

**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, February 15, 2005, in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Horwich.

**3. ROLL CALL**

Present: Commissioners Browning, Busch, Drevno\*, Fauk, Gibson, Horwich, and Chairperson Uchima.  
\*Arrived at 9:10 p.m.

Absent: None.

Also Present: Planning Manager Isomoto, Planning Assistant Hurd, Deputy City Attorney Whitham, Fire Marshal Kazandjian, Fire Marshal Carter, Associate Civil Engineer Symons, and Plans Examiner Nishioka.

Planning Manager Isomoto noted that Commissioner Drevno requested an excused absence because she has another commitment this evening, but will come to the meeting afterward if time permits.

**MOTION:** Commissioner Browning, seconded by Commissioner Busch, moved to grant Commissioner Drevno an excused absence; voice vote reflected unanimous approval.

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Gibson, 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 (absent Commissioner Drevno).

**5. APPROVAL OF MINUTES**

None.

**6. REQUESTS FOR POSTPONEMENT**

Planning Manager Isomoto relayed requests to continue Agenda Item 8A (PRE05-00043: Nelu Ardejan), 10C (PRE05-00023, WAV05-00013: Les Arneson), and 13A (MIS06-00021: Margaret Miller) to March 1, 2006.

**MOTION:** Commissioner Horwich, seconded by Commissioner Fauk, moved to continue Agenda Item 8A to March 1, 2006; voice vote reflected unanimous approval (absent Commissioner Drevno).

**MOTION:** Commissioner Gibson, seconded by Commissioner Horwich, moved to continue Agenda 10C to March 1, 2006; voice vote reflected unanimous approval (absent Commissioner Drevno).

**MOTION:** Commissioner Busch seconded by Commissioner Horwich, moved to continue Agenda 13A to March 1, 2006; voice vote reflected unanimous approval (absent Commissioner Drevno).

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. **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 March 1, 2006.

8B. **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 Assistant Hurd introduced the request.

Jose Gandara, representing Conoco Phillips Company, voiced his agreement with the recommended conditions of approval.

Don McFarland, 5310 W. 190<sup>th</sup> Street, stated that he was opposed to the sale of beer and wine at this location because there are four other establishments selling

alcohol in close proximity. He voiced his opinion that selling beer and wine at a gas station does not make sense given concerns about drunk driving.

Michelle Rosenberg, 19020 Entradero Avenue, expressed concerns that the proposed project would increase traffic, add to the noise level and exacerbate parking problems. She echoed concerns about having so many establishments that sell alcohol in close proximity.

Mr. Gandara disputed the idea that people who buy beer and wine at a gas station are more likely to drink and drive, noting that people routinely drive to liquor stores and other retail outlets to buy alcoholic beverages. He contended that the proposed project would not increase traffic because the majority of customers will be people who are already there to buy gas; pointed out that the convenience store will generate much less noise than the repair shop it will be replacing; and doubted that the project would have an impact on parking because there is ample parking on-site.

In response to Commissioner Fauk's inquiry, Mr. Gandara confirmed that the existing operation includes a small snack shop.

Voicing support for the proposed project, Commissioner Browning stated that the store will be a convenience for gas station customers and the sale of beer and wine is incidental and that he did not believe this business owner should be penalized simply because there are other stores in the vicinity that sell alcoholic beverages.

Commissioner Gibson noted the site's proximity to Towers Elementary School and West High and questioned why the applicant felt there was a need to sell beer and wine at this location when there are seven other stores selling liquor in the immediate area.

Mr. Gandara explained that the applicant would like to be able to offer the sale of beer and wine as a convenience for customers as it could save them from having to make a trip to another store and reported that his research revealed that there is not an over-concentration of liquor stores in this area.

Referring to Resolution No. 06-023, Commissioner Busch questioned whether Finding F, which states that the project is "not inconsistent with similar operations throughout the City," means that there are other gas stations with convenience stores selling beer and wine or that there are other areas of the City with a similar concentration of establishments selling alcoholic beverages.

Planning Manager Isomoto explained that staff did not specifically address the issue of concentration because the California Department of Alcoholic Beverage Control (ABC) typically contacts the City when they believe this is a potential problem. She noted that she discussed the proposed project with a Torrance Police detective, who researched crime statistics for the area and visited the site, and he indicated that there was nothing about this particular business that would cause the police department to have any unique concerns.

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

Voicing support for the project, Commissioner Faulk stated that the convenience store would not be a destination for buying beer and wine but would merely allow customers of the gas station to buy these items without having to make another stop. He further stated that he did not believe the convenience store would increase traffic, generate additional noise or create parking problems.

Commissioner Horwich voiced his opinion that allowing the sale of beer and wine at this location would have little impact beyond diminishing sales at other nearby outlets.

