

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

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, June 21, 2006, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Busch.

**3. ROLL CALL**

Present: Commissioners Browning, Busch, Drevno, Fauk, Gibson and Chairperson Uchima.

Absent: Commissioner Horwich (excused).

Also Present: Planning Manager Lodan, Planning Assistant Naughton, Building Regulations Administrator Segovia, Fire Marshal Kazandjian, Associate Civil Engineer Symons and Deputy City Attorney Whitham.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Busch, seconded by Commissioner Fauk, 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 Browning moved for the approval of the May 17, 2006 Planning Commission minutes as submitted. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote, with Commissioner Gibson abstaining (absent Commissioner Horwich).

**6. REQUESTS FOR POSTPONEMENT – None.**

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

**7. TIME EXTENSIONS – None.**

**8. CONTINUED HEARINGS**

**8A. PCR06-00004, WAV06-00003: KAMAREN HENSON**

Planning Commission consideration of a Planning Commission Review to allow the construction of a new unit and an open parking space in conjunction with a

Waiver to allow less than the required side yard setback on property located in the Small Lot-Low Medium Overlay District in the R-2 Zone at 1804 Andreo Avenue.

### **Recommendation**

Approval.

Planning Assistant Naughton introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the completion of the agenda item.

Commissioner Gibson announced that although she was not present when this item was originally considered, she listened to the audiotapes from the May 3 meeting and visited the site, therefore, she would be participating in this hearing.

Kamaren Henson, 1804 Andreo, co-owner of the subject property, voiced her agreement with the recommended conditions of approval.

Phil Terramores, project architect, briefly described the revisions made so that the new rear unit would be more compatible with the existing front unit.

Sharon Imel, co-owner of the subject property, voiced her opinion that the new design successfully addresses the issues discussed at the last hearing.

In response to Commissioner Browning's inquiry, Mr. Terramores provided clarification regarding the project's square footage, the height of the front unit and the configuration of the garage.

Commissioner Browning expressed concerns that the proposed project does not preserve the character of the existing home as required by TMC §91.44.5(a).

Ms. Imel reported that the back unit was specifically designed to mimic the architectural elements of the front house, including the porch and the wooden windows.

Don Barnard, representing Save Historical Old Torrance (SHOT), expressed concerns that he was unable to show the PowerPoint presentation he had prepared because the equipment wasn't working.

Commissioner Busch suggested that commissioners could follow along with the hard copy of the presentation Mr. Barnard submitted.

After a show of hands of those who wished to speak, Chairperson Uchima asked that speakers limit their comments to five minutes due to the lengthy agenda. He noted that commissioners had already reviewed documents previously submitted so it was not necessary to repeat this information.

Mr. Barnard provided background information about Save Historical Old Torrance, noting that SHOT has over 255 members with the common goal of preserving the City's heritage. He reported that the existing house on the subject property is one of the few remaining examples of early 20<sup>th</sup> century Mediterranean-style architecture in old

Torrance because most have been demolished while Craftsman-style homes have been more likely to be preserved. Referring to photographs of Andreo and 218<sup>th</sup> Street, he maintained that the proposed project was out of character with the neighborhood and that it would dwarf the existing front house. He offered an alternative design, which would preserve the historic character, eliminate demolition and maintain the streetscape. He offered photographs of the large front setbacks characteristic of the old Torrance area from several vantage points and stressed the importance of maintaining this conformity.

Commissioner Browning noted that commissioners were familiar with the old Torrance area so a photographic tour was unnecessary and suggested that Mr. Barnard conclude his presentation as he was approaching the five-minute limit.

Mr. Barnard expressed disappointment that he was not able to share his presentation with the audience.

Bonnie Mae Barnard, Save Historical Old Torrance, noted that SHOT supported two recent projects involving tear-downs because the blocks on which they were located had already been compromised, but in this case, the neighborhood is largely composed of historic structures. She reported that she met with Ms. Henson and her fiancé and they gave the impression that they were going to build on to the existing rear structure, but she subsequently learned they had no intention of doing so.

Ms. Barnard contended that an Environmental Impact Report (EIR) must be prepared before the project can go forward based on the fact that an expert opinion had been provided (Gordon Olschlager letter dated June 20, 2006) that the structure is historic and a contributing structure to a historic area. She maintained that it was possible to expand the original structure and still comply with setback and parking requirements as evidenced by the drawing submitted by her husband.

Ms. Barnard pointed out that the City's 1999 Strategic Plan calls for the identification and preservation of historical structures. Noting that variances may be approved in the Small Lot, Low-Medium Overlay Zone only if the Commission finds that they are not detrimental to the welfare of the community, she explained that historic homes in historic areas enjoy an increase in property values up to 36%, therefore, allowing the demolition of the existing historic structure would be very detrimental to the surrounding community. She contended that the demolition of the structure would also make it harder for those who live in historic homes to qualify for tax relief via the Mills Act because it's the large retention of historic structures in the area that helps it qualify for the California and National Register of Historic Places.

