

August 4, 2010

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, August 4, 2010 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Browning.

3. ROLL CALL

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

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, July 29, 2010.

5. APPROVAL OF MINUTES – None.

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 9A, CUP10-00007: Chicken Maison, indefinitely.

MOTION: Commissioner Browning moved to continue Agenda Item 9A indefinitely. The motion was seconded by Commissioner Weideman and passed by unanimous voice vote.

7. ORAL COMMUNICATIONS #1 – None.

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

8. TIME EXTENSIONS – None.

9. CONTINUED HEARINGS

9A. CUP10-00007: CHICKEN MAISON (PATRICIA WICK)

Planning Commission consideration for approval of a Conditional Use Permit to allow the expansion of an existing restaurant in conjunction with a request for a beer and wine license on property located in the C-2 Zone at 3901 Pacific Coast Highway, Suite D.

Item was continued indefinitely.

9B. MOD10-00006: ANTHONY MASSARO (KING'S HARBOR CHURCH)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP87-58) to allow the conversion of existing light industrial space to a church use, in conjunction with parking lot and exterior renovations to an existing church on property located in the M-2 Zone at 23915 Garnier Street.

Recommendation

Approval.

Sr. Planning Associate Santana introduced the request.

Commissioner Gibson noted that she was absent when this item was originally considered, but had listened to the audiotapes from the meeting and was prepared to participate in this hearing.

Commissioner Browning requested clarification of Condition No. 23, which states that all church activities shall be conducted indoors so as not to disturb the surrounding area.

Planning Manager Lodan explained that the intention of the condition was to ensure that parking areas are not used for congregating. He confirmed that the church could hold a gathering in the parking lot with the approval of a special events permit.

Anthony Massaro, project architect, pointed out that the plans include an outdoor area just south of the lobby and requested that Condition No. 23 be modified to allow outdoor activities that are confined to this area.

Planning Manager Lodan recommended that Condition No. 23 be amended to state that no church activities shall take place in the drive aisles or parking area unless approved by a special events permit.

Commissioner Browning reported that he visited the site the previous Sunday morning and observed that the church had posted signs directing members not to park in the parking lot next door and they were not doing so, however people from the church across the street continued to park in this lot.

In response to Commissioner Gibson's inquiry, Mr. Massaro confirmed that the new classrooms will be used for Sunday school only and the church has no intention of operating a primary school or daycare center at this location, noting that the church's

restrooms are inadequate for this type of operation. He emphasized that the purpose of this expansion was to create a better experience for churchgoers and not to increase membership.

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

Commissioner Weideman expressed support for the project, noting the inclusion of Condition No. 22, which requires the installation of a six-foot fence/wall along the southern property line to alleviate the concerns of the adjacent business.

MOTION: Commissioner Weideman moved for the approval of MOD10-00006, as conditioned, including all findings of fact set forth by staff with the following modification:

Condition No. 23: No church activities shall take place in the drive aisles or parking area unless approved by a special events permit.

The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 10-044.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 10-044. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP10-00010, DIV10-00003, DVP10-00001, WAV10-00005: OBELISK ARCHITECTS (ST. MERCURIUS/ ST. ABRAAM CHURCH)**

Planning Commission consideration for approval of a Conditional Use Permit and Development Permit for the development of a Church Master Plan, a Division of Lot to allow for the consolidation of two existing parcels into one parcel, and a Waiver of the street and landscaped setback requirements to allow the rehabilitation of an existing structure and retention of an existing landscaped planter on property located in the HBCSP-DA2 Zone at 3611 and 3645 Torrance Boulevard.

