

February 1, 2006

**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, February 1, 2005, in City 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, Drevno, Faulk, Gibson, Horwich, and Chairperson Uchima.

Absent: None.

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

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Browning, seconded by Commissioner Horwich, 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 Busch moved for the approval of the December 7, 2005 minutes as submitted. The motion was seconded by Commissioner Horwich; voice vote reflected unanimous approval, with Commissioner Gibson abstaining.

**6. REQUESTS FOR POSTPONEMENT**

Planning Manager Isomoto relayed the applicant's request to continue Agenda Item 8A (EAS05-00003, MOD05-00012: Jamie Alai) to March 15, 2006 and Item 10F (PRE05-00043: Nelu Ardeljan) to February 15, 2006.

**MOTION:** Commissioner Horwich, seconded by Commissioner Drevno, moved to continue Agenda Item 8A to March 15, 2006; voice vote reflected unanimous approval.

**MOTION:** Commissioner Faulk, seconded by Commissioner Horwich, moved to continue Agenda 10F to February 15, 2006; voice vote reflected unanimous approval

Planning Manager Isomoto announced that the hearings would not be re-advertised because they were continued to a date certain.

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. **EAS05-00003, MOD05-00012 (CUP96-00002, PRE96-00003): JAMIE ALAI**

Planning Commission consideration of an Environmental Assessment and adoption of a Negative Declaration to allow a Modification of a previously approved Conditional Use Permit and a Precise Plan of Development to allow the expansion of an existing self-storage facility on property located in the M1-PP Zone at 23711 Crenshaw Boulevard.

Continued to March 15, 2006.

8B. **PRE05-00046: EDWARD BEALL & ASSOCIATES (GEORGE SHAW)**

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 in the Hillside Overlay District in the R- Zone at 404 Via Linda Vista.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

George Shaw, project architect, reported that he met with the three neighbors who expressed concerns at the last meeting and explained to them what was done to mitigate the project's impact.

Jim Krogel, 408 Via Linda Vista, suggested the possibility of eliminating the two gables over the back bedrooms or lowering the rear portion into the ground so it would be less imposing; noted that he submitted photographs demonstrating the project's impact on the privacy of his spa and deck; and expressed concerns that the project could decrease the value of his property.

Crystal Matye, 405 Via Linda Vista, stated that the proposed new residence would take the majority of her view and called for some reduction in its size.

Susie Holmes, 112 Via El Chico, thanked commissioners for coming to her home to view the project from her perspective.

Mr. Shaw discussed the measures taken to mitigate the impact on views and minimize the intrusion on privacy, including limiting plate heights, eliminating windows, and designing an L-shaped second story instead of a square box.

Chairperson Uchima expressed concerns about the project's impact on light to Mr. Krogel's property and the privacy of his backyard and spa and suggested the possibility of eliminating the gables or grading the lot down to lower the building pad.

Mr. Shaw stated that he would prefer not to eliminate the gables because the improvement in sunlight to Mr. Krogel's home would be minimal and it would compromise the project's architectural design, noting that the side yard setback exceeds minimum requirements. He explained that grading the down-sloping lot to lower the building pad would create drainage problems and pointed out that the window overlooking Mr. Krogel's backyard is in a children's bedroom. He voiced his opinion that it was unreasonable to expect absolute privacy for a backyard spa because it would mean that adjacent properties could have no rear-facing second-story windows.

Commissioner Browning noted that he visited the site and viewed the silhouette from various locations and did not observe a significant impact on views. With regard to the impact on privacy, he related his observation that one would have to go to the edge of the children's bedroom and deliberately look to the east in order to see into Mr. Krogel's property and suggested that the applicants are the ones most affected in terms of privacy. He stated that he thought it would be cost prohibitive to lower the rear portion of the house and complimented the architect on the layout of the project.

Commissioner Horwich reported that he revisited the site and did not observe that anyone's view was particularly impacted, however, he would like the applicant to consider compromising with regard to the elimination of the gables.

Mr. Shaw explained that the bedrooms with the gables have a 7'6" plate height which would have to be increased to 8'1" should the gables be eliminated and doubted that much would be gained by doing so.

Commissioner Faulk asked if east-facing bathroom windows would be made of frosted glass. Mr. Shaw stated that frosted glass is typically not used in traditional-style homes, however, he would leave it to the discretion of the Commission.