Commissioner Faulk asked Ms. Barnard to explain what makes the structure in question historical. Ms. Barnard responded that the structure is historic because of when it was built, its early 20<sup>th</sup> century Mediterranean architecture, and the fact that the area in which it is located was designed by the Frederick Law Olmsted firm.

Chairperson Uchima asked about Ms. Barnard's claim that an Environmental Impact Report is required according to the California Environmental Quality Act (CEQA).

Deputy City Attorney Whitham advised that the existing structure does not qualify as a historical resource as defined by CEQA Guidelines §15064.5, therefore, it is staff's

opinion that an EIR is not required. She further advised that the legal case cited in written material submitted by SHOT in support of the claim that an EIR is required (*American Heritage Association v. County of Monterey*) differs significantly from this case because the structure involved had been declared an historic resource by a local government agency and the structure that is the subject in this hearing has not.

Commissioner Gibson expressed concerns that it could be very costly to remodel the existing structure as opposed to demolishing it and building a new one.

Ms. Barnard stated that she had not investigated the cost, however, the cost to the community would be great should this historic resource be lost. She noted that the owners could potentially qualify for a rebate on property taxes via the Mills Act.

Commissioner Gibson noted that a structure must be declared historic in order to qualify for the Mills Act.

Nina McCoy, 1918 220<sup>th</sup> Street, stated that she strongly supports historical preservation and her research confirms the fact that home prices have increased because of historical designation. She voiced objections to the granting of a Waiver of the required setback and favored retaining the original structure if at all possible.

Liz Fobes, 1731 Andreo Avenue, suggested that it is likely that there are attorneys with opposing views to the opinion offered by the City Attorney. She voiced objections to the proposed project based on its scale and because it would mean the loss of another piece of the City's history. She stated that while new construction can be made to look as if it fits in, it's still imitation history and experts agree that it decreases the value of the entire neighborhood. She suggested that Waivers and Conditional Use Permits in old Torrance should be reserved for those who are preserving historical structures, not tearing them down. She contended that the legislative intent when the City Council enacted the Small Lot, Low-Medium Overlay Zone in 1987, was to prevent the loss of historic resources, as evidenced by the record from those meetings.

Janet Payne, 1318 Engracia Avenue, noted that she has been involved in historic preservation efforts in Torrance for over 25 years and stressed the need for the creation of a Historical Preservation Overlay Zone (HPOZ), with the assistance of professionals. With regard to the proposed project, she stated that she was conflicted and frustrated because as a historian, she hates to see the demolition of the back structure, but she recognizes that under the current system, there is nothing to prevent it. She pointed out that the property owners could demolish both structures and replace them with an entirely different design. She reported that she met with Ms. Imel, who was very receptive to her suggestions, and that she believed a genuine effort was made to arrive at an acceptable compromise. She noted, however, that the project will not increase home values in the neighborhood no matter how much is spent on it because it has been shown that the more original structures retained, the better. She suggested that it would be better to retain the original structure and build an addition of contemporary design rather than tearing it down. She urged that focus be placed on the creation of an HPOZ as the City nears its 100<sup>th</sup> birthday in order to preserve the City's valuable history and to eliminate a source of conflict between neighbors.

Commissioner Gibson stated that she has always considered Ms. Payne to be the City's historian and she believed her comments made a lot of sense.

Returning to the podium, Ms. Henson reported that she met with Mr. and Mrs. Barnard and the design they proposed was not appealing to her and that it would be cost prohibitive to remodel the existing structure. She noted that she has discussed the project with surrounding neighbors and received only positive feedback and submitted their written comments. She read a letter from Burke Large, 1807 Andreo Avenue, a preservationist who strongly supports the project.

Commissioner Browning stated that he was having a difficult time supporting the project because he felt the rear unit was out of proportion with the front unit even though their design was architecturally compatible. He noted that little could be done to enlarge the small front unit in the future because the new rear unit brings the square footage very close to the maximum allowable for this lot.

Commissioner Drevno questioned how much the project's height had been lowered from the original design. Ms. Henson reported that the height had been reduced by 9 inches and while the Commission had requested a 2-foot height reduction, she believed this was adequate because the original submission exaggerated the height disparity between the front and back units as the front unit was incorrectly measured and the lot's 4-inch downward slope was not reflected in the renderings.

