

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Adopt **RESOLUTIONS** reflecting City Council decision to approve a Modification of a previously approved Conditional Use Permit (CUP74-34) and a Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

MOD12-00007, PRE12-00014: Mesko Restaurant Group (Riviera Village Properties)

RECOMMENDATION

Recommendation of the Community Development Director that City Council adopt **RESOLUTIONS** reflecting City Council decision at the December 18, 2012 meeting to approve a Modification of a previously approved Conditional Use Permit (CUP74-34) and a Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

BACKGROUND

On December 18, 2012, the City Council considered an appeal of the Planning Commission’s denial of the subject request. The City Council voted 6-0, with a Council member recusing himself (due to proximity to the project), to uphold the appeal. Resolutions of approval for the subject entitlements have been provided for the City Council’s consideration.

CONCUR:

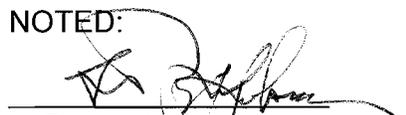


Jeffery W. Gibson
Community Development Director

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

NOTED:



LeRoy J. Jackson
City Manager

By 

Gregg D. Lodan, AICP
Planning Manager

Attachments:
A. Resolutions

RESOLUTION NO. 2012- XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP74-34) AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW RENOVATIONS AND OUTDOOR SEATING TO AN EXISTING RESTAURANT ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE C-1 ZONE AT 340 VISTA DEL MAR.

**MOD12-00007: MESKO RESTAURANT GROUP
(RIVIERA VILLAGE PROPERTIES)**

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 17th, 2012, to consider an application for a Modification filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar; and

WHEREAS, the Planning Commission denied the subject request; and

WHEREAS, on October 18, 2012, the case was appealed by applicants; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, in urbanized areas, the construction and location of limited numbers of new, small facilities or structures not exceeding 10,000 square feet in floor area on sites zoned for such use, are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15303 (c), as the project involves a 5,112 square foot commercial building and results with less actual building area than currently existing; and

WHEREAS, the reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15302, as the project maintains the general location of the existing building and does not change the restaurant use; and

WHEREAS, the minor alteration of existing public or private structures involving negligible or no expansion of use is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15301, as the project takes an existing 5,826 square foot restaurant building with 677 square foot patio and results in a 5,112 square foot restaurant building with 1,178 square foot patio; and

WHEREAS, in-fill development within city limits on a project site of no more than five acres substantially surrounded by urban uses is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15332 (b), as the project renovates an existing restaurant on a site less than an acre in size that has had a restaurant in operation for more than 50 years; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on December 18, 2012, to consider an appeal of a Planning Commission denial of a Modification filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar; and

WHEREAS, the City Council upheld the appeal and approved the subject request; and

WHEREAS, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 340 Vista del Mar;
- b) That the property is described as Block A of Lot 1 of Tract 10300 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- c) That the proposed project is conditionally permitted in the C-1 Zone and complies with all of the applicable provisions of this Division, because the project, as conditioned, results with a 5,112 square foot building with 1,178 square foot patio, down from the existing 5,826 square foot building with 677 square foot patio, and increases the number of parking spaces from 51 to 55 to comply with the parking requirement;
- d) That the proposed use will not impair the integrity and character of the C-1 Zone because the project, as conditioned, maintains a longtime existing restaurant operation that is a conditionally permitted use in the C-1 Zone, and is consistent with the surrounding commercial and residential uses in the zone and area because the project includes conditions to ensure the restaurant operation does not disturb the surrounding area;
- e) That the subject site is physically suitable for the proposed use as it is located in a mostly commercial area with other restaurants nearby, there has been a restaurant use at the subject location for over 50 years, and the project provides required parking;