Chairperson Uchima asked about the feasibility of grading the lot down. Building Regulations Administrator Segovia advised that there could be a slight adjustment but it would be minimal because there is a Code requirement that new homes drain toward the street and the City prefers that this be accomplished by gravity rather than using a pump.

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

Commissioner Faulk indicated that he would support the project as submitted because he did not believe changing the roof's design would result in much improvement in terms of allowing more sunlight into Mr. Krogel's property. He noted that he visited all of the properties in question and did not observe a significant impact on privacy or views.

Commissioner Drevno also voiced support for the project, stating that the house to the east is so much lower that anything would impact it.

**MOTION:** Commissioner Faulk moved for the approval of PRE05-00046, as conditioned , including all findings of fact set forth by staff. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 06-006.

**MOTION:** Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-006. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

**9. WAIVERS**

None.

**10. FORMAL HEARINGS**

**10A. CUP05-00040, DIV05-00024: MIKE BROWDER (LIM GUAN SWEE/ LIN CHAN)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two new detached condominium units and a Division of Lot for condominium purposes on property located in the R-2 Zone at 18425 Mansel Avenue.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

Mike Browder, project architect, voiced his agreement with the recommended conditions of approval.

In response to Commissioner Faulk's inquiry, Mr. Browder reported that perimeter walls will be stucco-coated cinder block.

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

**MOTION:** Commissioner Busch moved for the approval of CUP05-00040 and DIV05-00024, as conditioned , including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution Nos. 06-012 and 06-013.

**MOTION:** Commissioner Drevno moved for the adoption of Planning Commission Resolution Nos. 06-012 and 06-013. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

**10B. CUP05-00043, DIV05-00025: RICHARD WAGNER (MIKE BROWDER AND FRIENDS)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two new detached condominium units and a Division of Lot for condominium purposes on property located in the R-2 Zone at 18413 Mansel Avenue.

**Recommendation**

Approval.

Planning Manager Isomoto introduced the request and Planning Associate Crecy distributed a letter from a neighboring property owner to commissioners.

Mike Browder, project architect, voiced his agreement with the recommended conditions of approval. Referring to the letter from the neighbor, he clarified that the project includes no second-story balconies.

In response to Commissioner Busch's inquiry, Mr. Browder reported that a six-foot high masonry wall will be built along the rear of the property for privacy; noted that the wall will be entirely on the subject property; and confirmed that existing walls on neighboring properties will not be damaged.

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

**MOTION:** Commissioner Drevno moved for the approval of CUP05-00043 and DIV05-00025, as conditioned , including all findings of fact set forth by staff. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution Nos. 06-014 and 06-015.

**MOTION:** Commissioner Faulk moved for the adoption of Planning Commission Resolution Nos. 06-014 and 06-015. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

**10C. CUP05-00044: KHF FOOD MANAGEMENT LLC (GREG REHEIS)**

Planning Commission consideration for approval of a Conditional Use Permit to allow a fast food restaurant with seating on property located in the Hawthorne Boulevard Corridor Specific Plan Promenade Sub-district at 20715 Hawthorne Boulevard.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

George Lok, project architect, voiced his agreement with the recommended conditions of approval.

In response to Commissioner Fauk's inquiry, Planning Manager Isomoto confirmed that the applicant will be required to submit a landscape plan.

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

**MOTION:** Commissioner Drevno moved for the approval of CUP05-0044, as conditioned , including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 06-016.

**MOTION:** Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-016. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

**10D. CUP05-00045, DIV05-00027: CHARLES BELAK-BERGER**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two new detached condominium units and a Division of Lot for condominium purposes on property located in the R-2 Zone at 18412 Ashley Avenue.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

Charles Belak-Berger, project architect, voiced his agreement with the recommended conditions of approval.

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

**MOTION:** Commissioner Drevno moved for the approval of CUP05-00045 and DIV05-00027, as conditioned , including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution Nos. 06-017 and 06-018.

**MOTION:** Commissioner Faulk moved for the adoption of Planning Commission Resolution Nos. 06-017 and 06-018. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

**10E. PRE05-00037: MARK BOYD (ROBERT TREMAN)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with a semi-subterranean garage on property located in the Hillside Overlay District in the R-1 Zone at 202 Calle de Sirenas.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request and noted supplemental material available at the meeting consisting of correspondence from the neighbor at 209 Via El Toro.

