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**TORRANCE PLANNING COMMISSION – SEPTEMBER 18, 2013**

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At 8:50 p.m., the meeting was adjourned to Wednesday, October 2, 2013 at 7:00 p.m.

**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, September 18, 2013 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Skoll.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners D'anjou, Polcari, Skoll, Watson and Chairperson Rizzo.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Planning Assistant Yumul,  
Plans Examiner Noh, Associate Civil Engineer Symons,  
Sr. Fire Prevention Officer Kazandjian, 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, September 13, 2013.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Polcari moved to approve the August 7, 2013 Planning Commission minutes as written. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner Gibson).

**MOTION:** Commissioner Watson moved to approve the August 21, 2013 Planning Commission minutes as written. The motion was seconded by Commissioner D'anjou and passed by unanimous voice vote, with Commissioner Polcari abstaining (absent Commissioner Gibson).

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 10A, CUP13-00007: Angel Bins (Simon Property Group) to October 16, 2013, noting that staff was recommending that no further continuance be allowed after that date.

**MOTION:** Commissioner Polcari moved to continue Agenda Item 10A to October 16, 2013. The motion was seconded by Commissioner Skoll and discussion continued.

Commissioner D'anjou indicated that she was not in favor of postponing this matter any further since the City has already spent a lot of time, energy and resources on this for-profit venture with no benefit since this business will not be bringing revenue or jobs to Torrance.

Assistant City Attorney Sullivan confirmed that the Commission could deny the request for a continuance and go forward with the hearing this evening as scheduled.

In response to Commissioner Watson's inquiry, Planning Manager Lodan reported that the case was initially brought forward in June and has been continued several times.

A brief discussion ensued and it was the consensus of the Commission to deny the request for a continuance. Commissioner D'anjou offered the following substitute motion:

**MOTION:** Commissioner D'anjou moved to deny the applicant's request to continue Item 10A. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Gibson).

7. **ORAL COMMUNICATIONS #1** – None.

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

8. **TIME EXTENSIONS** – None.

9. **SIGN HEARINGS** – None.

10. **CONTINUED HEARINGS**

10A. **CUP13-00007: ANGEL BINS (SIMON PROPERTY GROUP)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the installation and operation of donation bins on properties located in the H-DA1 Zone at 3520 and 3525 Carson Street, 21741 Del Amo Circle East, and 3635 Fashion Way. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

Planning Assistant Yumul introduced the request.

The applicant was not present, and as no one from the audience wished to be heard the public hearing was closed.

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

Assistant City Attorney Sullivan advised that if Commissioners decide to deny the application, they will need to explain their reasons so staff can draft a resolution since staff's original recommendation was to approve the request.

Chairperson Rizzo asked if there had been any communication with the applicant other than the email requesting the postponement.

Planning Manager Lodan reported that applicants are typically advised that requests for postponement are not guaranteed until the Commission takes action even though in most cases

continuances are granted. He noted that the reason for the request was because the Angel Bins CEO was going to be out of town.

Chairperson Rizzo recalled that the same reason was given for a previous continuance.

Commissioner Skoll expressed concerns that should the Commission deny the application this evening, the decision could be appealed to the City Council and Commissioners would not have an opportunity to provide any input regarding what they like or dislike about the proposal and would in effect be "passing the buck." He related his preference to rescind the earlier motion and grant the continuance.

Commissioner Watson voiced her opinion that the applicant had been given ample opportunity to present the case and had not done their due diligence to her satisfaction.

Commissioner Polcari stated that he also felt the applicant had been given plenty of chances and has failed to make this a priority.

Commissioner D'anjou reiterated that this type of business is not going to bring jobs or revenue to Torrance and simply involves placing large metal boxes all over the city. She suggested that these continuances have not worked in the applicant's favor because they have allowed her to pay attention to these bins and the blight they are creating. She related her belief that the City should not spend any more time or energy on this proposal.

Commissioner Skoll indicated that he had been swayed by his colleagues' arguments.

Assistant City Attorney Sullivan reviewed TMC §95.1.6 to clarify the various issues that can be considered in denying a CUP.

Chairperson Rizzo indicated that blight was a factor in his decision since he has observed existing bins with boxes and trash piled up next to them. He explained that he was also concerned that this application involves multiple sites and would allow 25 additional bins to be administratively approved. He related his belief that each bin should be considered on an individual basis so that appropriate conditions specific to each site can be imposed and to ensure the bin is compatible and does not create a nuisance for the surrounding neighborhood. He stated that he favored imposing a condition similar to the false alarm ordinance whereby if three complaints are received within a 12-month period, a bin would be determined to be a de facto nuisance, which would allow the City to remove it at the expense of the property owner if pending legislation in Sacramento is approved.