- f) That the proposed renovations are compatible with the existing restaurant use because the project, as conditioned, maintains the general location of the existing building and provides required parking;
- g) That the proposed use will be compatible with existing and proposed future land uses within the C-1 Zone and the general area in which the proposed project is to be located because the site has had a longtime restaurant in operation, the restaurant use is not changing, and the restaurant use is compatible with the other uses permitted within the Zone;
- h) That the proposed use will encourage the orderly development of the City as provided for in its General Plan, which designates the site as Commercial Center, as food and beverage establishments are consistent and conditionally permitted uses with the Commercial Center Designation;
- i) That the proposed use will not discourage the appropriate existing or planned future uses of the surrounding property because the proposed project shall add outdoor seating to an existing restaurant use, and upgrade and update an aging structure, which is compatible with the existing uses and the planned future uses of the surrounding property;
- j) That there are adequate provisions for water, sanitation, and public utilities and public services to ensure that the proposed development is not detrimental to the public health and safety because the project maintains the general location of the existing structure, and provides required parking;
- k) That there will be adequate provisions for public access to serve the proposed use because the project provides driveways on Palos Verdes Blvd and Vista del Mar and the parking lot has been designed to provide more efficient circulation;
- l) That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of persons located in the area because the project has been redesigned and revised to address the concerns of surrounding neighboring properties, and based on the merits of its existing franchise at another location, the restaurant operation will not become a nuisance;
- m) That the proposed use will not produce any or all of the following results:
- Damage or nuisance from noise, smoke, odor, dust or vibration, because the project, as conditioned, will incorporate all mitigation measures as recommended by the provided Noise Study to ensure the project complies with the Torrance Noise Ordinance,
 - Hazard from explosion, contamination or fire, because the project must comply with all Fire Department Code Requirements
 - Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles because the project provides required parking, provides a more efficient parking lot layout, and will comply with the required Occupancy limits and requirements.

NOW, THEREFORE, BE IT RESOLVED that MOD12-00007 filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a restaurant with outdoor seating shall be subject to all conditions imposed in MOD12-00007 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the City Council relied in granting approval;
2. That if this Modification is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period of time as provided for in Section 92.27.1;
3. That the hours of operation for the restaurant shall not exceed 11am through 12am Monday through Thursday, 11am through 1am Friday, 10am through 1am Saturday, and 10am through 11pm Sunday, without prior approval from the Community Development Director; (Modified by City Council)
4. That the roll-up door walls shall be closed and outdoor dining areas shall cease operation by 9pm Sunday through Thursday, and by 11pm Friday and Saturday; (Development Review)
5. That the maximum height of the restaurant at the highest point of the roof shall not exceed 22 feet as represented by the survey elevation of 123.15 and existing finished floor (101.15), based on a bench mark elevation of 101.15 located at the existing finished floor as shown on the official survey map on file in the Community Development Department; (Development Review)
6. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 22 feet for the restaurant, based on a bench mark elevation of 101.15 located at the existing finished floor as shown on the survey map on file in the Community Development Department; (Development Review)
7. That should there be complete demolition of the existing kitchen area, the project shall no longer qualify for a modified gross building area for parking, and that the applicant shall reduce the patio area such that required parking is provided onsite; (Development Review)
8. That the project shall provide required parking; (Development Review)

9. That the applicants shall continue to work with staff to redesign the parking lot to the satisfaction of the Community Development Director; (Development Review)
10. That live entertainment shall be prohibited, unless permitted by prior approval of a Temporary Event Permit; (Development Review)
11. That an outdoor sound system, including (but not limited to) speakers, amplifiers, theatre systems, etc. shall be prohibited. Any televisions mounted outside shall be muted without any sound and shall be shut off when the outdoor patios are closed for the evening; (Development Review)
12. That the flag poles affixed on the perimeter wall shall be eliminated from the final design when submitting for plancheck; (Development Review)
13. That a landscape plan shall be submitted to the Community Development Department for approval prior to the issuance of any 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. That if more than 2,500 square feet is irrigated, the project shall comply with the 2010 State Water Efficient Landscape Ordinance. Landscaping shall be maintained to the satisfaction of the Community Development Director; (Development Review)
14. That the applicants shall add mulch, plants, and groundcover to bare planter areas to the satisfaction of the Community Development Department; (Development Review)
15. That all vehicles associated with the restaurant use, including employees, visitors, and deliveries, are required to park on site; (Development Review)
16. That an exterior/parking lot lighting plan shall be submitted to the Community Development Department for approval prior to the issuance of any building permits to ensure adequate lighting and that lighting is shielded from the abutting residential properties and will not spill onto the public right-of-way to the satisfaction of the Community Development Director; (Development Review)
17. That exterior color and material samples shall be submitted to the Community Development Director for approval prior to the issuance of any building permits; (Development Review)
18. That there shall be no outdoor or exterior telephones, vending machines, kiosks, storage containers, etc. permitted onsite; (Development Review)
19. That within 30 days of the final public hearing, the applicant shall return the City's "Public Notice" sign and stake to Development Review; (Development Review)