Recommendation

Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Nagy Bakhoun, project architect, voiced his agreement with the recommended conditions of approval. Referring to the staff report (page 3), he clarified that the front setback of the multi-purpose building will be 7 feet rather than 3 feet. With the aid of slides, he briefly reviewed the proposed project, which will merge two parcels and renovate existing buildings to create a better functioning and more attractive church complex. He noted that the project will improve on-site circulation; provide better access for emergency vehicles; and increase parking from 18 spaces to 76 spaces. He reported that the church benefits the community by operating a daycare facility and a summer camp and it also allows residents of nearby apartments to park overnight.

Commissioner Busch commented that he thought the architectural design of the church was very attractive and he appreciated that handicap-accessible parking exceeds Code requirements.

In response to Commissioner Browning's inquiry, Mr. Bakhoun reported that approximately 30 children attend the church's daycare program.

Commissioner Browning noted that per the Conditional Use Permit approved in May 2007, the daycare is limited to 25 children; Mr. Bakhoun indicated that he did not know the exact number of participants and the number may have been rounded up.

Commissioner Browning expressed concerns about residents of the adjacent apartment building being disturbed by noise from outdoor activities, noting the basketball hoop in the parking lot.

Mr. Bakhoun explained that the renovated multi-purpose building will allow the church to move organized children's activities indoors and the basketball hoop will likely be removed during the remodeling.

In response to Commissioner Skoll's inquiry, Mr. Bakhoun provided clarification of the reciprocal parking agreement with the commercial property to the west, reporting that the church has had an agreement since 1997 which allows the use of 100 parking spaces on Sundays.

Mai Thor, 21113 Amie Street, noted that she detailed her concerns in her letter dated July 27, 2010 (supplemental material). She expressed concerns that the proposed project would exacerbate traffic congestion and parking problems in the area as well as disrupt traffic and create safety issues during construction. She reported that tenants of her apartment building have had several run-ins with the church and police were dispatched as recently as last Sunday when children were throwing rocks over the fence. She stated that the main problem is with noise levels since the apartments face the church parking lot; that the church is currently holding a summer camp with approximately 100 children from 7:00 a.m. to 8:00 p.m.; and that the church did not notify tenants about the summer camp and set up the registration table immediately below their windows. Additionally, she noted that the church has not shared plans for the expansion with nearby residents and urged that the project be denied.

Commissioner Skoll noted that the church has asserted that the new facility will help control noise because there will be room to hold activities indoors; and Ms. Thor responded that she had no reason to believe the church.

Commissioner Weideman asked if a condition prohibiting any activities in the parking area or drive aisles would address Ms. Thor's concerns.

Ms. Thor stated that there is a fundamental lack of communication between the church and nearby residents and she believes the church needs to appoint a liaison who will be responsible for communicating with neighbors and to form a committee to monitor the parking lot to ensure that churchgoers don't create disturbances.

Commissioner Busch indicated that he favored a continuance because he believes the church needs to do some community outreach.

Commissioner Browning stated that he thought it would be best for all parties involved to meet to try to resolve their concerns. He noted that some things are out of the church's control, such as existing traffic congestion on Amie and the inevitable noise and inconveniences associated with construction. He indicated that he favored limiting the Amie Avenue exit to right-turn only so that traffic would be directed to Torrance Boulevard and away from residential streets.

Chairperson Horwich requested that a representative from the church come forward.

Nancy Shenouda, church summer camp volunteer, explained that the church is helping the neighborhood by providing a safe place where children can go during the summer, which stimulates their mind, body and spirit in a constructive fashion, noting that several children from the nearby apartments attend the summer camp. She emphasized that it's important for children to exercise and urged the Commission not to restrict them from going outside. She reported that the camp operates from 7:00 a.m. to 6:00 p.m. with half of the day spent indoors and the church has been running the summer camp for five years. She disputed the idea that noise and traffic has increased since the church took over the property, noting that the printing shop formerly located on this site had deliveries from big rigs on a regular basis. She stated that the church has tried to address tenants' complaints and has attempted to accommodate them by allowing them to use the church parking lot. She related her understanding that the architect had discussed the project with the manager of the apartment building.

