

**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, November 4, 2009 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Gibson.

**3. ROLL CALL**

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

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Gomez, Transportation Planning Manager Semaan, Fire Marshal Kazandjian, Plans Examiner Noh and City Attorney Fellows.

**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, October 30, 2009.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Gibson moved for the approval of the September 2, 2009 minutes as submitted. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan reported that staff was recommending that Item 11A, PRE09-00004: Obelisk Architects, be continued to November 18, 2009 due to notification issues.

**MOTION:** Commissioner Busch moved to continue Agenda Item 11A to November 18, 2009. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Manager Lodan reported that the applicant has requested that Agenda Item 11D, CUP09-00017, DVP09-00002: John Puente, In-N-Out Burger, be continued to December 2, 2009 to allow additional time to work with neighbors.

Commissioner Busch requested that staff provide information regarding the hours of operation of Y-Not Burger on Hawthorne Boulevard for purposes of comparison when the item is brought back to the Commission.

**MOTION:** Commissioner Busch moved to continue Agenda Item 11D to December 2, 2009. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

7. **ORAL COMMUNICATIONS #1** – None.

8. **TIME EXTENSIONS** – None.

9. **CONTINUED HEARINGS** – None.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **PRE09-00004: OBELISK ARCHITECTS (MR. & MRS. ANDERSON)**

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 within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles.

Continued to November 18, 2009.

11B. **EAS09-00004, CUP09-00018, MOD09-00004: ALEX ROSE, CONTINENTAL DEVELOPMENT CORPORATION (TORRANCE HEALTH ASSOCIATION INC.)**

Planning Commission consideration for adoption of a Negative Declaration, approval of a Conditional Use Permit to allow for the replacement of an existing manufacturing building with a medical office building on property located in the M-2 Zone at 2841 Lomita Boulevard and a Modification of previously approved entitlements (MOD04-00019, DIV04-00022, CUP04-00033) to allow for the conversion of an existing medical records storage building into a medical office building with an off-site parking arrangement on property located in the M-2 Zone at 23600-23610 Telo Avenue.

**Recommendation**

Approval.

Planning Associate Gomez introduced the request.

Commissioner Browning announced that he was abstaining from consideration of this item due to a conflict of interest and exited the dais.

Bob Tarnofsky, Continental Development Corporation, provided background information about the company, which has extensive experience in the ownership and development of medical office properties. Referring to renderings, he briefly described the proposed project, noting that sustainable materials have been incorporated into the design and the company plans to seek LEED (Leadership in Energy and Environmental Design) certification for the new and renovated buildings. He emphasized the need for medical offices convenient to Torrance Memorial Hospital in order to attract and retain physicians. He voiced his agreement with the recommended conditions of approval.

In response to Chairperson Weideman's inquiry, Mr. Tarnofsky provided clarification regarding the easement for access on the adjacent Van Lingen property and confirmed that the easement has been executed.

Commissioner Busch questioned whether the office space would be leased. Mr. Tarnofsky explained that the buildings will be jointly owned by the tenants, with each tenant owning a percentage based on the square footage he or she uses.

In response to Commissioner Busch's inquiry, Planning Manager Lodan confirmed that staff determined that an Environmental Impact Report was not required for the project based on the Initial Study EAS09-00004.

Commissioner Busch stated that he strongly supports the project because there is a definite need for medical office space to meet the needs of the hospital and the community, noting the project will also bring jobs to Torrance during the construction phase and on an ongoing basis.

Commissioner Skoll asked if the project would increase traffic on Telo Street, and Mr. Tarnofsky stated that he believed people would primarily use Lomita Boulevard for access to both buildings for the sake of convenience.

Commissioner Busch commended the applicant for providing ample handicapped parking that exceeds minimum requirements.

Chairperson Weideman noted that Condition Nos. 25 and 34 address the same line-of-sight issues associated with a proposed monument sign on Lomita Boulevard.

Planning Manager Lodan confirmed that that Condition No. 34 could be deleted and noted a scrivener's error in Condition No. 33.