Commissioner Gibson indicated that she would not support the project because she did not believe it was in the best interests of the community.

Commissioner Busch noted his concurrence with Commissioner Gibson's position.

Deputy City Attorney Whitham advised that the State has preempted some of local governments' authority to regulate the sale of alcohol by passing legislation which prohibits a city from denying a gas station the ability to sell alcohol simply because it is a gas station. She noted, however, that the City does have the discretion to deny an application based on health, safety or public welfare issues.

Commissioner Busch questioned how the Code requirement that total sales of beer and wine not exceed 35% of retail business during any calendar year is monitored. Planning Manager Isomoto reported that this would be checked on a complaint basis only because the City does not have enough staff to check the records of every convenience store selling alcohol.

Chairperson Uchima asked if there was any statistical evidence to suggest that the sale of alcohol at gas stations contributes disproportionately to the number of drunk drivers.

Planning Manager Isomoto reported that she discussed this issue with the police department and they do not believe allowing the sale of beer and wine at gas stations causes an increase in drunk driving or crime in general. She noted that there is a very strict prohibition against consuming alcohol on the premises.

**MOTION:** Commissioner Faulk moved for the approval of PRE05-00047 and MOD05-00014, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by a 4-2 roll call vote, with Commissioners Busch and Gibson dissenting (absent Commissioner Drevno).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 06-022 and 06-023.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 06-022 and 06-023. The motion was seconded by Commissioner Browning and passed by a 4-2 roll call vote, with Commissioners Busch and Gibson dissenting (absent Commissioner Drevno).

**8C. 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 Assistant Hurd introduced the request.

Mark Barthold, applicant, reviewed the modifications made to address concerns discussed at the last meeting, including decreasing the square footage, reducing the size of the rooftop deck, frosting the lower portion of northwest-facing second-story windows, and increasing the side yard setback.

Michael Lee, project architect, provided detailed information about the revisions.

Donald Ford, 5346 Bindewald Road, stated that he was pleased by the progress that has been made but still has concerns about the size of the project, the impact on his privacy, and the blockage of sunlight. He noted that the FAR remains above .50; that much of the reduction in the FAR was achieved by altering ceiling heights to prevent areas from being double counted; and that the square footage eliminated was at the rear of the residence, which does not lessen the impact on his property. He reported that there is a dispute regarding the location of the property line as the Bartholds' surveyor and his surveyor disagree as to whose property the existing wall is on and vowed to defend his property rights. He proposed that the rear window in the breakfast nook be eliminated and that the portion of the second story facing his residence be moved back another five feet to mitigate the impact on his property. He also asked that the Bartholds be required to plant a green belt along his side of the property and expressed the hope that the large existing tree could be saved.

June Lee, 5245 Vanderhill Road, urged the Commission to approve the project as submitted. She reported that Dr. Ford was able to build his second story because the Bartholds were not informed about this process when they purchased the property and expressed concerns that they were now being penalized because of this second story. She stated that the Bartholds have gone out of their way to avoid impacting their neighbors and maintained that they should not have to frost windows that are normally not frosted to give Dr. Ford privacy that he currently does not have.

Regina Pilardi, 5345 Doris Way, voiced support for the project, stating that the Bartholds have made many concessions to mitigate the impact on Dr. Ford and she did not believe his concerns about privacy are valid.

Marge Miller, 5364 Doris Way, reported that the Bartholds have worked very hard to keep neighbors informed about their plans; maintained that it was impossible to avoid some impact on privacy when additions are built; and urged approval of the project.

Voicing support for the project, Michelle Irvine, 5149 Zakon Road, stated that she believed the Bartholds have done a fantastic job of minimizing its impact. With regard to privacy, she noted that there are other two-story homes with a view into Dr. Ford's home just as he has a view into their homes.

Returning to the podium, Mr. Lee promised to verify the location of the property line before moving forward with the project. He noted that the second story is staggered to provide a larger than required side yard setback adjacent to Dr. Ford's property; reported that the project is very similar in size to Dr. Ford's home; and contended that Dr. Ford's privacy will be improved by the project.

Mr. Barthold stated that he would like to retain the window in the breakfast nook because it will offer a slight view of the ocean.

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

Commissioner Faulk voiced support for the project and commended the Bartholds for their willingness to compromise. With regard to privacy, he stated that he thought frosting the lower portion of the windows was a good solution and that he did not believe people actively try to look into other people's yards or homes. Referring to Dr. Ford's comments, he noted that the Commission does not become involved in regulating trees because such regulations are very difficult to enforce and that the property line dispute was not within the Commission's purview.

In response to Commissioner Busch's inquiry, Planning Manager Isomoto confirmed that staff visits the site of each project to ensure that it complies with the Hillside Ordinance in terms of the impact on view, light, air and privacy, even when there is no opposition from neighbors.