Ms. Imel stated that she is very sympathetic with people who want to preserve historical Torrance and that she was pleased to be able to preserve the front unit, but the back unit is almost falling down and would be very costly to repair. With regard to size, she noted that the existing houses on this lot are the smallest in the neighborhood and most of the surrounding homes are 27 feet tall. She commented on efforts that were made to preserve the character of the neighborhood, including maintaining the large front yard with its mature pepper tree, limiting parking to the rear of the site so no curb cut would be necessary, and duplicating the front porch and other design elements on the new rear unit. She contended that the proposed side yard setback was consistent with other side yard setbacks in the area.

In response to Commissioner Browning's inquiry, Deputy City Attorney Whitham clarified that the Commission may approve a project with an FAR in excess of .50 in the Small Lot Overlay Area with a finding that it would not be materially detrimental to the public welfare and to other properties in the vicinity.

Referring to Resolution 06-059, Finding "e", which states that project will be compatible because the design and scale of the project are similar to other properties containing two units in the area, Commissioner Busch asked if staff could provide addresses of other properties in the vicinity where Waivers have been granted for the same type of configuration proposed by the applicant.

Planning Manager Lodan indicated that he did not have specific addresses available.

Ms. Imel reported that she observed other properties in the area with setbacks similar to the one proposed and even less and that she also observed corner lots with single-story and two-story units combined.

Planning Manager Lodan indicated that he has personally observed properties with side yard setbacks ranging from 2 to 10 feet, however, they may have met Code requirements at the time these projects were built so Waivers might not be on file.

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

In response to Commissioner Drevno's inquiry, Planning Manager Lodan provided clarification regarding the reduction in height and square footage.

Commissioner Drevno stated that Mr. Barnard's photos impressed her with the importance of maintaining existing setbacks for the flow of the street.

Commissioner Faulk commended the applicant for making a good effort to redesign the new structure to blend with the front unit, but stated that he could not support the project because he felt it was important to maintain the required setbacks on this particular piece of property in conformance with the rest of the block. He noted that he voted to deny an earlier project on this street because it encroached on the existing front setback and indicated that he would not oppose a project that meets all Code requirements.

Indicating that he would not support the project, Commissioner Busch noted his disagreement with the earlier mentioned Finding "e" and Finding "g" in the same resolution, which states that the proposed FAR of .58 will not be materially detrimental to public welfare and to other properties in the vicinity because the new floor area will be at the rear of the property and away from the street. He pointed out that while the proposed addition is at the rear of the lot, it would front on 218<sup>th</sup> Street because the subject property is a corner lot.

Commissioner Gibson voiced support the project, citing the opinion of City Attorney's staff and Ms. Payne's remarks, and stated that she believed the applicant had made a valiant effort to revise the project.

**MOTION:** Commissioner Busch moved to deny PCR06-00004 and WAV06-00003 without prejudice. The motion was seconded by commission Faulk and passed by a 5-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Horwich).

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

The Commission recessed from 8:45 p.m. to 8:55 p.m.

**8B. PRE06-00013: MILES PRITZKAT (EUGENE KWON)**

Planning Commission consideration of a Precise Plan of Development to allow the construction of first and second-story additions to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 210 Via El Toro.

## Recommendation

Approval.

Planning Assistant Naughton introduced the request.

Miles Pritzkat, project architect, reported that he and the Kwons (owners of the subject property) met with neighbors at 523 and 527 Camino de Encanto and 528 Paseo de la Playa to discuss their concerns, however, they were not successful in contacting neighbors at 528 and 524 Camino de Encanto. Submitting revised plans, he advised that they did observe a view impact at 527 Camino de Encanto and subsequently modified the second floor, shifting the stairwell and cutting back the roof, to restore this view. He noted that one window facing the street and three windows facing the south were also eliminated to address privacy concerns. He stated that Mr. Kusion, 523 Camino de Encanto, indicated that he would be less concerned about the project if he could build a second story, and the Kwons have indicated that they would not oppose a reasonable second-story addition on this property. He advised that a two-story project has been approved at 439 Camino de Encanto and is currently in plan check.

At the Commission's request, Mr. Pritzkat reviewed the revisions with the owner of 527 Camino de Encanto, Ronald Smith.

Mr. Smith stated that the revisions would help, but he still would lose a portion of his view of the Santa Monica Mountains and that was not acceptable.

In response to Commissioner Browning's inquiry, Mr. Smith confirmed that, as revised, the project would not block any of his ocean view and that he did not have concerns about the project's impact on his privacy.

Cameron Faber, 524 Camino de Encanto, requested that the hearing be continued to allow commissioners an opportunity to revisit the site because weather conditions have made it impossible to determine the project's impact on views and that the silhouette be modified to reflect the new revisions. He maintained that the project would have a significant impact on both 523 and 527 Camino de Encanto and that it would block half of his view of the sunset.