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

**MOTION:** Commissioner Busch moved to adopt a Negative Declaration. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Browning).

**MOTION:** Commissioner Busch moved for the approval of CUP09-00018 and MOD09-00004, as conditioned, including all findings of fact set forth by staff, deleting Condition No. 34 and correcting Condition No. 33. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Browning).

Planning Associate Gomez read aloud the number and title of Planning Commission Resolution Nos. 09-051 and 09-052.

**MOTION:** Commissioner Busch moved for the adoption of Resolution Nos. 09-051 and 09-052 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Browning).

The Commission recessed from 7:40 p.m. to 7:45 p.m., after which the meeting resumed with all Commissioners present.

**11C. PRE09-00007: JIM AND BETSY DELURGIO**

Planning Commission consideration for approval of a Conditional Use Permit and Development Permit to allow first and second-story additions to an existing one-story, single-family residence, in conjunction with a new swimming pool, spa and accessory structure on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

**Recommendation**

Denial without prejudice.

Planning Associate Gomez introduced the request.

Commissioner Browning disclosed the following:

- That he visited 515 Camino de Encanto on Saturday, October 31, in response to a letter from the property owner requesting that commissioners make a site visit; that the neighbor was not home at the time so he left his business card; and that this neighbor later called so he returned to the site and viewed the silhouette from several rooms;
- That he visited neighbors at 205 and 210 Via El Toro, both of whom had no objections to the project;
- That he received a phone call from another neighbor on Saturday afternoon requesting that he visit, but he declined to do so because he felt it was unnecessary;
- That he did not share his opinion with any of the neighbors with whom he spoke and his decision would be based on his personal observations, information contained in the staff report, and the testimony at this hearing.

Commissioner Skoll disclosed the following

- That he visited the applicants, Jim and Betsy Delurgio, at 209 Via El Toro, and they discussed their efforts to work with their neighbors and the fact that the project has been revised 3 or 4 times;
- That he visited Vicki Radel, at 515 Camino de Encanto, viewed the silhouette from various rooms, and she discussed her concerns about the project;
- That he briefly visited the home at 513 Camino de Encanto after being given permission by Ms. Radel but spoke to no one at this address;
- That he attempted to visit 523 Camino de Encanto, but no one responded when he knocked on the door and rang the door bell,
- That he briefly spoke with Mr. Gohata, 516 Camino de Encanto, who indicated that he was opposed to the project due to view blockage;
- That none of the discussions he had would influence his decision.

Commissioner Busch disclosed the following:

- That he visited the subject property at 209 Via El Toro on Sunday afternoon but no one was home;
- That he subsequently went to the houses on either side of the subject property and briefly spoke with those residents;

- That he went to the two houses directly behind the project, but no one was home so he viewed the silhouette from the driveway.
- That he has not made a decision on the project pending tonight's hearing.

Jim Delurgio, 209 Via El Toro, applicant, stated that his neighbor Joe Pardo, 210 Via El Toro, requested that his email be read into the record:

"This email is in regards to events that occurred on October 31 and November 1, 2009. On Saturday, October 31, in the early afternoon I got an unannounced visit from Mr. Browning of the Torrance Planning Commission. Mr. Browning asked me if I had any problems with the development at 209 Via El Toro and I told him that I had no problems at all. Then Mr. Browning asked me if I had any privacy issues and I said I had no problems or concerns about this development. Mr. Browning then stated that the Planning Commission would represent me if I did have any problems with the development due to privacy. I told Mr. Browning for the last time, no thanks, I have no concerns. On Sunday, November 1, 2009, I received another visit in the afternoon from a gentleman who stated he was with the Torrance Planning Commission. I immediately told him I received a visit from a Torrance Planning Commissioner the previous day. The gentleman asked me if I had any concerns about the development and I stated that I had no problems or concerns. He asked if I had written a letter and I told him I had not because I was not planning to fight the development. The gentleman then left my house with no further questions. After receiving the two visits from the Planning Commission, it's obvious to me that the Planning Commission is not happy with the fact I am not contesting the development with the other neighbors. I felt the questioning was an attempt to lead me into having some sort of privacy impact with the development. If you have any questions, please contact me."

