members of the association. He stated that he has been at many Planning Commission and City Council meetings at which Zone Changes, Waivers and other entitlements were granted to outside developers and he believed it would be unfair to deny this request from residents/stakeholders for a Waiver for an existing patio enclosure that was built before they purchased the property. He pointed out that even with the enclosure, the lot coverage is only 40% and that neighbors have expressed no objections to the Waiver.

Commissioner Drevno noted her agreement with Mr. Furey's remarks. She stated that she visited the site and while she wasn't able to go inside, the house looked quite nice and she favored approval of the Waiver.

**MOTION:** Commissioner Botello moved for the approval WAV04-00018, incorporating the recommended conditions on page 10 of the staff report. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

Planning Manager Isomoto noted that the Resolution would be brought back for the Commission's approval at the next meeting.

Commissioner Faulk complimented Mr. and Mrs. Gomez on the improvements they have made to their home and expressed the hope they could comply with the conditions without too much difficulty and expense.

Discussion of Item 7B resumed at this time.

**7B. PRE04-00001: RALPH MALAFRONTI (MANUEL GEORGE)**

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 in the Hillside Overlay District in the R-1 Zone at 22508 Susana Avenue.

Ralph Malafronte stated that in order to achieve an FAR of .50, a bedroom would have to be eliminated and that would definitely be a hardship for his family. He voiced his opinion that it was ridiculous to allow a few people to exert this type of control over a neighborhood.

Mrs. Malafronte questioned whether everyone wishing to remodel on this street would now be held to an FAR of .50.

Commissioner Faulk reiterated that projects are evaluated on a case-by-case basis, which he believes is the right approach, and indicated that he personally liked the project and would vote to approve it.

Commissioner Uchima stated that he also supported the project as submitted and thought eliminating the bedroom would not make a significant difference as far as the bulk of the project. He noted, however, that it did not appear that the majority of the Commission shared this opinion.

In response to Mr. Malafronte's inquiry, Deputy City Attorney Whitham explained that an applicant may resubmit plans if a project is denied "without prejudice," but if a project is simply denied, an applicant is barred from submitting a substantially similar project for 6 months.

Mr. Malafronte related his preference that the Commission render a decision at this meeting.

**MOTION:** Commissioner Faulk, seconded by Commissioner Horwich, moved to close the public hearing; voice vote reflected unanimous approval.

**MOTION:** Commissioner Horwich moved to deny PRE04-00001 without prejudice. The motion was seconded by Commissioner Botello and passed by a 4-3 roll call vote, with Commissioners Faulk, LaBouff and Uchima dissenting.

Commissioners recommended that the Community Development Director consider waiving any additional fees should the project be resubmitted.

Planning Manager Isomoto noted that the Resolution for denial of the project would be brought back for approval at the next meeting.

**9. FORMAL HEARINGS**

**9A. CUP04-00027, DIV04-00016: RONG-TSUEN CHEN**

Planning Commission consideration for approval of a Conditional Use Permit to allow the conversion of an existing residential duplex to a two-unit condominium development and a Division of Lot for condominium purposes on property located in the R-2 Zone at 18324 and 18326 Mansel Avenue.

Continued to October 20, 2004.

**9B. PRE04-00017, WAV04-00012: TIM MURPHY AND LINDA BUNTING MECHAS GRINNEL**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a second-story addition to an existing single-family residence and a Waiver to allow a reduction of the side yard setback requirement on property located in the Hillside Overlay District in the R-1 Zone at 4018 Bluff Street.

Continued to September 15, 2004.

**9C. PRE04-00021, WAV04-00017: NANCY JOHNSON (SARATH GAMAGE)**

Planning Commission consideration for approval of a Precise Plan of Development to allow a single-story addition to a one-story, single-family residence and a Waiver to allow a reduction of the front yard setback requirement on property located in the R3-PP Zone at 18102 Prairie Avenue.