Commissioner Skoll agreed that bins should only be approved on a parcel-by-parcel basis and asked about efforts to remove existing blighted bins.

Planning Manager Lodan advised that none of the existing bins are permitted and Code Enforcement staff is working to have them removed.

**MOTION:** Commissioner D'anjou moved to deny CUP13-00007. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Manager Lodan advised that staff will bring back a resolution reflecting the Commission's decision.

**10B. MOD13-00001: HOME DEPOT (CA TORRANCE CROSSROADS, INC.)**

Planning Commission consideration for approval of a Modification of a previously unapproved Planned Development (PD90-2) to allow truck rentals as an ancillary use to the existing Home Depot store on property located in the PD Zone at 24451 Crenshaw Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

**Recommendation:** Approval.

Planning Assistant Yumul introduced the request.

Catherine Otis, representing Home Depot, voiced her agreement with the recommended conditions of approval. Referring to renderings, she reported that the customer pick-up lane at the front of the store has been redesigned to address concerns about congestion in this area as discussed at the August 7 meeting. She explained that the applicant was also proposing to dedicate 10 parking stalls for contractors only to further alleviate the problem. She noted that Home Depot has a “pro-loader” program whereby an employee who wears an identifying vest is charged with facilitating the loading process from 7:00 a.m. to 4:00 p.m., Monday through Friday.

Commissioner Skoll stated that he believed the modifications have done a good job of addressing the problems discussed at the August 7 meeting, however he was concerned about having the contractor’s parking right next to the handicapped parking.

Ms. Otis expressed her willingness to relocate the handicapped parking.

Plans Examiner Noh recommended that compact parking spaces be relocated so that handicapped parking could remain close to the entrance.

Commissioner Skoll expressed concerns that allowing Home Depot to have a seasonal sales area in the parking lot could be setting a precedent.

Planning Manager Lodan advised that there are a number of cases where businesses have on-going parking lot sales events and they have been allowed through the Conditional Use process and additionally, any business may apply for a Special Events permit to allow a parking lot sale on a one-time basis.

In response to Chairperson Rizzo’s inquiry, Ms. Otis confirmed that there would be no display of merchandise on pallets in the outdoor display area per Condition No. 15.

Chairperson Rizzo reported that he observed stacks of lumber in the area where the parking spaces for the rental trucks are supposed to be located when he visited Home Depot.

Ms. Otis stated that lumber is not typically stored in that area, although it might have been a large order awaiting pick-up and it will definitely be removed.

Eric Croker, Torrance, noted that at the previous hearing, the applicant maintained that Home Depot did not rent auto transporters, however he was able to reserve one and a photograph in the staff report shows one in the parking lot. He expressed concerns about the safety hazards associated with large truck and trailer traffic in this busy shopping center. He

questioned why five parking spaces are being allocated for Penske rental trucks when the applicant has indicated that they average one rental a day and expressed doubts as to whether this type of rental qualifies as an “ancillary use” to Home Depot.

Ms. Otis stated that she did not know what has been done in the past, but Home Depot has agreed not to rent any type of trailer per Condition No. 4. She explained that the Penske trucks are primarily used by people who are moving and this qualifies as an ancillary use because Home Depot sells a variety of moving supplies.

Commissioner Polcari recommended that Condition No. 4 be amended to include auto transport trailers to make clear that this type of rental not allowed.

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

**MOTION:** Commissioner Polcari moved for the approval of MOD13-00001, as conditioned, including all findings of fact set forth by staff with the following modifications:

**Modify**

No. 4 That no semis, tractor trailers, trailers, or auto transport trailers shall be rented or stored on-site.

**Add**

- That the final location of handicapped and contractor parking stalls shall be reviewed and approved by staff.

The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 13-028.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution No. 13-028 as amended. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

The Commission briefly recessed from 8:05 p.m. to 8:10 p.m.

**10C. PRE13-00005, WAV13-00005: NUNE NITSIOTIS (MICHAEL SHAYA)**

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 setback Waiver on property located within the R-1 Zone at 127 Via Segó.

**Recommendation:** Approval.

Planning Assistant Yumul introduced the request.

Nune Nitsiotis, project architect, reported that this matter was continued at the August 7 meeting because a neighbor expressed concerns about view impact and he subsequently met with this neighbor and was able to modify the plans to resolve his concerns. He voiced his agreement with the recommended conditions of approval.

Chairperson Rizzo, echoed by Commissioner Skoll, commended Mr. Nitsiotis for working with neighbors to find a solution acceptable to everyone involved.