Mr. Delurgio expressed concerns that the commissioners seemed to focus on the opposition and none of the positive aspects of the project were discussed and other neighbors who have never been opposed to the project, have suddenly switched sides.

Noting that he was not one of the commissioners in question, Chairperson Weideman took issue with the suggestion that commissioners would try to solicit or elicit negative opinions from neighbors, relating his experience that commissioners bend over backward to be fair.

Commissioner Gibson noted that while she may not agree with what he said, Mr. Delurgio does have the right to express his opinion.

Commissioner Browning clarified that he went to the project site after finding that the neighbor at 515 Camino de Encanto wasn't home; that the next door neighbor at 205 Via El Toro came out of his front door, so he introduced himself and had a brief conversation with him; and that he subsequently rang the doorbell of the neighbor on the other side and had a brief conversation with him. He stated that while he did ask this neighbor if there was a privacy issue, at no time did he attempt to prejudice anyone or create concerns about the project.

Commissioner Busch reported that his experience was similar to Commissioner Browning's; that he never attempted to influence anyone; and that his only intention was to do a public service.

Mr. Delurgio stated that Mr. Pardo, who is a former police officer, felt his concerns needed to be voiced. Commissioner Browning noted that he is also a former police officer, and Commissioner Busch reported that he has spent 35 years in law enforcement, 28 of them in the City of Torrance.

With the aid of slides, Mr. Delurgio reviewed the project, noting that it meets or exceeds all development standards. He reported that he attempted to work with his neighbors throughout the design process and various revisions were made to address their concerns, including a significant reduction in the size of the project. Referring to a diagram to illustrate, he discussed how the project was designed to preserve neighbors' view corridors. With regard to the issue of harmony, he reported that 38% of homes within a 300-hundred foot radius are two-story homes and the average (FAR) Floor Area Ratio is 0.35, the same as the proposed project. He stated that alternative designs were explored, including utilizing a semi-subterranean garage, however, that would only lower the project approximately 3 feet. He emphasized that the square footage is well under what could be built on a lot this size and contended that a one-story design would have a greater impact on neighbors. He expressed concerns that some neighbors have not been cooperative, which has made it difficult to ascertain the project's impact on their property, and they continue to lodge new complaints even as late as this morning. He apologized for his earlier remarks, stating that he now understood that commissioners were only doing their job and he appreciated that they made an effort to visit the site.

Commissioner Browning noted that he observed privacy impacts at 513 and 515 Camino de Encanto, which are also mentioned in the staff report.

Mr. Delurgio expressed his willingness to do whatever necessary to mitigate the privacy impacts, including relocating windows, using obscure glass and and/or planting a hedge. He noted, however, that he will need a view into the backyard as a matter of safety since there will be a swimming pool. He reported that privacy issues were created when trees on his and his next door neighbor's property were cut down without permission.

Commissioner Busch asked about the comment in the staff report that a one-story addition could potentially have a greater impact on views than the proposed two-story project.

Planning Manager Lodan stated that while a one-story addition would address concerns about harmony and bulk, he suspected that it would have a greater impact on views. He explained that relocating square footage from the second floor to the first floor could lead to a higher roof height and potentially affect more properties. He noted that the accessory structure has a very low ridge height and it would not be possible to incorporate this floor space into a one-story addition and maintain this ridge height.

Commissioner Busch asked if staff felt the project could be redesigned to minimize the impact.

Planning Manager Lodan stated that staff believes the two-story design could be slightly altered to reduce the impact on ocean and city-light views at 523 Camino de Encanto, and with regard to other neighboring properties, staff felt that the applicant had minimized the view impact as much as possible.

Noting that he spoke with a number of the neighbors, Commissioner Horwich expressed concerns that some of them have not done a good job of communicating with the applicant.

Chairperson Weideman asked staff to elaborate on comments in the staff report regarding the feasibility of a semi-subterranean garage.