Continued indefinitely.

**10. RESOLUTIONS**

None.

**11. PUBLIC WORKSHOP ITEMS**

None.

**12. MISCELLANEOUS ITEMS**

None.

**13. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Isomoto reviewed recent City Council action on Planning matters, noting that a motion to establish a moratorium on residential developments of 10 units or more failed by a vote of 5-1 at the August 10 Council meeting, but the matter is scheduled to be reconsidered at the August 24 Council meeting. She reported that the appeal of the project at 4721 Paseo de las Tortugas (MIS04-00100), scheduled for the August 17 Council meeting, was withdrawn after a silhouette was erected and the appellants determined it would not impact their view.

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

Planning Manager Isomoto noted that the agenda for the September 15 Planning Commission meeting had not been finalized.

**15. ORAL COMMUNICATIONS**

**15A.** Planning Manager Isomoto invited Commissioners to attend the retirement party for Dick Perkins on Friday, August 27.

**15B.** Planning Manager Isomoto invited Commissioners to attend the employee variety show on Friday, September 17, which benefits the American Cancer Society and other charities.

**15C.** Commissioner Botello expressed an interest in placing an item on the agenda to discuss the report submitted by the League of Women Voters on development in the City of Torrance.

Deputy City Attorney Whitham related her understanding that the City Council was already looking into this issue in connection with moratorium and recommended that the Commission not delve into this matter as it is being addressed by the City Council.

A brief discussion ensued, and Chairperson Muratsuchi stated that he saw no harm in discussing the report, noting that it was addressed to the Planning Commission, along with the City Council

Commissioner Horwich stated that he agreed with Deputy City Attorney Whitham that the report was an inappropriate topic of discussion for the Commission at this time and he believed it would only “muddy the waters” without solving anything.

Commissioner Faulk noted that there seemed to be some inaccuracies and misstatements in the report and questioned whether they would be brought to the attention of the City Council.

Deputy City Attorney Whitham related her understanding that staff was not asked to prepare an analysis of the report.

Planning Manager Isomoto questioned what form the Commission’s review would take. Chairperson Muratsuchi stated that he would like the Commission to have an opportunity to respond to the report – possibly allowing the League of Women Voters to make a presentation – without making any recommendations to the City Council.

Commissioner Faulk indicated that he did not favor having a presentation by the League of Women Voters, but he would like to discuss the report.

Deputy City Attorney Whitham reiterated her recommendation that the Commission forego a discussion of the report. She explained that while there was no legal prohibition, she was concerned about the City's not having a uniform voice on development issues.

**MOTION:** Commissioner Botello, seconded by Commissioner Faulk, moved to include a discussion of the League of Women Voter's report as a future agenda item; the motion passed by a vote of 5-2 with Commissioners Horwich and LaBouff dissenting.

**15D.** Commissioner Botello requested that the Commission be provided with information concerning the cost of emergency services for senior developments and suggested that if it turns out that these developments are overly burdensome, consideration should be given to requiring developers to pay a special assessment.

Planning Manager Isomoto advised that staff, at the direction of the City Council, is looking into the possibility of assessing development impact fees and will share this information with the Commission once the process has been completed.

**15E.** Commissioner Horwich requested an excused absence for the September 15, 2004 meeting. Commissioner Botello, seconded by Commissioner Uchima, so moved; voice vote reflected unanimous approval.

**15F.** Responding to questions from the Commission, Planning Manager Isomoto provided an update on the progress of the renovation of Del Amo Fashion Center and the rebuilding of Villa Hermosa florist shop.

**15G.** Plans Examiner Nishioka reported that Building Regulations Administrator Segovia was the proud father of a new baby boy.

**16. ADJOURNMENT**

At 9:21 p.m., the meeting was adjourned to Wednesday, September 15, 2004, at 7:00 p.m.

Approved as Written October 20, 2004 s/ Sue Herbers, City Clerk
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