Commissioner Weideman questioned whether the summer camp requires a special events permit since it's not mentioned in Conditional Use Permit granted in May 2007 that allowed the church to operate a daycare facility.

Planning Manager Lodan advised that a summer camp typically would not require a special events permit and that it may be allowed under the existing CUP depending on the age and number of children involved or it could require an additional entitlement.

In response to Commissioner Gibson's inquiry, Ms. Shenouda reported that the church will waive fees for the summer camp if families cannot afford them and estimated that 30-50 children from the apartments participate in the program.

Commissioner Browning acknowledged that children need to burn off energy, but related his belief that it was not fair to allow them to do this right next to the apartment

building. He noted that Condition No. 18 requires that a noise attenuation study be done to verify that noise from the use shall not negatively impact neighboring properties.

Commissioner Busch asked when the noise attenuation study would be completed, and Planning Manager Lodan advised that the study would be conducted after the project has been approved and finalized during the plan check process. Commissioner Busch requested that a copy of the minutes and all attachments be provided to the Environmental Division if the project goes forward.

Commissioner Skoll noted that Ms. Thor's letter mentions that the police were called to the church due to a noise complaint last summer and the church agreed to the four items listed in the letter in order to reduce noise levels, including locking the parking lot to restrict after-hours access.

Mr. Shenouda stated that she personally spoke with the police and they determined that no action was necessary and if Ms. Thor has a police report from this incident, the church would like to see it. She reiterated her position that the church was doing a service for the community by providing a summer camp.

Commissioner Gibson questioned whether the City regulates the number of children that can attend a day camp. Planning Manager Lodan related his understanding that State requirements dictate the number of children that can be on-site based on the play area available, but he did not have the information available at this time.

Commissioner Gibson indicated that she favored continuing this hearing so additional information on the day camp could be provided.

In response to Chairperson Horwich's inquiry, Ms. Shenouda clarified that she was only a volunteer and was not authorized to speak on the church's behalf.

James Cosier, manager of apartments at 21113 Amie Avenue, noted that he contacted most of the tenants in the building and invited them to come to this hearing. He reported that there have been several incidents involving the church since they took over the adjacent commercial property, starting with an incident where the church denied being the source of a green liquid that had seeped into the pool area and most recently when the church set up registration tables for the summer camp directly underneath the apartments. He indicated, however, that he was not necessarily opposed to the project.

Atef Hanna, deacon of St. Mercurius & St. Abraam Church, related his understanding that residents of the apartment building used to complain about noise from the printing shop which was open until midnight and noted that the church's summer camp lasts for only five weeks.

Genevieve Peters, 2113 Amie Avenue, expressed concerns about children skateboarding on church property and riding bikes at night with no lights on the bicycles.

Assistant City Attorney Sullivan advised that the City has a skateboard ordinance to prevent people from skateboarding on private property without permission and the church just needs to post signs citing the appropriate municipal code so the police can enforce it.

Commissioner Skoll asked about including a condition requiring the property to be fenced-off, and Planning Manager Lodan explained that an attractive streetscape needs to be maintained along Torrance Boulevard so staff would not support a high fence or wall.

Raymond Moniak, 20900 Amie Avenue, expressed concerns that the closure of one of the driveways on Torrance Boulevard will significantly increase traffic on Amie, which is already very congested. He noted that parking is also a problem and it is not uncommon for people to double-park. He voiced his opinion that traffic issues need to be studied before the project goes forward.

Commissioner Busch questioned whether this was a case that would go to the Traffic Commission for review under the commission's revised responsibilities. Planning Manager Lodan advised that only those cases that include an Environmental Impact Report would be forwarded to the Traffic Commission for review.

Commissioner Weideman asked about the impact of closing the driveway. Civil Engineer Symons explained that closing one of the driveways on Torrance Boulevard will eliminate a point of conflict and improve the flow of traffic. He expressed confidence that the remaining driveways (two on Torrance Boulevard, one on Amie Avenue) would be sufficient for this property.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan confirmed that there is a bus stop at the corner of Torrance Boulevard and Amie.