Planning Manager Lodan advised that the relatively flat lot does not lend itself to a semi-subterranean design and staff calculated that it would result in only a three-foot height reduction. He suggested, however, that changing from the proposed swing-in garage to a front-facing garage would allow for more square footage on the first floor, thereby reducing view impact.

Mr. Delurgio stated that only a small amount of square footage could be added by changing to a front-facing garage and he felt it was more important to focus on preserving primary view corridors. He expressed his willingness to try to mitigate the impact on 523 Camino de Encanto, but noted that this neighbor has not been cooperative and it's difficult to comply with the Hillside Ordinance when you do not have the necessary information to do so.

Gene Kusion, 523 Camino de Encanto, stated that his modest one-story home has been owned by the family since 1964 and he plans to live there for the rest of his life. He contended that the applicant was well aware of building restrictions in the Hillside Overlay before purchasing this property because he formerly lived on Via Colusa. Referring to photographs to illustrate, he reported that the project would block ocean and city-light views, views that have already been impacted by poplar trees planted by the applicant in April 2008. He estimated that the view blockage would result in a loss of property value of between \$125,000-150,000. He noted that in October 2006, the City Council rejected a two-story project next door to the subject property at 210 Via El Toro because of the impact on view, light, air and privacy, and voiced his opinion that the proposed project was equally egregious if not more so.

Commissioner Busch questioned whether Mr. Kusion had spoken with Mr. Delurgio.

Mr. Kusion reported that Mr. Delurgio visited his home in September 2008 and wanted to negotiate a deal whereby he would cut down the poplar trees in exchange for support of his two-story addition and he has had no face-to-face discussion since that time. He stated that he was not opposed to a single-story addition that maintains the existing roofline, however, adding a second story would have a detrimental impact on the value of his property as well as 3 or 4 other properties.

Commissioner Skoll pointed out that information in the agenda item indicates that Mr. Delurgio has attempted to speak with Mr. Kusion since that time. Mr. Kusion responded that his mother, who owns the property, sent three letters in June, July and August 2008 asking Mr. Delurgio to trim the trees, but he only wanted to talk about adding a second story.

Commissioner Browning noted that regulating trees was not within the Commission's purview, and Mr. Kusion explained that he only brought this issue up because he wanted the Commission to understand that there was an unimpeded view for 45 years until the applicant planted the trees in 2008.

Vicki Radel, 515 Camino de Encanto, voiced objections to the project, noting that she has owned this property for 38 years. She maintained that the project would obstruct her ocean view, intrude on her privacy, block airflow, and decrease light to her property causing it to be devalued approximately \$125,000. She noted that adequate

airflow is important for health reasons because she has asthma. She suggested that a subterranean design could be utilized to lessen the impact on neighbors.

Commissioner Horwich doubted that airflow to Ms. Radel's property would be significantly impacted by the project due to the difference in elevation between the two properties.

Commissioner Busch noted that Planning Manager Lodan already mentioned that this lot does not lend itself to a subterranean design.

Planning Manager Lodan advised that semi-subterranean garages are typically used when there is a much greater difference in elevation from street level to the garage, which makes it possible to utilize the natural slope in order to bury square footage to minimize the impact on surrounding properties. He explained, in this case, there is only a three-foot rise from the sidewalk to the garage, therefore it would take a 32-foot long driveway to create a semi-subterranean garage and staff did not believe it was merited given the slight improvement it would yield.

Commissioner Browning clarified that a standard driveway is 20 feet long, so only 12 additional feet would be required.

Peter Lattey, 515 Camino de Encanto, stated that he is a licensed architect and believes that there are ways to provide the space Mr. Delurgio needs while meeting the intent of the Hillside Ordinance, such as building a single-story home around a courtyard with a portion of the building below grade, utilizing a flat roof instead of a pitched roof, and extending the house out to the west. He contended that the project as proposed would almost completely block the blue sky view in the dining room and replace it with a large wall of windows and block sky and ocean views in the living room. He suggested that a better thought-out design would enhance the Delurgios' investment without impacting neighbors.