Commissioner Browning noted that he made an effort to contact everyone who signed the petition in opposition to the project submitted on June 6, but the phone number listed for Mr. Faber was incorrect, so he was unable to contact him.

Commissioner Drevno noted that Mr. Faber did not respond to a message she had left so she was also unable to view the project from his home. Mr. Faber stated that he made it clear in his email that he was going to be home all weekend.

Commissioner Busch questioned which properties listed on the petition had not been visited by staff and why the staff report mentions the possibility of requiring window treatments to mitigate privacy concerns at 528 Paseo de la Playa.

Planning Assistant Naughton reported that all of the properties had been visited by staff numerous times, however, they were not able to view the project from the interior of some of the homes because residents did not return phone calls. She

explained that she personally did not observe a privacy impact at 528 Paseo de la Playa due to the distance from the project and the angle of the windows, but if Commissioners believe otherwise, they do have the option of modifying windows to mitigate the impact.

Commissioner Browning indicated that he would not support requiring the applicant to re-silhouette the project because he believed the improvement to views was evident and there was no need to saddle the applicant with this additional expense.

Gene Kusion, representing his mother, the owner of 523 Camino de Encanto, voiced his opposition to the proposed project. Referring to the staff report, he questioned how staff could recommend approval of the project when the weather has made it impossible to determine the view impact at 527 and 528 Camino de Encanto and expressed concerns that there is no mention of a staff visit to 523 Camino de Encanto, which takes the brunt of the impact, or 531 Camino de Encanto. He reported that he intends to move into 523 Camino de Encanto on July 1<sup>st</sup> so he will be the person suffering the impact.

Mr. Kusion contended that at least 6 properties would be adversely impacted by the proposed second story – 523, 524, 527, 528 and 531 Camino de Encanto and 209 Via El Toro – and it makes no sense to allow a project that would benefit 1 property to the detriment of 6 properties.

Mr. Kusion maintained that the proposed project was not in compliance with the Hillside Overlay Ordinance, TMC §91.41.6, because Subsection (a) states that a project shall not have an adverse impact on the view, light, air and privacy of other properties in the vicinity and the proposed project would have an adverse impact on all four of these factors at 523 Camino de Encanto as demonstrated by photographs previously submitted.

Mr. Kusion began to detail the requirements of Subsection (b), and Chairperson Uchima noted that Commissioners were familiar with the requirements of the Hillside Overlay Ordinance and asked that Mr. Kusion conclude his remarks because he was nearing the five-minute mark.

Mr. Kusion explained that the Notice of Public Hearing states, “If you challenge the above matter in court, you may be limited to raising only those issues you or someone else has raised at the public hearing described in this notice,” and he would like it on the record as to how the property at 523 Camino de Encanto is affected by the proposed project.

Resuming his discussion of the Hillside Overlay Ordinance, Mr. Kusion stated that the proposed project does not comply with Subsection (b) as it was not designed to cause the least intrusion because the square footage could be added on the first floor where the existing pool is located without impacting neighbors. He noted that Subsection (c) requires that the project be designed to be in harmony with other properties in the vicinity and maintained that the project would not be in harmony with the six properties adversely affected.

Chairperson Uchima interrupted Mr. Kusion to ask legal counsel to comment on Mr. Kusion's claim that he must detail his concerns about the project in order to preserve his legal rights.

Deputy City Attorney Whitham advised that it would be sufficient for Mr. Kusion to make a general statement that the project, in his opinion, does not comply with TMC §91.41.6 in order to preserve his right to challenge the Commission's decision based on the findings he was now detailing. She further advised that the Commission does have the right to impose a five-minute time limit on speakers and it is incumbent on speakers to use that time wisely.

Based on the Deputy City Attorney's advice, Chairperson Uchima asked Mr. Kusion to conclude his remarks, offering him one minute to raise any additional concerns.

Mr. Kusion noted that in order to approve a second story, the Hillside Overlay Ordinance requires that denial of the application would constitute an unreasonable hardship, but contended that it would not be a hardship for the applicant in this case because he was told by the Kwons' architect that the only reason they were seeking a second story was to gain a view. He reviewed the definition of "nuisance" and "public nuisance" as defined under California Civil Code §3479 and 3480, and voiced his opinion that the proposed second story would be a nuisance and a detriment to the neighborhood.

Commissioner Gibson voiced support for the five minute time limit and urged that it be enforced consistently.

Commissioner Browning reported that he visited 528 Camino de Encanto on a clear day and observed absolutely no view impact. Mr. Kusion noted his disagreement with Commissioner Browning's assessment.

Jim Delurgio, 209 Via El Toro, reiterated his support for the project, voicing his opinion that it would be a significant improvement over the current structure and increase property values for everyone in the area.