Robert Treman, project architect, voiced his agreement with the recommended conditions of approval. He provided background information about the project, explaining that the property owner originally planned to build a new home, but withdrew the application after it was met with opposition from neighbors and decided to remodel the existing home instead. He briefly described the proposed project, noting that it will not exceed the existing maximum ridge height and has a floor area ratio of .39, which is well below the maximum allowed. He maintained that the proposed addition would have minimal impact on neighbors and that it would do nothing but enhance the neighborhood.

Referring to the letter in the supplemental material, Mr. Treman confirmed that the chimney will not exceed the minimum required height, which is 2 feet above any roof within a 10-foot radius.

In response to Commissioner Browning's inquiry, Planning Manager Isomoto clarified that the letters of opposition included in the agenda material refer to the previous project, which was withdrawn before being brought before the Commission.

Barry Garrabrant, 205 Via El Toro, submitting photographs to illustrate, contended that the proposed project would eliminate a portion of his remaining whitewater view, which has already been obscured by a house to the west.

Chairperson Uchima noted that he visited Mr. Garrabrant's residence and the view impact he observed sitting at the counter was not as dramatic as the impact shown in the photographs.

Mr. Garrabrant reported that the photographs were taken from a window within his residence as evidenced by the window frame, which can be seen in the photographs.

Commissioner Drevno stated that she also visited Mr. Garrabrant's home, which has a wonderful view, and observed that the project would have only minimal impact.

Ronald Dasner, 206 Calle de Sirenas, stated that he was pleased with the revised plans but would like to know what type of material will be used to enclose the second-floor balcony and how tall the property line wall will be due to potential view impact.

Cindy Constantino, 513 Camino de Encanto, voiced objections to the proposed project, citing the impact on her view, and suggested that the project be lowered further into the grade.

Chairperson Uchima noted that the project maintains the existing maximum ridge height.

Jean Sacks, 504 Paseo de la Playa, reported that the wall between her property and the subject property is a few feet inside her property line and wanted to confirm that side yard setback measurements were not based on this wall.

Planning Manager Isomoto advised that measurements are taken from the property line and do not reference any walls.

Responding to audience members' comments, Mr. Treman disputed the idea that the project would have a significant impact on anyone's view. He reported that the second-floor balcony will be enclosed with glass and confirmed that property line walls will not be extended in a way that would block Mr. Dasner's view.

Mary Jo Wright, 508 Paseo de la Playa, stated that while the proposed project does not appear to obscure her view, she was concerned that the applicant might complain of view impact should she add a second story in the future.

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

Commissioner Fauk voiced support for the project with the addition of a condition to ensure that any new property line wall does not obstruct the view of the property to the east. He reported that he visited 205 Via El Toro and did not observe the view impact depicted in Mr. Garrabrant's photographs, noting that the affected portion is a only a small percentage of the panoramic view. He further reported that the silhouette was not visible from 209 Via El Toro and that he did not observe a significant view impact from Camino de Encanto.

Chairperson Uchima indicated that he would also support the project as submitted, stating that he did not believe the view impact a 205 Via El Toro was significant enough to deny the project. He noted that the modest sized addition was well within the guidelines of the Hillside Ordinance.

A brief discussion ensued regarding the wording of the added condition.

**MOTION:** Commissioner Busch moved for the approval of PRE05-00037, as conditioned, including all findings of fact set forth by staff with the following modification:

**Add**

- That the easterly wall shall not exceed six feet in height and shall not extend beyond the northeast corner of the remodeled home.

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

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 06-019.

**MOTION:** Commissioner Drevno moved for the adoption of Planning Commission Resolution No. 06-019 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

The Commission recessed between 8:37 p.m. and 8:47 p.m.

**10F. PRE05-00043: NELU ARDELJAN (PETE ARDELJAN)**

Planning Commission consideration of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with an attached garage on property located in the Hillside Overlay District in the R-1 Zone at 227 Paseo de Granada.

Continued to February 15, 2006.

**10G. PRE05-00045: MARK AND PAMELA BARTHOLD**

Planning Commission consideration of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with an attached garage on property located in the Hillside Overlay District in the R-1 Zone at 5264 Zakon Road.

**Recommendation**

Approval.

Planning Manager Isomoto introduced the request, noting that the architect for the project submitted a 25-page information packet that was distributed to the Commission during the recess.