Lorraine Marcone, 505 Camino de Encanto, noting that she has been a real estate agent for 25 years, reported that potential buyers are cautioned about building restrictions in the Hillside Overlay as evidenced by the listing for this property (agenda material – page 20). She related her experience that the difference in price between homes with a view and homes without a view is \$100,000+. She voiced her opinion that the proposed project shows blatant disregard for the Hillside Ordinance and expressed concerns that approving it would open Pandora's Box because it would encourage others in the area to pursue two-story additions.

Commissioner Busch noted that the Commission considers each proposal on an individual basis and does not consider a precedent to be set when a project is approved.

Cindy Constantino, 513 Camino de Encanto, reported that the Delurgios looked at the view from her property and Ms. Radel's property before purchasing their home so they were well aware of potential impacts. She stated that it has always been her position that the only way to develop this property is to have a subterranean garage and push the structure further north, maintaining the existing roofline. She suggested that if going subterranean is too expensive, the Delurgios should put off building their pool and spa. She contended that there is no hardship associated with this property that would justify the building of a second story. She expressed concerns that the value of her property would be diminished if this project is approved, but she would still be paying the same high property taxes.

James Corazzini, 513 Camino de Encanto, voiced objections to the project due to privacy impact, explaining that the project would look directly into the bedroom, living room, dining room and kitchen area of his home.

The Commission briefly recessed from 9:15 p.m. to 9:25 p.m.

Sheri Ghaby, 509 Camino de Encanto, stated that she mainly wanted to support her neighbors in their opposition to the project, however, she was also concerned about privacy impact because she can see the silhouette from her master bedroom.

Michael Guzman, Paseo de la Playa, stated that it took him two years and considerable expense to get his home approved and he would like to spare the Delurgios this ordeal. He encouraged the Commission to challenge those claiming to be impacted by the project to substantiate those claims with hard evidence. He pointed out that just because a petition is signed by 50 people, does not mean that the claims contained in the petition are valid and unsupported opinions repeated by several people does not make them true. He noted that the vast majority of people who live within the Hillside Overlay were not at this meeting, and urged the Commission to consider their silence as support for the project. He voiced his opinion that the City's goal should be managed growth, not irrational stagnation, and that the Hillside Ordinance should not be interpreted based on political pressure or the agenda of any one group.

Commissioner Skoll stated that he personally does not give petitions a lot of credence because he doubted that most people who sign them take the time to view a project's impact for themselves.

Commissioner Browning indicated that he shared Commissioner's Skoll's opinion about petitions, but felt that he couldn't ignore residents who wish to support their neighbors even though they are not personally impacted by a project because everyone who lives within the overlay has an interest in preserving the protections of the Hillside Ordinance.

Roberta Blowers, 621 Camino de Encanto, submitted written material for the record. She voiced objections to the project, relating her belief that it violates the Hillside Ordinance because it impacts views and privacy; it was not designed to cause the least intrusion on neighboring properties; and its two-story design was not in harmony with the neighborhood. She stated that neighbors have offered some good suggestions as to how the project's impact could be mitigated, including locating some of the square footage below grade as was done at 410 Paseo de la Playa. Referring to an enlarged notification map, she explained that the majority of the 150 homes within the notification area are single-story, with a few pre-ordinance second-stories and semi-subterranean homes, and only 3 two-story homes have been approved since the Hillside Ordinance was enacted. She reported that 70% of the people who signed the petition live within the notification area and most have personally viewed the project's impact or were shown photographs.

Jim Vaughan, 444 Camino de Encanto, voiced his opinion that the proposed project violates the Hillside Ordinance because it would adversely impact the views, light, air and privacy of neighbors and it is not in harmony with the neighborhood. He noted that even though the subject lot is one of the largest in the area, the project still must maintain harmony with the neighborhood.

Diane Miltimore, 621 Camino de Encanto, expressed concerns about the cumulative effect of allowing second stories in the Hillside area. She noted that the area was designed with tiered lots to take advantage of views and allowing second stories upsets this balance. She urged denial of the project so that one resident would not gain at another's expense.