Commissioner Busch, echoed by Commissioner Horwich, indicated that he would support the project because he believed the applicants had made a sincere effort to compromise.

**MOTION:** Commissioner Horwich moved for the approval of PRE05-00045, 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 (absent Commissioner Drevno).

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-021.

**MOTION:** Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-021. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Drevno).

The Commission recessed from 8:30 p.m. to 8:46 p.m.

9. **WAIVERS** – None.
10. **FORMAL HEARINGS**

**10A. CUP05-00046: RICHARD GAUNT, JR.**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of two buildings for the operation of a storage yard for construction equipment with an office and caretaker's unit on property located in the Industrial Redevelopment Project Area in the M2 Zone at 1728 W. 223<sup>rd</sup> Street.

**Recommendation**

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of two additional conditions of approval.

Richard Gaunt, Jr., applicant, voiced his agreement with the recommended conditions of approval, noting that he intends to work with the Fire Department regarding concerns about the width of the drive aisle.

In response to Commissioner Horwich's inquiry, Mr. Gaunt reported that the company's construction equipment is currently stored on various job sites and in a storage yard in Carson. He confirmed that the proposed storage yard could accommodate all of the equipment, but noted that it was very unlikely that all the equipment would be on the site at one time.

Commissioner Horwich indicated that he was inclined to favor this project because of this builder's practice of leaving unsightly construction equipment on job sites for long periods of time, but questioned the need for the large caretaker's unit.

Mr. Gaunt explained that the company has a lot of money invested in tools and equipment and theft has been an on-going problem.

In response to Commissioner Busch's inquiry, Planning Manager Isomoto confirmed that caretaker's units are allowed in the M2 Zone via the Conditional Use Permit process and have been included at a number of self-storage facilities. She advised that the unit must remain a caretaker's unit and cannot be rented out should the property change hands.

Commissioner Gibson expressed concerns about whether large construction equipment would be able to maneuver in and out of the site without causing major traffic problems.

Mr. Gaunt explained that the company's drivers routinely drive on residential streets in Torrance without any problem and that the large equipment will not be moved in and out on a daily basis. He stated that this is the first opportunity the company has had to locate in Torrance and he believes the site is ideally suited for this family-owned construction business.

Referring to the size of the caretaker's unit, Commissioner Gibson questioned whether the caretaker would be a family man with children, and Mr. Gaunt stated that it was not his intention to have any children on-site.

Commissioner Browning noted that according to his calculations, maneuvering equipment in and out of the site should not be a problem.

Responding to questions from the Commission, Mr. Gaunt provided clarification regarding the location and design of the garage for the caretaker's unit. Fire Marshal Carter confirmed that the applicant will be required to install a Knox Rapid Entry System for emergency access and that the fire department will work with the applicant to ensure that the fire lane is adequate to accommodate emergency equipment.

Janet Payne, 1318 Engracia Avenue, voiced objections to allowing the 1600 square-foot caretaker's unit. She expressed concerns about the safety of having living quarters on the third floor with only one exit and related her understanding that the ADA requires that this space be handicapped-accessible. She questioned the need for a caretaker, noting that other businesses employ security guards during off hours to combat theft problems.

(Commissioner Drevno arrived at this time and took her seat on the dais.)

Steve Fechner, general partner with Alameda Properties, owner of Western Commerce Center, reported that there have been a lot of problems associated with the subject property, which invites vagrants, graffiti and trash, and he looks forward to having it developed, but does have some concerns. He suggested that the front setback be enlarged to 20 feet with substantial landscaping so that it would blend better with neighboring properties and that some of the visitor parking be moved outside of the gates. He expressed concerns that large construction equipment would block the median making it impossible to access his property and recommended that the City limit the size of vehicles that may be stored on this site. He contended that the tall, narrow caretaker's unit would look out of place and noted that it would be almost impossible to prove whether whoever occupies it is a caretaker or a tenant.

Cindy Scotto, representing Scotto Towing, stated that she would be glad to see this site developed but also has concerns. Submitting an aerial photograph to illustrate, she reported that the towing yard was required to provide a 20-foot setback on all sides and she believed this project should be subject to the same requirement. She indicated that her main concern was the caretaker's unit because it could compromise the security of the tow yard due to windows that will overlook the area where customers' vehicles are stored. She suggested that the applicant consider employing a security guard and/or installing a security system as a means of preventing theft. She noted that the business operates 24 hours a day with diesel tow trucks going in and out at all hours of the night, which would make it difficult for a caretaker to sleep.

Ramie McCoy, 1928 220<sup>th</sup> Street, voiced objections to the project due to the storage of heavy equipment and potential traffic problems.

Mr. Gaunt explained that all of the company's equipment complies with State regulations concerning size and weight and that his drivers are very proficient and can maneuver large trucks as easily as most people can maneuver a Chevy Suburban.