Returning to the podium, Mr. Bakhoun related his belief that neighbors' comments support the project because the added parking will relieve parking problems on Amie Street and the multi-purpose center will provide a place to conduct children's activities indoors. He stated that the church has no objections to locking the parking lot after hours, however, this would exacerbate parking problems because some residents park there overnight. He noted that the project includes new security lighting for the parking lot to deter unauthorized activities. He indicated that the church also does not object to making the Amie Avenue exit right-turn only to minimize the impact on the neighborhood. He reported that one of the police calls to the property involved a dog locked in a vehicle that belonged to a friend of an apartment resident and had nothing to do with the church. He discussed the benefits of the project, including bringing a non-conforming property into compliance and renovating a dilapidated commercial building, and urged that the Commission approve the project this evening.

Commissioner Busch stated that he liked the project and thought it would be a great addition to the City, however, he favored continuing the hearing because he felt it was incumbent on the church to do some community outreach due to the many rentals in the area. He suggested that the church contact managers of nearby apartment buildings and invite tenants to come to the church to discuss the proposal. He requested that staff look into whether the summer camp is in compliance with the original CUP or if it requires a modification and also requested that staff offer some suggestions concerning fencing and/or signage to deter skateboarders and after-hours activities. He requested information from the church regarding the ratio of supervising adults to children at the facility.

Commissioner Skoll stated that he also favored a continuance and was disappointed that neither a priest nor a member of the church's Board of Directors was present at the hearing. He requested that staff verify the number of students in the preschool program and provide some recommendations regarding traffic.

Assistant City Attorney Sullivan clarified that the City cannot compel an applicant to attend a Planning Commission hearing and is entitled to send a representative.

In response to Commissioner Skoll's inquiry, Fire Marshal Kazandjian reported that the Fire Department has reviewed the plans and confirmed that sufficient access for emergency vehicles will be provided.

Commissioner Browning stated that he was not in favor of locking up the parking lot at night for the reasons stated by Mr. Bakhoun and also because it could hinder access for the police and fire departments. He related his belief that the CUP should be modified to reflect the number of students actually attending the preschool. He proposed making the Amie Avenue driveway and the westerly Torrance Boulevard driveway right turn only to mitigate traffic impact. He stated that he was inclined to support the project, but favored continuing the hearing because while it is not required, he felt it was in the church's best interest to do some community outreach.

Commissioner Weideman indicated that he was not in favor of continuing the hearing and could support the project if a condition was included prohibiting church activities in the drive aisles and parking area unless a special events permit is obtained. He noted that the project does not increase the size of the church's sanctuary and it would improve the parking situation by adding more on-site parking.

Commissioner Busch expressed concerns about imposing additional conditions without a church representative present.

Mr. Bakhoun reported that Mr. Hanna is a church deacon and could speak for the church, and Mr. Hanna returned to the podium.

Commissioner Uchima stated that residents appear to have legitimate complaints and are frustrated by the church's lack of responsiveness. He asked for assurance, should the project be approved, that the church would appoint an individual or committee to be responsible for communicating with neighbors and to monitor the parking lot in order to prevent nuisances from occurring, and Mr. Hanna confirmed that the church would do this.

A brief discussion ensued regarding the possibility of imposing a condition that would allow the CUP to be revoked if the church creates a nuisance for nearby residents more than a certain number of times, but the idea was rejected due to the difficulty of defining what constitutes a nuisance and because disturbances could occur in the parking lot that are unrelated to church activities.

Mr. Hanna expressed the church's willingness to do everything possible to avoid disturbing neighbors.

Commissioner Busch suggested that the church create an ombudsman position and provide neighbors with contact information so they would know exactly who to

contact if they have concerns. He indicated that he was still not comfortable voting on the project this evening due to unresolved matters related to the summer camp and preschool program and favored continuing the hearing.