Charles Hammer, 221 Paseo de Suenos, contended that the applicants should be required to do whatever is necessary to mitigate the impact on views regardless of the expense because view blockage could significantly devalue neighbors' properties and injure them financially. He related his belief that the claim that a one-story home would result in more view blockage than a two-story home was "malarkey."

Linda Gohata, 516 Camino de Encanto, reported that the proposed structure would completely eliminate her "ocean peek" for which she paid a premium. She expressed concerns that what should be a collaborative process seems more like a war and urged the Commission to send the Delurgios back to the drawing board.

Albert Ortiz, 620 Palos Verdes Boulevard, stated that he lives outside the notification area but shares concerns about this project, noting that he personally observed the impact from homes on Camino de Encanto.

Betsy Delurgio, 209 Via El Toro, applicant, stated that she and her husband have repeatedly tried to communicate with neighbors so that they could create a design that would cause the least intrusion and while they are grateful to those who have cooperated, they are frustrated with those who refuse to discuss their concerns directly. She reported that neighbors at 513 and 515 Camino de Encanto have asked that the entire northeast portion of the lot remain empty so they can continue to enjoy ocean views; that this area is over 6000 square feet, which is the size of these neighbors' entire lots; and that they have honored this request, but the added square footage has to go somewhere. She explained that building on the front of the lot would create an awkward floor plan and obstruct neighbors' mountain views and additionally, it would not be consistent with other homes on the block, which have similar front setbacks, therefore they decided to expand to the south and add a second story. She stated that the privacy issues cited by neighbors to the east are reciprocal as they currently look down into her home and adding the second story will be similar to them having a neighbor next door with the same ridge height. She expressed her willingness to modify windows to address privacy concerns.

Ms. Delurgio related her belief that the proposed two-story design would have the least impact on neighbors because a one-story addition would take up a large portion of the lot and obstruct all significant views that pass through the property. With regard to harmony, she reiterated that 38% of homes within a 300-foot radius are two-story homes. She explained that despite numerous attempts, the neighbor at 523 Camino de Encanto has refused to speak with them; that when they purchased their property, they could only see the chimney and top of the roof of this home due to trees on their next door neighbor's property; and that Mr. Kusion subsequently cut these trees down, an incident for which he was prosecuted by the City. She reported that Mr. Kusion is now claiming a view corridor over their property and suing them over their trees, however, they are willing to explore additional options to mitigate the view impact, but need some cooperation on his part. She requested that the hearing be continued so that they could attempt to reach a compromise with neighbors.

Referring to Precise Plan Application, Item 2b, Commissioner Browning expressed concerns that the responses to this item do not establish that being confined to the height of the existing home would constitute an unreasonable hardship.

Mr. Delurgio explained that he had a reasonable expectation when he purchased this property that he would be able to improve it in a way that is consistent with other homes in the area in order to accommodate his growing family.

Commissioner Busch noted that Item 2c of the Precise Plan Application states that the Delurgios were not aware of any “reasonable” concerns that they have failed to resolve with the current design and questioned whether they were willing to make modifications to address concerns discussed at this meeting.

Mr. Delurgio indicated that he was willing to make changes, but commented on the difficulty of addressing concerns of a neighbor who is uncooperative. He disputed the claim that he offered to trim trees in exchange for support of the project. He stated that he and his wife tried very hard to accommodate their neighbors and came up with a design that preserved the entire ocean views of neighbors to the rear only to have them complain about blockage of blue sky view and airflow, and he requested that this matter be brought before the Commission for direction because attempts to find a compromise were no longer productive.

**MOTION:** Commissioner Busch moved to continue the hearing to a date uncertain. The motion was seconded by Commissioner Gibson, and discussion briefly continued.

Commissioner Horwich expressed concerns about continuing the hearing indefinitely because of the possibility that people who do not want the project to go forward could accomplish this by refusing to cooperate.