Mark Barthold, applicant, stated that he and his wife would like to build a new residence to replace their existing home, which is ill-designed with un-permitted additions. He reported that he shared his plans with his neighbors and tried to address their concerns as best he could.

Pam Barthold, applicant, reported that her family is very active in the community and they want to remain in this family-friendly neighborhood. She submitted letters of support from neighbors, noting that the response to the project has been overwhelmingly positive and it enjoys the support of almost everyone within the notification area. She

apologized for the late submittal of the information packet, explaining that they had only recently become aware of their neighbor's objections.

Michael Lee, project architect, reviewed the information packet, which included a listing and photos of homes with an FAR in excess of .50 in the immediate area; renderings of the proposed project and diagrams demonstrating the impact on sunlight and views of the neighbor to the west; and photos showing views from the existing second story and views from the proposed roof deck. He explained that the view will remain essentially the same, however, privacy will be improved for the neighbor to the west because there will be only two second-story windows facing this direction. He reported that the Bartholds have spent a lot of time and energy on the project and have been very sensitive to neighbors' concerns. He noted that they pulled the building back to preserve the view of the harbor for the neighbor to the west even though he took almost their entire ocean view two years earlier when he remodeled and suggested that it was only fair that they should be able to recapture some of this view by building a rooftop deck. He offered a correction to the statistical information in the staff report.

Mercedes Houghtaling, 5324 Doris Way, voiced support for the project, stressing the need to work together for the good of the community.

Donald Ford, 5346 Bindewald Road, stated that he supports those who wish to remodel their homes in the Seaside Heights area, but it must be done in accordance with the law as outlined in the Hillside Overlay Ordinance. Referring to written material previously submitted, he contended that the proposed project violates the Hillside Ordinance and other building codes in the following ways: 1) The FAR exceeds the maximum limit of .50 by 20%; 2) The westerly side yard setback is only 5' instead of the minimum required setback of 5'7"; and 3) It was not designed to have least intrusion because the bulk of the second story and the highest point of the roof is adjacent to his property, thereby creating an adverse impact on his view, light and privacy. He detailed his privacy concerns, explaining that the two large second-story windows in the kitchen and dining room would look directly into his great room, rear patio and Jacuzzi and that the rear and rooftop decks would only compound the problem. He maintained that the proposed project would completely block sunlight from a downstairs bedroom and eliminate his view of the Palos Verdes hills and Long Beach Harbor. He contended that the ocean view the Bartholds lost due to his second story was not protected because their second story was built without permits and suggested that the best view is out the rear of their property, not facing his property.

Dr. Ford stated that his remodeling project was unanimously approved by the Commission and neighbors did not object to it because he followed the code to the letter. To minimize the impact on his property, he proposed that the project be reduced in size to comply with the FAR limit of .50; that the side yard setback be increased to 10 feet; that the northwest-facing kitchen and dining room windows be eliminated; and that the overall height be reduced by 3 feet. He called for the Commission to enforce the code.

Commissioner Faulk took exception to Dr. Ford's assertion that the proposed project violates City codes, stating that City staff would never recommend approval of a project that does not comply with City codes nor would the Commission ever approve such a project.

In response to Commissioner Horwich's inquiry, Deputy City Attorney Whitham confirmed that the Commission would not be violating any laws or codes should they decide to approve the project as proposed.

Commissioner Drevno noted that she visited the Bartholds' home and could see Dr. Ford's Jacuzzi very clearly from existing second-story windows.

Commissioner Gibson stated that she believed Dr. Ford had raised some valid concerns about the project.

Commissioner Busch questioned whether eliminating the roof over the rear deck and reducing its size as staff has recommended would address Dr. Ford's concerns. Dr. Ford stated that that would not provide him any relief because the applicants would still have an unobstructed view into his rear yard.

Planning Manager Isomoto clarified that according to the code, Dr. Ford's property fronts on Zakon Road, which means that the yard adjacent to the subject property is a side yard.

Yvonne Johnson, 5256 Zakon Road, stated that she supports the project and believes it would only improve the neighborhood.

Art Beck, 5256 Zakon Road, voiced support for the project, explaining that several neighbors can look down into his yard and he does not find this to be a problem. He reported that the Bartholds have been extremely cooperative and have tried very hard not to impact other properties and contended that the enhancement of the neighborhood far outweighs any intrusion on privacy.

Mark Cramer, 5337 Doris Way, stated that he recently completed a second-story addition and saw no way to avoid impacting privacy when second stories are added.