Referring to Commissioner Browning's concern that locking the gates could hinder access for emergency personnel, Commissioner Busch related his understanding that police and fire have a means of gaining access. Fire Marshal Kazandjian reported that gates that restrict access are required to have a Knox-Box system that allows emergency responders to gain entry.

MOTION: Commissioner Busch moved to continue the hearing to September 15, 2010. The motion was seconded by Commissioner Gibson and passed by a 6-1 roll call vote, with Commissioner Weideman dissenting.

Commissioner Busch requested that neighbors who spoke this evening receive notification of the hearing and also requested that staff provide a report on the number of police calls to the site and an example of a noise attenuation study.

Commissioner Skoll noted his agreement with the recommendation in the staff report (page 4) that a condition be imposed requiring the applicant to work with the adjacent apartment complex to ensure that parishioners park on-site or on the adjacent commercial property per the reciprocal parking agreement.

Chairperson Horwich commented that this was an unusual case since everyone seems to support the architectural aspects of the project and the only problems are related to activities on the site. He expressed the hope that the church would be able to resolve neighbors' concerns.

The Commission briefly recessed from 9:05 p.m. to 9:15 p.m.

11B. PRE10-00005: TIM CAREY TRUST

Planning Commission consideration for approval of a Precise Plan of Development to allow the remodel and construction of second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay in the R-3 Zone at 613 Paseo de la Playa.

Recommendation

Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Tim Carey, 613 Paseo de la Playa, briefly described the proposed project, which would add 230 square feet to the second story. He voiced his agreement with the recommended conditions of approval.

Commissioner Busch asked if Mr. Carey had reviewed the two letters in the supplemental material, a letter of support from 627 Camino de Encanto and a letter of

opposition from 613 Camino de Encanto. Mr. Carey reported that the project silhouette is not visible from either of these residences.

Voicing support for the project, Commissioner Busch noted that there was no opposition based on view blockage or privacy issues and the FAR was well under the maximum allowed on this large lot.

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

MOTION: Commissioner Busch moved for the approval of PRE10-00005, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Browning and passed by unanimous voice vote.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 10-039.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution No. 10-039. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

11C. PRE10-00004: CBB ARCHITECTS (STEVE PAULSEN)

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 140 Via Los Miradores.

Recommendation

Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Charles Belak-Berger, project architect, submitted plans that had been revised to address privacy issues involving 136 Via Los Miradores. Noting that the project's FAR as revised is approximately 0.53, he stated that it would be possible to further reduce it to 0.50, however, he would prefer not to do so because storage space would have to be eliminated and this storage space is below ground and does not add to the bulk of the project. He pointed out that the building has a very low profile in order to minimize the impact on neighbors.

Commissioner Busch asked if Mr. Belak-Berger was aware of the letter of opposition from the residents at 135 Via Los Miradores (supplemental material), and Mr. Belak-Berger reported that Planning staff visited the property in question and did not observe the impact to be as described in the letter. He explained that the main issues with the project are related to 136 Via Los Miradores and he came up with the revised plans to try to resolve these issues, but the property owner has been unwilling to discuss the matter so they have been unable to reach an agreement.

Planning Manager Lodan reported that the Planner overseeing the project visited 135 Via Los Miradores earlier in the day and the view blockage the residents were concerned about was only from the bottom of the driveway and the front yard next to the right-of-way.

Commissioner Busch noted that the residents of 135 Via Los Miradores also request in their letter that the roof be a color that blends with the trees; ask for assurance that the flat roof will not be used as a deck; and express concerns about the chimney.

Planning Manager Lodan advised that staff typically receives a sample of the roofing material but does not become involved in color choice. He explained that per the Hillside Ordinance, an applicant is allowed to have one chimney that meets minimum Code requirements.