City Attorney Fellows suggested that continuing the hearing indefinitely would give the applicants more flexibility because it would allow them to work with neighbors as long as necessary without a deadline. He noted that the applicants can always ask staff to put the matter on the agenda if they reach an impasse.

Commissioner Skoll voiced support for a continuance and encouraged the applicants to thoroughly review the discussion at tonight’s meeting so they would have a clear understanding of the issues involved.

Noting that he is a longtime Hollywood Riviera resident, Commissioner Uchima indicated that he could not support the project as proposed and recommended that the Delurgios focus on the view impact at 523 Camino de Encanto and privacy issues. He stated that even though Ms. Delurgio mentioned that the privacy impact is reciprocal, privacy is a major issue in the Hillside area and he believes this needs to be addressed.

Commissioner Browning recommended that everyone who spoke this evening be notified when the hearing is rescheduled including those who live outside the notification area.

Chairperson Weideman noted that the Commission pays attention to outreach efforts and stressed the need for everyone involved to be more flexible.

Commissioner Busch amended his motion as follows:

**MOTION:** Commissioner Busch moved to continue the hearing on PRE09-00007 indefinitely, directing staff to include all people who spoke at this meeting when the hearing is re-noticed. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

**11D. CUP09-00017, DVP09-00002: JOHN PUENTE, IN-N-OUT BURGER (PEYTON CRAMER LINCOLN-MERCURY)**

Planning Commission consideration for approval of a Conditional Use Permit and Development Permit to allow the construction and operation of a new commercial center composed of a drive-through restaurant, drive-through pharmacy, and retail building on property located in the HBCSP-PR Zone at 20440-20460 Hawthorne Boulevard.

Continued to December 2, 2009.

**12. RESOLUTIONS** – None.

**13. PUBLIC WORKSHOP ITEMS** – None.

**14. MISCELLANEOUS ITEMS** – None.

**15. REVIEW OF CITY COUNCIL ON PLANNING MATTERS**

Planning Manager Lodan reported that the City Council considered the appeal of Cottone and Sons regarding their seasonal sales at the October 27 City Council meeting and upheld the Commission's decision to limit the total number of animals on-site to 10.

Planning Manager Lodan noted that the City Council will be considering the draft General Plan and EIR at a public workshop on November 10 and a public hearing on November 17. Commissioner Busch agreed to represent the Commission at the November 10 Council meeting and Chairperson Weideman agreed to represent the Commission on November 17.

Chairperson Weideman expressed an interest in reviewing the draft minutes from October 28 Planning Commission Workshop on the draft General Plan and EIR before the matter is forwarded to the City Council.

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

Planning Manager Lodan reviewed the agenda for the November 18, 2009 Planning Commission meeting.

**17. ORAL COMMUNICATIONS # 2**

**17A.** Commissioner Gibson wished Commissioner Uchima a belated happy birthday.

**17B.** Commissioner Skoll commented that every meeting has been a learning experience since he has been on the Commission and he was pleased to have people available with a wealth of knowledge to draw upon. He commended Chairperson Weideman for doing a great job of chairing the meeting.

**17C.** Commissioner Busch stated that it was brought to his attention that the City Attorney's office can provide training on the fact-finding process which takes approximately one hour and proposed that the Commission take advantage of this training on a night when there is a light agenda.

City Attorney Fellows expressed his willingness to provide the training, noting that he found tonight's meeting to be interesting and enjoyable and felt Commissioners had conducted themselves very well.

It was the consensus of the Commission to ask staff to schedule the training after the first of the year.

**17D.** City Attorney Fellows reported that he was bringing an item forward at the November 10 City Council meeting to have Deputy City Attorney Sullivan appointed as Assistant City Attorney and invited Commissioners to attend. Commissioners commented positively on City Attorney Fellow's choice for Assistant City Attorney.

**18. ADJOURNMENT**

At 10:35 p.m., the meeting was adjourned to Wednesday, November 18, 2009, at 7:00 p.m.

Approved as Submitted December 16, 2009 s/ Sue Herbers, City Clerk
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