Eugene Kwon, owner of the subject property, clarified that he was proposing to add a second story so that he could meet the needs of his family, not just to obtain a view. He reported that a preliminary silhouette was erected in January, after which he visited neighbors at 515, 523, 527 and 531 Camino de Encanto, and Mr. Smith at 527 Camino de Encanto was the only one to express concerns about the view impact, therefore, the petition in opposition to project submitted the day before the last meeting had taken him by surprise. He stated that immediately after the meeting, he visited 528 Paseo de la Playa and 523 and 527 Camino de Encanto to better understand their concerns, and he also left messages at 528 and 524 Camino de Encanto that were not returned. He voiced his opinion that the revisions were a reasonable compromise and asked that the Commission make a decision on the project this evening because of time constraints. He explained that he did not want to expand his home in the area of the pool because he would like the option of renovating the pool in the future. He stated that a lot of time and research had gone into the plans and that he tried to be as exact as possible and didn't leave any "wobble room" in order to speed the process. He disputed the idea that the project was a monstrosity, noting that his lot is almost 11,000 square feet on which he was proposing to build a 3,600 square-foot home.

Commissioner Busch questioned whether the applicant would be willing to eliminate the four windows on the east elevation of the second floor in order to address privacy concerns.

Mr. Pritzkat stated that he believed privacy issues had been mitigated by the raising the sill height of the windows and using obscured glass.

Commissioner Faulk noted that the windows are only 18 inches by 18 inches.

Commissioner Browning stated that he did not believe the windows would have any impact on privacy because of their six-foot sill height, and the fact that they will be stationary and constructed of obscured glass.

Mr. Kusion wanted to clarify that the owner of 523 Camino de Encanto first voiced her objections to the project in a letter to the Planning Department dated January 29, 2006. He stated that in addition to the privacy impact, the project would block light and sea breezes.

Cristi Quesada-Costa, 528 Paseo de la Playa, expressed concerns about the project's impact on her privacy, explaining that the whole back of her house is French doors and windows and the proposed project would have a direct view into her living room, master bedroom and backyard.

Commissioner Busch requested that Ms. Quesada-Costa be shown the revisions.

Asked to estimate the distance between her house and the proposed project, Ms. Costa indicated that she could not and conceded that there is another property (209 Via El Toro) between her property and the subject lot.

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

Chairperson Uchima indicated that he favored continuing the hearing because he would like an opportunity to revisit the site in light of the proposed modifications.

**MOTION:** Commissioner Busch moved to continue the hearing to July 19, 2006, and discussion continued.

Commissioner Faulk stated that he was prepared to make a decision this evening, and a show of hands indicated that a majority of commissioners were prepared to vote on the project. Commissioner Busch withdrew his motion.

**MOTION:** Commissioner Faulk moved for the approval of PRE06-00013, as conditioned, including all findings of fact set forth by staff, with the modifications submitted at this hearing. The motion was seconded by Commissioner Drevno and passed by a 42 roll call vote, with Commissioner Busch and Chairperson Uchima dissenting (absent Commissioner Horwich).

Commenting on his vote, Commissioner Busch stated that he voted against the project because he had wanted to take another look at the site.

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 06-069.

**MOTION:** Commissioner Browning moved for the approval of Resolution No. 06-069. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote (absent Commissioner Horwich).

**8C. CUP06-00010, TTM66754: 23015 SAMUEL, LLC**

Planning Commission consideration of a Conditional Use Permit to allow the construction of a 10-unit condominium project in conjunction with a Division of Lot for condominium purposes on property located in the R-3 Zone at 23015 Samuel Street.

**Recommendation**

Approval.

Planning Assistant Naughton introduced the request.

Art Ashai, project architect, briefly described the proposed project, noting that the site is zoned for 20 units, but the applicant was proposing only 10. He contrasted the site plan with the 15-unit development to the south, which was built on the same size lot and has almost no landscaping. He reported that the project complies with all requirements and has more than the required open space. He voiced his agreement with the recommended conditions of approval and explained that no tenant relocation plan is required because owner of the property resides in the existing single-family residence and it has never been a rental property. He noted typographical errors in Resolution No. 06-071 in which the project was referred to as a three-unit project.

In response to Commissioner Browning's inquiry, Mr. Ashai reported that the existing curb cut would have to be enlarged approximately 6 ½ feet to comply with Fire Department requirements. He conceded that parking is difficult in this area, but noted that the project does provide the required parking, including two guest parking spaces.

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

Commissioner Faulk voiced support for the project, stating that he believed it was very well designed. He noted that the condominiums are all two-bedroom units, which provides an opportunity for first-time buyers, and commended the developer for not trying to maximize the building potential on this site.