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

**MOTION:** Commissioner Polcari moved for the approval of PRE13-00005 and WAV13-00005, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution Nos. 13-032 and 13-033.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution Nos. 13-032 and 13-033. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Gibson).

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP13-00020: BEHZAD SALEHI (SUBWAY)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a take-out only restaurant on property located within the Precise Plan Overlay in the C-R Zone at 4437 Sepulveda Boulevard, #D. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

**Recommendation:** Approval.

Planning Assistant Yumul introduced the request.

Behzad Salehi, applicant, reported that the proposed Subway restaurant will replace an existing take-out restaurant; that he has operated this type of restaurant for many years; and that the restaurant will employ 15-16 people and generate revenue for Torrance. He stated that he agrees with most of the conditions, however, some involve them landlord.

Commissioner Skoll explained that all conditions must be complied with and Mr. Salehi will be responsible if the landlord fails to do what is required.

Mr. Salehi expressed confidence that the landlord will make the necessary improvements and affirmed that he would take care of them in the event the landlord does not.

Commissioner Polcari noted that he lives a few blocks away and this will be a welcome addition to the neighborhood.

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

**MOTION:** Commissioner Polcari moved for the approval of CUP13-00020, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Gibson).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 13-035.

**MOTION:** Commissioner Polcari moved to adopt Planning Commission Resolution No. 13-035. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Gibson).

**12B. LUS13-00004: CITY OF TORRANCE**

Petition of the City of Torrance for consideration of an Ordinance amending the Torrance Municipal Code to permit emergency shelters in the M-2 Heavy Manufacturing Zone and establish standards for regulating emergency shelters. The enactment or amendment of a Zoning Ordinance undertaken by a public agency is not considered a project under Section 15378(a) of CEQA.

Planning Manager Lodan advised that this item was being brought forward in conjunction with the 2014-2021 General Plan Housing Element because it cannot be certified by the State until a zoning amendment has been completed to permit emergency shelters for the homeless per Senate Bill 2 (SB2). He explained that the proposed Ordinance would allow these shelters in the M-2 Zone by right as long as they meet certain standards as detailed in the staff report.

Commissioner Skoll expressed concerns that the proposed standards limit a shelter to 30 occupants, while the homeless population in Torrance is estimated to be 88 people and the maximum length of stay is 30 days, which is more stringent than other cities.

Planning Manager Lodan explained that there could be more than one facility and clients could spend up to 30 days in each facility.

Assistant City Attorney Sullivan emphasized that the City is not required to build emergency shelters, only to make provisions for them in the Zoning Code.

Chairperson Rizzo asked about staff's recommendation that emergency shelters be a minimum of 300 feet from another emergency shelter and at least 300 feet from residential uses since other cities require up to a 1000-foot separation.

Planning Manager Lodan stated that this number was selected because it's common for other required separations in the code.

A brief discussion ensued, and it was the consensus of the Commission to recommend that the required separation between shelters and from residential uses be increased to 500 feet.

Assistant City Attorney Sullivan advised that a quick review of California Government Code Section 65583 indicates that the required separation between shelters may be no more than 300 feet, however, he would have to do research to confirm this.

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

**MOTION:** Commissioner Polcari moved to recommend that the City Council adopt an Ordinance that amends the Torrance Municipal Code to allow emergency shelters in the M-2 Heavy Manufacturing Zone and establish standards for regulating emergency shelters, with the recommendation that emergency shelters be situated no closer than 500 feet from another shelter and at least 500 feet from a residential zone or use, pending legal review. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Gibson).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** - None.

15. **MISCELLANEOUS ITEMS**

15A. **COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS**

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for August 16, August 22, August 30, and September 5, 2013 were distributed to the Commission.

16. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** - None.

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

Planning Manager Lodan reviewed the agenda for the October 2, 2013 Commission meeting.

18. **ORAL COMMUNICATIONS #2**

18A. Commissioner Watson requested an excused absence for the October 2 and October 16 Planning Commission meetings due to a vacation that was planned before she was appointed to the Commission.

Commissioner Polcari, seconded by Commissioner Skoll, so moved, and voice vote reflected unanimous approval.

18B. Commissioner Skoll reported that he attended an ExxonMobil Community Advisory Panel meeting before this meeting at which there was an interesting discussion of the energy outlook and government regulatory matters.

19. **ADJOURNMENT**

At 8:50 p.m., the meeting was adjourned to Wednesday, October 2, 2013 at 7:00 p.m.

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Approved as Submitted November 6, 2013 s/ Sue Herbers, City Clerk
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