Karen Miller, 5364 Zakon Road, reported that the Bartholds have kept her and other neighbors updated throughout the process and have made every effort to address their concerns.

June Lee, 5264 Zakon Road, indicated that she has opposed two-story projects in the past, however, she supports the proposed project and recognizes that each project must be considered on its own merits. She commented on the impact Dr. Ford's remodeling project had on the neighborhood and stated that she has never heard someone who already has a second story claim to be so victimized by one as Dr. Ford.

Mr. Barthold stated that he has tried very hard to accommodate Dr. Ford's desire for privacy but does not think it's reasonable for him to expect to have privacy that he doesn't have now. He noted that an existing front balcony that looks directly into Dr. Ford's master bedroom will be eliminated, as well as an 8-foot window that looks down into his Jacuzzi and yard. He pointed out that the second-story is staggered and much of it has the 10-foot setback requested by Dr. Ford. He stated that he would prefer to retain the rear deck and rooftop deck as proposed and does not expect them to be high traffic areas. He explained that he plans to have a barbeque grill on the rear deck because it is next to the kitchen and that he intends to plant a row of foliage for privacy.

He suggested the possibility of having a parapet around the deck instead of open railing to shield it from Dr. Ford's view.

Referring to photographs in the information submitted, Ms. Barthold pointed out that she currently has a view into Dr. Ford's great room from her backyard.

Commissioner Horwich asked that the applicant explain why being limited to an FAR of .50 would constitute an unreasonable hardship, stating that he did not believe the statements in the Precise Plan Application, under Item 3a, were responsive to this question.

Mr. Barthold explained that there are terrain issues due to the sloping lot; that they need space for their three young children and for their parents to stay when they come to visit from the east coast; and that they require an art studio because both he and his wife are artists.

Commissioner Faulk stated that he thought the project's FAR of .59 was pushing the envelope and he favored a reduction in the square footage to bring it closer to .50. He indicated that he was inclined to support staff's recommendation regarding the downsizing of the rear deck and the repositioning of the rooftop deck. He stated that while he is not an advocate of rooftop decks, this one was less intrusive than others that have been proposed.

Ms. Barthold expressed concerns that reducing the size of rear deck to 5 feet as staff has recommended would not leave enough space for the barbeque grill. She explained that she contacted the fire department and was told that a barbeque grill must be at least 10 feet away from roof eaves and 5 feet away from any structures.

Fire Marshal Kazandjian advised that the fire department typically does not tell people where to place a barbeque and would only become involved if someone chose to barbeque next to combustible material creating a fire hazard.

Ms. Barthold stated that she needs more than 5 feet in order to accommodate her three children, who along with her two dogs, would tend to congregate on the deck while she or her husband use the barbeque.

Mr. Barthold reported that repositioning the rooftop deck as staff has recommended would require a significant redesign of the project.

With regard to reducing the FAR, Ms. Barthold noted that most of the rooms are modest in size and the bulk of the home is the large center hallway designed to display their extensive art collection.

Commissioner Busch indicated that he agreed with Commissioner Faulk about the reduction in the FAR and questioned whether the Bartholds were willing to compromise, in which case the hearing could be continued to see if this issue, as well as the location and size of the decks, could be resolved.

Commissioner Gibson also stressed the need for compromise, stating that she believed Dr. Ford's concerns deserve some consideration. She noted that the project is quite large and its contemporary design could make it appear even larger in this neighborhood of smaller, more traditional homes.

Commissioner Browning noted that he changed his mind several times during the course of this hearing, which illustrates why it is important that commissioners wait to hear all the testimony before making a decision. He indicated that he agreed that a FAR of .59 was pushing the limit and he also felt that Dr. Ford was entitled to some privacy. He stated that he did not believe it would be practical to eliminate the two northwest-facing windows as Dr. Ford proposed, however, he would look at the project more favorably if something could be done with these windows to mitigate the impact on privacy.

Planning Manager Isomoto advised, that after hearing how the rear deck will be used, she would recommend that it be limited to a depth of 10 feet, rather than 5 feet.

Chairperson Uchima asked about Ms. Barthold's claim that the bulk of the home was in the center hallway. Planning Manager Isomoto noted that while none of the rooms are particularly over-sized, the home does include five bedrooms, as well as an art studio, and suggested that the Bartholds could consider eliminating a room or scaling down some of them to reduce the FAR.