Mr. Belak-Berger confirmed that the flat roof would not be used as a deck, noting that it was not engineered to support such a use.

Commissioner Browning indicated that he favored retaining the storage space and thought it was better to have room for storage instead of cluttering up the garage. He stated, however, that he was concerned that the project could shade the below-ground master bedroom at 136 Via Los Miradores and that windows in the living room and office facing this house could affect privacy.

Mr. Belak-Berger stated that he did not believe the project would affect light to the master bedroom, noting that this room is already shaded by the floor above it, and pointed out that the setback has been increased to avoid shading this home. He reported that there are small windows in the living room that could possibly have a view into the bedroom and offered to use obscured glass for them or eliminate them entirely.

Plans Examiner Noh clarified that the office is technically considered a bedroom because it includes a closet, therefore a window is required for egress.

Commissioner Busch related his understanding that 136 Via Los Miradores was built in 1997, therefore views from this home would be considered "acquired" views and not afforded the same protection as views from homes built pre-Hillside Ordinance.

Planning Manager Lodan advised that it has been the practice of the Planning Commission and the City Council to grant less protection to homes/additions built after the Hillside Ordinance was adopted, however this issue is not addressed in the ordinance itself.

Commissioner Weideman indicated that he gives an acquired view the same weight as any other view in the Hillside area.

Ann Baker, 435 Via Linda Vista, requested clarification of the location of the second-floor balcony, explaining that she lives directly below the project and was concerned about a potential privacy impact. She noted that there is a large avocado tree on the subject property that would do a lot to help maintain privacy as long as it is not cut down.

In response to Commissioner Busch's inquiry, Planning Manager Lodan reported that staff did not visit Ms. Baker's home because they were not aware of her concerns until this evening and they did not believe there would be any problems due to the large rear yard setback. He suggested that Ms. Baker discuss the avocado tree with the applicant because he has an agreement with another neighbor regarding tree trimming.

Barbara Schulz, Manhattan Beach, owner of 136 Via Los Miradores, stated that she purchased the home in 2003 and it has a "California open" design, with very few interior walls. She reviewed her concerns about the project: 1) It would block her view of the hillside from kitchen and dining areas; 2) It would block natural light/sunlight from her English garden, kitchen and dining areas, and downstairs bedroom; 3) It would shade her yard in the area of the sump pump making it harder to dry out; 4) It would devalue her property since her tenant has already requested a decrease in rent if the project goes forward; and 5) It would impact the privacy of the family room and kitchen and the bedroom below. She reported that she spoke with Mr. Paulsen and he offered to chop down trees to remedy the situation, but that was not acceptable. She stated that she understands that the home must be rebuilt due to mold issues, however, she does not want mold growing on her property as a result.

Steve Paulsen, 140 Via Los Miradores, applicant, explained that he purchased the home almost two years ago and subsequently discovered an undisclosed mold problem that would have taken approximately \$300,000 to correct so he decided to remodel. He stated that he tried to be respectful of neighbors in the design of the project and was disappointed when Ms. Schulz complained about view, light and privacy impact. He submitted photographs taken in the middle of the day to show that the windows in question are shaded by Ms. Schulz's own house. With regard to view impact, he noted that her kitchen window currently has a view of his fireplace. He suggested that it was unfair for her to expect complete privacy when her house looks into neighbors' backyards. He related his belief that the project would benefit the neighborhood, as several neighbors have mentioned that they're happy to see someone taking care of the house which has been unoccupied for years. He reported that he is a policeman, his wife is a marriage and family counselor and his father-in-law is a doctor and they want to do the best they can for the community. He noted that he purchased the home with the help of his father-in-law and they are currently paying on three mortgages and delaying the project would have a considerable financial impact on his family.

Commissioner Weideman asked if Mr. Paulsen intends to cut down the avocado tree mentioned by Ms. Baker and Mr. Paulsen stated that he would do whatever neighbors want with the avocado tree.