**MOTION:** Commissioner Faulk moved for the approval of CUP06-00010 and TTM66754, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by a 4-2 roll call vote, with Commissioners Browning and Busch dissenting (absent Commissioner Horwich).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution Nos. 06-071 and 06-072.

**MOTION:** Commissioner Faulk moved for the approval of Resolution Nos. 06-071 and 06-072. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Horwich).

9. **WAIVERS** – None.

10. **FORMAL HEARINGS**

10A. **PRE06-00008, PRE06-00009: JEFFREY DAHL**

Planning Commission reconsideration of two Precise Plans of Development in conjunction with the demolition of an existing single-family residence and accessory structure located on a parcel of land consisting of two existing lots, and the development of a new two-story, single-family residence on each lot on property located in the Hillside Overlay District in the R-1 Zone at 3874 Newton Street.

Steve Nordel, owner of the subject property, stated that he would like an opportunity to redesign the project to address neighbors' concerns, noting that the revisions would include the elimination of rooftop decks, the lowering of the northwest building by one foot, and the redesign of the basement to eliminate shoring. He reported that he intended to meet with each of the neighbors who had raised objections to the project and address their specific concerns.

**MOTION:** Commissioner Busch moved to reconsider the project at the July 19, 2006 meeting. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote, with Commissioner Faulk abstaining (absent Commissioner Horwich).

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

10B. **DIV06-00008: AT&T (BLU CROIX, LTD.)**

Planning Commission consideration of a Division of Lot to allow a lot line adjustment between Lots 7 and 8 of Tract 44948 in preparation for the sale of property located in the Industrial Redevelopment Project Area, in the M-2 Zone of Torrance Center II on the southwest corner of 213<sup>th</sup> Street and Mullin Avenue.

**Recommendation**

Approval.

Planning Assistant Naughton introduced the request and noted supplemental material available at the meeting, consisting of revisions to Resolution 06-073, eliminating Condition No. 5 and modifying Condition No. 4.

Marilyn Warren, Blu Croix, Ltd., voiced her agreement with the recommended conditions of approval as revised in the supplemental material.

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

**MOTION:** Commissioner Busch moved for the approval of DIV06-00008, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Horwich).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 06-073.

**MOTION:** Commissioner Busch moved for the approval of Resolution No. 06-073. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Horwich).

**10C. MOD06-00004: CYNTHIA ANDRADE (EMIL SUNJARA)**

Planning Commission consideration of a Modification of a previously approved Precise Plan of Development (PRE06-00003) to one-story additions resulting in a new roofline on the first story only of a proposed two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 5513 White Court.

**Recommendation**

Approval.

Planning Assistant Naughton introduced the request and noted supplemental material available at the meeting, consisting of correspondence received subsequent to the preparation of the agenda item.

Emil Sunjara, project architect, explained that the applicant was proposing to expand the existing garage, add a bay window in the living room, and change the first-story roofline to facilitate drainage.

Commissioner Busch asked staff to comment on the letter from Amy Carichner, expressing concerns about privacy impacts related to the north-facing second-story window and balcony (supplemental material).

Planning Manager Lodan advised that the second-story has already been approved and the proposed first-story additions and change in roofline were the only issues under consideration at this time.

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

**MOTION:** Commissioner Busch moved for the approval MOD06-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Horwich).

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution No. 06-074.

**MOTION:** Commissioner Browning moved for the approval of Resolution No. 06-074. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote (absent Commissioner Horwich).

**10D. CUP06-00008, TTM64871: PRINCE PROPERTY INVESTMENTS, LLC  
CHERYL VARGO**

Planning Commission consideration of a Conditional Use Permit to allow the construction of a 16-unit condominium project and a Tentative Tract Map to allow the merger of two existing lots into one parcel and for condominium purposes on property located in the R-3 Zone at 3915 227<sup>th</sup> Street.

**Recommendation**

Approval.

Planning Assistant Naughton introduced the request.

Cheryl Vargo, representing the applicant, noted that the subject lot is located in a fairly dense area, which consists almost entirely of multi-family units, with the exception of the medical facility to the west. She reported that 4 parking spaces are provided for each unit, instead of the required 3 spaces, so each unit has its own guest parking space, in addition to the 4 shared guest parking spaces required by Code. She pointed out that while the buildings will be 35 feet high, as measured from the lowest grade to the highest part of the roof, they will appear to be two-story buildings when viewed from the street because the garage area is subterranean. She explained that the project exceeds open space and setback requirements, with a 22-foot rear yard setback rather than the required 10 feet, in order to provide more usable private space.