20. That the applicants shall comply with the noise mitigation measures recommended for the project per the Noise Study submitted:
- *The covered Dining Area should have approximately 700 square feet of 1 inch perforated vinyl fiberglass panels on the inside of the walls above the doors. The panels may be by deCoustics or Lamvin;*
 - *The overhanging roof over part of the uncovered patio should be covered on the bottom with 1 inch perforated vinyl fiberglass panels;*
 - *The 10 foot high walls on the north and northwest sides of the uncovered patio should have a 1 foot high strip of 1 inch perforated vinyl fiberglass panels on the inside of the walls at the top;*
 - *The windows in the east wall of the covered Dining Area should be glazed with 1/4" laminated glass;*
 - *The windows in the north and northwest walls of the uncovered patio should be glazed with 1/4" laminated glass;*
 - *The south wall of the main entrance corridor should be an 8 foot tall glass wall.*
 - *The exit door in the north wall of the uncovered patio should be solid metal with no openings or gaps; (Development Review)*
21. That the applicants shall install a barrier for outdoor dining area to prevent unwanted walk-ins; (Police/Development Review)
22. That the applicants shall install a bicycle rack to the satisfaction of the Community Development Director; (Transportation Planning/Development Review)
23. That the applicants shall maintain existing No Stopping Any Time signage and red curb on Palos Verdes Boulevard between Pacific Coast Highway and the northern edge of driveway; (Transportation Planning/Development Review)
24. That the applicants shall install new red curb between southerly edge of the driveway and the southerly property line projection on Palos Verdes Boulevard; (Transportation Planning/Development Review)
25. That the applicants shall install new red curb between southerly edge of the closed driveway on Vista del Mar and Pacific Coast Highway; (Transportation Planning /Development Review)
26. That "Do Not Enter" signage and striping shall be installed to prevent westward entry into the northern parking row; (Transportation Planning/Development Review)
27. That the applicants shall remove overhead utilities and associated wooden poles along the Vista del Mar property frontage and replace with an underground utility system, to the satisfaction of the Community Development Director; (Transportation Planning/Development Review)
28. That the applicant shall provide a noise report performed by a professional acoustical consultant which verifies that when completed, this use will comply with the Torrance Noise Ordinance and will not disturb neighboring properties. Noise levels should be predicted for ten years after the building permit application; (Environmental)

29. That the applicants shall provide a sign program which details the wall, ground, directional signs and menu boards proposed for this use. Signage requires a separate review and approval; (Environmental)
30. That the applicants provide a trash enclosure for the site that is bounded on three sides by walls made of materials that are compatible in color and texture with the main structure. The door must be constructed of solid, opaque material. The enclosure shall have a trellis or decorative top with a solid metal piece underneath to prevent rainwater intrusion; (Environmental)
31. That prohibited signage for this use shall include: signs or banners attached to light poles, utility poles, or trees; freestanding or A-frame signs; inflatable signs or balloons; signs attached to the roof of the building; and persons holding signs; (Environmental)
32. That the applicants shall post signage on the site which prohibits deliveries, trash pick-ups, and parking lot sweeping between 10pm and 7am per Torrance Municipal Code Section 92.30.4; (Environmental)
33. That the windscreens shall not be used for advertising. No signage on plexiglass panels (ie. painted, neon, banners, etc.); (Environmental)
34. That a Lot Tie Agreement shall be recorded providing that multiple lots underlying this property shall not be sold, leased, or financed separately. The Lot Tie Agreement shall be recorded prior to granting of any building permits; (Engineering)
35. That the three proposed driveways shall be constructed with 25 foot minimum width commercial radius type driveway aprons with depressed back of walk and wheelchair ramps; (Engineering)
36. That the existing private signs at the north corner of the property shall be removed from the public right of way; (Engineering)
37. That the encroaching retaining/planter wall along property frontage on Vista del Mar near Pacific Coast Highway and along Pacific Coast Highway shall be removed from the public right of way; and (Engineering)
38. That all conditions of other City Departments received prior to or during the consideration of this case by the City Council shall be met.
39. That the sales and service of alcohol shall cease at 11pm Monday through Thursday, at 12am Friday and Saturday, and at 10pm Sunday; (Added by City Council)

40. That the driveway on Palos Verdes Boulevard shall be entrance-only and shall be signed accordingly, to the satisfaction of the Community Development Director.
(Added by the City Council)

Introduced, approved and adopted this 8th day of January, 2013.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

By _____

RESOLUTION NO. 2012- XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW RENOVATIONS AND OUTDOOR SEATING TO AN EXISTING RESTAURANT ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE C-1 ZONE AT 340 VISTA DEL MAR.