Assistant City Attorney Sullivan recommended that the Commission not become involved in issues concerning vegetation because the Hillside Ordinance does not address this issue. He advised that while the City Council did place restrictions on vegetation in a recent Hillside case, they specifically said that it was not precedent setting.

Commissioner Busch asked if the home was inspected prior to purchase. Mr. Paulson reported that his real estate agent recommended the home inspector, who was said to have had 20 years of experience, but he subsequently learned that home inspectors are not licensed by the State and no licensing board oversees them.

Commissioner Browning announced that he had decided to recuse himself from this hearing to avoid any appearance of bias due to the applicant's occupation and suggested that Commissioner Busch may also wish to consider doing so.

In response to Commissioner Busch's inquiry, Assistant City Attorney Sullivan advised that it was not necessary for Commissioner Busch to recuse himself from the hearing just because he had a career in law enforcement and it was up to him to decide whether or not to do so.

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

Noting that he was a probation officer for 37 years, Commissioner Busch indicated that he did not feel it was necessary for him to recuse himself from this hearing.

Commissioner Busch expressed concerns that neither Commissioners nor staff had visited Ms. Baker's property to determine if there was a privacy issue. Planning Manager Lodan explained that staff did not visit this property because they did not perceive that there would be any problems.

Commissioner Busch related his preference that the hearing be continued so Commissioners would have an opportunity to visit Ms. Baker's property.

Commissioner Skoll stated that he would like to reopen the public hearing because he had additional questions.

MOTION: Commissioner Skoll moved to reopen the public hearing. The motion was seconded by Commissioner Weideman and failed to pass as reflected in the following roll call vote:

AYES:	Commissioners Skoll, Uchima, and Weideman
NOES:	Commissioners Busch, Gibson and Chairperson Horwich
ABSTAIN:	Commissioner Browning

Commissioner Uchima asked if staff had visited 136 Via Los Miradores. Planning Manager Lodan reported that staff visited the property and did not feel there was a view impairment, however there was a concern about a potential privacy impact so a condition was added (Condition No. 5) requiring modifications to the deck and living room and these changes were incorporated into the revised plans submitted by the architect this evening. He advised that staff did not believe the project would have view, light, air or privacy impacts as modified.

Commissioner Uchima stated that he was in favor of approving the project this evening based on staff's evaluation and the revised plans submitted.

MOTION: Commissioner Uchima moved for the approval of PRE10-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson, and Commissioner Busch offered a substitute motion.

MOTION: Commissioner Busch moved to continue the hearing to August 18, 2010. The motion was seconded by Commissioner Weideman and passed by a 5-2 roll call vote with Commissioners Gibson and Uchima dissenting.

Chairperson Horwich announced that the hearing would not be re-advertised because it was continued to a date certain.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. **MISCELLANEOUS ITEMS** – None.

15. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS** – None.

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

Planning Manager Lodan reviewed the agenda for the August 18, 2010 Planning Commission meeting.

17. **ORAL COMMUNICATIONS #2**

17A. Genevieve Peters, Amie Avenue, stated that she found the meeting very interesting and expressed appreciation for commissioners' service.

17B. Commissioner Busch reported that he recently came across a huge cell phone tower in front of a residence in Pacific Palisades and was surprised to learn that the City of Los Angeles allows the installation of cell phone towers without input from adjacent residents and he was thankful to live in Torrance where the impact on residents is considered during the approval process.

17C. Commissioner Busch thanked Community Development Director Jeff Gibson, Planning Associate Carolyn Chun and Planning Manager Lodan for meeting with him and several other people who are interested in different scales of development in Torrance.

18. **ADJOURNMENT**

At 10:35 p.m., the meeting was adjourned to Wednesday, August 18, 2010 at 7:00 p.m.

Approved as Submitted September 15, 2010 s/ Sue Herbers, City Clerk