Referring to material distributed to the Commission, Ms. Vargo discussed the density of the proposed project and surrounding developments, explaining that the property to the north is about twice the size of the subject parcel and has about five times as many units. She reviewed the Floor Area Ratios (FARs) of surrounding properties, noting the proposed FAR of .72 was well below the average in this area. She maintained that an FAR higher than .60 was justified because the project was very compatible with the area and meets or exceeds all R-3 standards.

Commissioner Busch questioned whether the existing easement across the property to the east would be used to access the site from Ocean Avenue.

Ms. Vargo reported that the easement will be blocked by a property line wall and will not be used for access.

Commissioner Busch noted that there is a large, very beautiful tree on the property and asked if it could be saved.

Ms. Vargo stated that there was no way of saving it, however, the applicant was proposing to plant at least five 36-inch box trees in the front yard setback to replace the ones being removed to facilitate construction.

In response to Commissioner Browning's inquiry, Ms. Vargo indicated that she was aware of the error in the plans, which shows the garages with a depth of 19 feet rather than the 20 feet required by Code, and confirmed that this would be corrected.

Stephen Goldberg, representing Joseph Barnett, owner of 22515 Ocean Avenue, stated that the property line wall along the east side of the parcel has alleviated Mr. Barnett's concerns about the project and he no longer has any objections to it.

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

**MOTION:** Commissioner Browning moved for the approval of CUP06-00008, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson.

A brief discussion ensued regarding the possibility of boxing the tree referred to by Commissioner Busch so that it could be relocated.

Planning Manager Lodan advised that the applicant indicated that the tree in question is eucalyptus tree, which is very hard to box. He suggested that a condition could be added requiring the applicant to explore the feasibility of saving the tree, and if it cannot be saved, provide a minimum of five 36-inch box trees to the satisfaction of the Community Development Director.

Commissioner Busch recommended that applicant be required to provide a report from an arborist to the Community Development Director.

Commissioner Browning withdrew his motion.

In response to Commissioner Busch's inquiry, Deputy City Attorney Whitham confirmed that the Commission has the authority to impose a condition such as the one proposed by Planning Manager Lodan.

**MOTION:** Commissioner Faulk moved for the approval of CUP06-00008 and TTM64871, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Add**

- That the applicant shall explore the feasibility of boxing and relocating the existing mature tree located on the site, with a report to be provided from an arborist, and if found not to be feasible, the applicant shall provide a minimum of five 36-inch box trees, to the satisfaction of the Community Development Director.

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

Planning Assistant Naughton read aloud the number and title of Planning Commission Resolution Nos. 06-075 and 06-076.

**MOTION:** Commissioner Busch moved for the approval of Resolution Nos. 06-075 and 06-076 as amended. The motion was seconded by Commissioner Gibson and passed by a 5-1 roll call vote, with Commissioner Drevno dissenting (absent Commissioner Horwich).

**10E. PRE05-00052: TOMARO ARCHTECTURE (FARENTINOS)**

Planning Commission consideration of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located in the R-1 Zone at 515 Via Monte D'Oro.

**Recommendation**

Continuance for redesign.

Planning Assistant Naughton introduced the request and noted supplemental material available at the meeting, consisting of correspondence received subsequent to the preparation of the agenda item.

Louie Tomaro, project architect, reported the project has already been redesigned in response to neighbors' concerns about the original design, lowering its height from 27 feet to 23½ feet. He briefly described the project as proposed, noting that the front part of the house is lowered into the ground and the family room at the rear is on the same level as the pool at the back of the property, which was recently built and landscaped at significant expense. He expressed his willingness to modify the design, but stated that he would like to hear neighbors' concerns so he would have a better understanding of where to make adjustments.

John Johnson, 519 Via Monte D'Oro, requested that any member of the Planning Commission or City employee, with a potential to influence the outcome of this project, recuse themselves from this matter if they have had any social relationship with the builder, the applicants, or their extended families. He commented on a recent City Council hearing, during which a council member voiced his opinion that there needs to be a renewed effort to ensure that realtors explain to potential buyers the restrictions and protections afforded by the Hillside Overlay Ordinance. He reported that he was well aware of the ordinance when he purchased his home in 1998 and it was a major factor in his decision to purchase in the Hillside Overlay area. He stated that his home's bright, open and airy feeling was the single-most important factor in the decision to purchase it and the second-most important factor was the view, including the view of the ocean and Santa Monica Mountains to the north over the subject property's roofline.

Mr. Johnson voiced objections to the project, as proposed, citing the adverse impact on his view, light, air and privacy. Submitting photographs to illustrate, he maintained that the project would eliminate at least two hours of direct sunlight to his home, as well as the view of sunset skies. He stated that it would also eliminate ocean breezes flowing from the north/northwest and potentially impact the privacy of the bedroom wing of his home. He voiced his opinion that the massive size of the structure relative to the size of the lot, was not aesthetically pleasing and out of conformance with the neighborhood.