Commissioner Gibson questioned whether the art studio was necessary for a home business. Mr. Barthold explained that the art studio was for their own personal projects and that it would also house their children's musical equipment.

Commissioner Drevno stated that she also thought the project was a little too large and could not support it as proposed. She recognized that the Bartholds have already done a lot of compromising as evidenced by the number of neighbors who support the project.

A brief discussion ensued, and the Bartholds agreed to continue the hearing to February 15. It was the consensus of the Commission not to require the project to be re-silhouetted because there did not appear to be any view issues.

**MOTION:** Commissioner Hbrwich moved to continue the hearing on PRE05-00045 to February 15, 2006. The motion was seconded by Commissioner Drevno and passed by unanimous roll call vote.

**10H. PRE05-00047, MOD05-00014: TAIT AND ASSOCIATES (JOSE GANDARA)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the expansion and façade remodel of an existing convenience store and a Modification of an existing Conditional use permit to allow the sale of beer and wine on property located in the Precise Plan Overlay in the C-3 Zone at 5404 190<sup>th</sup> Street.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request and noted supplemental material available at the meeting consisting of public correspondence and a recommendation from the Engineering Division to eliminate Condition No. 15 and revise Condition No. 14.

Jose Gandara, representing Conoco Phillips Company, requested that Condition No. 5, requiring that a landscape plan be submitted, Condition No. 7, requiring an exterior lighting plan to be submitted, and Condition No. 15, requiring the closing of the existing driveway on 190<sup>th</sup> Street, be eliminated; and that Condition No. 11, requiring a new sign program that incorporates low monument signage, be revised to eliminate the word "low."

Commissioner Horwich asked about the hours of operation. Mr. Gandara reported that the existing Conditional Use Permit allows the gas station to remain open until 11:00 p.m. and the applicant would like to extend this to midnight.

Commissioner Busch questioned whether the Police Department had reviewed the application and knew that the applicant wanted to extend the hours of operation to midnight.

Planning Manager Isomoto reported that the Police Department indicated that they had no concerns about the sale of beer and wine at this location, however, they were not aware that the applicant was proposing a midnight closing time. She advised that staff was not prepared to comment on the revisions to the conditions proposed by the applicant and recommended that the hearing be continued.

Commissioner Busch requested more information from the Police Department regarding the sale of alcoholic beverages at this location, noting that a letter was received from a nearby resident expressing concerns about the number of establishments selling alcohol in this neighborhood.

Commissioner Horwich noted that should the Commission approve the sale of beer and wine at this location, the applicant would still have to obtain approval from the ABC (Alcoholic Beverage Control), an agency that considers proximity to other retail outlets that sell alcohol, and voiced his opinion that asking the Police Department for further comment was an unnecessary step.

Michelle Rosenberg, 19020 Entradero Avenue, voiced objections to the sale of beer and wine, noting that there are four other outlets selling alcoholic beverages in close proximity. She also objected to the proposed 12:00 a.m. closing time, citing concerns about noise from customers with loud radios.

Taihara Iwo, Arvada Street, expressed support for the project, stating that he likes the one-stop concept and believes it would be unfair to penalize this business owner just because there are other retail outlets in the vicinity.

Mr. Sadeghi, owner of the gas station, offered to retain the 11:00 p.m. closing time. He explained that he would simply like to be able to sell beer and wine as a convenience to his customers and that he would not be competing with liquor stores because he would not be selling hard liquor. He disputed the idea that adding the convenience store would increase traffic at this intersection.

**MOTION:** Chairperson Uchima moved to continue the hearing on PRE05-00047 and MOD05-00014 to February 15, 2006. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

11. **RESOLUTIONS** – None.

12. **PUBLIC WORKSHOP ITEMS** – None.

13. **MISCELLANEOUS ITEMS** – None.

14. **REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

None.

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

Planning Manager Isomoto reviewed the agenda for the February 15, 2006 Planning Commission meeting.

16. **ORAL COMMUNICATIONS**

16A. Commissioner Drevno thanked staff for organizing the retirement party for former Commissioners Albert Muratsuchi and John LaBouff, which was held the previous evening.

17. **ADJOURNMENT**

At 11:25 p.m., the meeting was adjourned to Wednesday, February 15, 2006 at 7:00 p.m.

Approved as Submitted March 15, 2006 s/ Sue Herbers, City Clerk
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