**PRE12-00014: MESKO RESTAURANT GROUP
(RIVIERA VILLAGE PROPERTIES)**

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 17th, 2012, to consider an application for a Modification filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar; and

WHEREAS, the Planning Commission denied the subject request; and

WHEREAS, on October 18, 2012, the case was appealed by applicants; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, in urbanized areas, the construction and location of limited numbers of new, small facilities or structures not exceeding 10,000 square feet in floor area on sites zoned for such use, are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15303 (c), as the project involves a 5,112 square foot commercial building and results with less actual building area than currently existing; and

WHEREAS, the reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15302, as the project maintains the general location of the existing building and does not change the restaurant use; and

WHEREAS, the minor alteration of existing public or private structures involving negligible or no expansion of use is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15301, as the project takes an existing 5,826 square foot restaurant building with 677 square foot patio and results in a 5,112 square foot restaurant building with 1,178 square foot patio; and

WHEREAS, in-fill development within city limits on a project site of no more than five acres substantially surrounded by urban uses is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15332 (b), as the project renovates an existing restaurant on a site less than an acre in size that has had a restaurant in operation for more than 50 years; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on December 18, 2012, to consider an appeal of a Planning Commission denial of a Modification filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar; and

WHEREAS, the City Council upheld the appeal and approved the subject request; and

WHEREAS, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 340 Vista del Mar;
- b) That the property is described as Block A of Lot 1 of Tract 10300 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- c) That the proposed renovations and outdoor seating area will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity because those with a view over the existing building will still have a view over the proposed building;
- d) That the proposed project has been located planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the vicinity because the building complies with the C-1 Zone standards, maintains the general location of the existing structure, and is not significantly taller than the existing ridge height;
- e) That the project, as conditioned, provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are of a high quality and the architectural style is in keeping with the architecture and finishes of recently developed properties, and the design has been revised to provide a more compatible finish;
- f) That the project, as conditioned, will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding developments, complies with all development standards of the zone, and will redevelop the parking lot and building of an aging site;
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a restaurant with outdoor

seating is an appropriate use for this property, zoned C-1, and the project has been redesigned to address the concerns of neighboring properties and includes conditions to ensure the use does not disturb the surrounding area;

- h) That the proposed restaurant would not cause or result in an adverse cumulative impact on other properties in the vicinity because the renovations maintain the existing use and update the existing site, which is in state of disrepair, and the project has conditions in place to mitigate concerns of the adjacent properties in the area;
- i) That it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height because the applicant is attempting to upgrade the site to better serve customers and renovate a dated and aging building;
- j) That denial of such an application would result in an unreasonable hardship to the applicant because the proposed expansion was designed to result in the least impact, maintains the general location of the existing structure, and does not impact existing available views already obscured by existing buildings and landscaping; and
- k) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed renovations comply with all zoning development standards and has been redesigned and conditioned to be more aesthetically pleasing and compatible with the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that PRE12-00014 filed by Mesko Restaurant Group (Riviera Village Properties) to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a restaurant with outdoor seating shall be subject to all conditions imposed in Precise Plan of Development 12-00014 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the City Council relied in granting approval;
2. That if this Precise Plan of Development is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;

3. That the maximum height of the restaurant at the highest point of the roof shall not exceed 22 feet as represented by the survey elevation of 123.15 and existing finished floor (101.15), based on a bench mark elevation of 101.15 located at the existing finished floor as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 22 feet for the restaurant, based on a bench mark elevation of 101.15 located at the existing finished floor as shown on the survey map on file in the Community Development Department; and (Development Review)
5. That the applicants shall comply with all conditions of MOD12-00007.

Introduced, approved and adopted this 8th day of January, 2013.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

By _____