Mr. Johnson stated that when he was considering remodeling his home, he was told by several builders that it would not be possible to add a second story due to the impact on neighbors and he accepted this as fact, having read the Hillside Ordinance. He reported, however, that one builder did encourage him to request a massive addition, including a second story, maintaining that the City would have to give him something, and suggested that this seems to be the strategy the applicant was pursuing. He related his observation that applicants often seek to garner sympathy when seeking approval of a project, citing concessions made relative to their original request, added costs and time delays.

Chairperson Uchima asked that Mr. Johnson conclude his remarks, noting that he had reached the five-minute limit.

Mr. Johnson objected to having to curtail his remarks. He reported that the owners of the subject property have never contacted him or provided any information about their plans and that Mr. Tomaro came to his home only once, after the first silhouette was erected. He thanked Commissioners Drevno and Faulk for visiting his home, noting that one must view the silhouette from his home in order to appreciate that any second story will result in a significant loss of view and light.

Tim Dornberg, 218 Via La Soledad, stated that while the revisions have resulted in some improvement, the proposed second story would still adversely impact his view and privacy, therefore, he remains opposed to the project.

Edward C. Stark, representing Dr. Suzanne Herschenhorn, owner of 511 Via Monte D'Oro, stated that his client has major concerns about the project because it would severely impact her privacy and block light to her property. He doubted that it would be possible for a two-story project to comply with the Hillside Overlay Ordinance given the impact on Dr. Herschenhorn and at least three other neighbors. Noting that the Hillside Overlay Ordinance requires that an applicant demonstrate that it is not feasible to expand on ground level in order to exceed the height of an existing home, he suggested that the applicant made the choice to keep the pool rather than protecting the view, light, air and privacy of neighbors.

Denise Johnson, 519 Via Monte D'Oro, noted her concurrence with her husband's remarks. She read a letter from their 14 year-old son Michael expressing concerns about the loss of light to his bedroom, where he spends much of his time.

Dr. Tom Molding, 214 Via La Soledad, voiced objections to the project, citing the impact on privacy and view.

Chairperson Uchima encouraged neighbors who have concerns about the project to invite the architect into their homes and to work together to try to arrive at an acceptable compromise.

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

**MOTION:** Commissioner Busch moved to continue this matter indefinitely. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Horwich).

Planning Manager Lodan announced the hearing would be re-advertised and re-noticed once a new date has been set.

11. **RESOLUTIONS** – None.

12. **PUBLIC WORKSHOP ITEMS** – None.

13. **MISCELLANEOUS ITEMS**

13A. **PLANNING COMMISSION ELECTIONS**

Following a brief discussion, Commissioner Faulk was elected chairperson and Commissioner Busch was elected vice chair for 2006-07.

14. **CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

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

Planning Manager Lodan noted that the July 5, 2006 Planning Commission meeting had been canceled and that the next meeting would be July 19.

16. **ORAL COMMUNICATIONS**

16A. Commissioner Busch commended Chairperson Uchima for doing an excellent job of chairing the meetings and suggested that a stopwatch be purchased to make it easier to enforce the five-minute limit for speakers.

16B. Commissioner Gibson commended Chairperson Uchima and congratulated Commissioner Faulk.

16C. Commissioner Browning thanked Chairperson Uchima for doing an outstanding job.

16D. Commissioner Browning commended Planning and City Attorney's office staff for doing an excellent job and for being extremely responsive to requests for information.

16E. In response to Commissioner Drevno's inquiry, Deputy City Attorney Whitham provided clarification regarding the conflict of interest map provided to commissioners.

16F. Commissioner Faulk thanked and commended Chairperson Uchima.

16G. Commissioner Faulk indicated that he did not favor a policy limiting speakers to five minutes on permanent basis and felt time limits should be instituted, as needed, on nights when there is a lengthy agenda. He stated that he believed limiting speakers sends the wrong message to the public as it gives the impression that the Commission is not open to their comments.

Commissioner Busch voiced support for instituting time limits on an as-needed basis.

Commissioner Browning indicated that he favored allowing Commissioner Faulk, as incoming chair, to institute the five-minute rule at his discretion.

**16H.** Commissioner Drevno requested an excused absence for the July 19 meeting due to vacation.

Commissioner Browning, seconded by Chairperson Uchima, so moved; voice vote reflected unanimous approval.

**17. ADJOURNMENT**

At 11:20 p.m., the meeting was adjourned to Wednesday, July 19, 2006, at 7:00 p.m.

Approved as Submitted July 19, 2006 s/ Sue Herbers, City Clerk
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