In response to Commissioner Uchima's inquiry, Mr. Gaunt reported that the company has two drivers and three trucks; that work generally begins at 7:00 a.m. and ends by 3:30 p.m.; and that equipment usually remains at the job site for a week or more. He expressed his willingness to increase the landscaped front setbacks to 20 feet, noting that the project already exceeds landscaping requirements. He explained that the gates will be open during the day to allow access and secured at night and on weekends. He offered his assurance that anyone who serves in the position of caretaker will be trustworthy.

Commissioner Busch asked where the business is currently headquartered, and Mr. Gaunt stated that both he and his father work from home offices and the proposed office would allow them to work together.

Commissioner Browning questioned whether the caretaker's unit needs to be handicapped-accessible, and Plans Examiner Nishioka clarified that because the unit is over a garage, it is considered a carriage unit and therefore not subject to ADA requirements. Planning Manager Isomoto confirmed that the required handicapped parking is provided for the office area.

Commissioner Gibson suggested the possibility of using frosted glass for the windows on the caretaker's unit facing the tow yard. Mr. Gaunt indicated that he was not opposed to such a condition but doubted that the Scottos had reason to be concerned as they have employees on the premises 24 hours a day and suggested that it could be helpful to have another set of eyes on their property.

In response to Commissioner Horwich's inquiry, Planning Manager Isomoto provided clarification regarding the height and size of the caretaker's unit, noting that the first level must be tall enough to allow large equipment to drive through and that the unit itself is a little over 1000 square feet.

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

Commissioner Drevno announced that she was abstaining from voting on this item because she was not present for the entire hearing.

**MOTION:** Commissioner Busch moved for the approval of CUP05-00046, as conditioned, including all findings of fact set forth by staff, with the following modifications:

**Add**

- That the landscaped setbacks on 223<sup>rd</sup> Street and Western Ave shall be a minimum of 20 feet.
- That south-facing windows in the caretaker's unit shall be frosted.

The motion was seconded by Commissioner Gibson and passed by a 5-1 roll call vote, with Commissioner Faulk dissenting and Commission Drevno abstaining.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-029.

**MOTION:** Commissioner Busch moved for the adoption of Planning Commission Resolution No. 06-029 as amended. The motion was seconded by Commissioner Gibson and passed by a 51 roll call vote, with Commissioner Faulk dissenting and Commissioner Drevno abstaining.

Commissioner Faulk commended the applicant for coming up with a use for what appears to be a useless property, but indicated that he could not support the project because he was not comfortable with the on-site living quarters.

Commissioner Horwich explained that he voted for the project because he believes it will be an improvement to the area, as well as an improvement over the current situation where Mr. Gaunt's equipment is being left at various sites throughout the City creating unsightly and unsafe conditions.

Chairman Uchima stated that he was initially concerned about the potential impact on traffic due to the heavy equipment, but those concerns were alleviated by Mr. Gaunt's description of the operation. He further stated that he couldn't think of any other use for this odd-shaped parcel and he felt that having the site secured and occupied would be more beneficial than having it remain fallow.

The Commission recessed from 9:55 p.m. to 10:05 p.m.

**10B. DIV05-00028: BRIAN BURRESCIA**

Planning Commission consideration for approval of a Division of Lot to allow the subdivision on one existing parcel into three parcels on property located in the R-1 Zone at 1923 235<sup>th</sup> Street.

**Recommendation**

Approval.

Planning Assistant Hurd introduced the request.

Brian Burescia, applicant, voiced his agreement with the recommended conditions of approval. He explained that he was proposing to split an oil well lot into three parcels consistent with the surrounding neighborhood.

Commissioner Busch asked about the time frame for the completion of the project, and Mr. Burescia reported that it will take approximately nine months.

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

**MOTION:** Commissioner Busch moved for the approval of DIV05-00028, 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 Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-024.

**MOTION:** Commissioner Faulk moved for the adoption of Planning Commission Resolution No. 06-024. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Commissioner Horwich noted that Mr. Burescia has built several developments on oil well sites and does a good job and completes them in a timely manner.

**10C. PRE05-00023, WAV05-00013: LES ARNESON**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing one-story, single-family residence and a Waiver of the required side and front-facing garage setback requirements on property located in the Hillside Overlay District in the R-1 Zone at 207 Via Anita.

Continued to March 1, 2006.

**10D. PRE05-00048: CHARLES BELAK-BERGER (AUDERO-IRANI)**

Planning Commission consideration for approval of a Precise Plan of Development to allow one-story additions and a new semi-subterranean garage to an existing one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 414 Camino de Encanto.

**Recommendation**

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of correspondence from the resident at 424 Palos Verdes Boulevard.

As the applicant was not present, Commissioner Horwich suggested that the item be continued to the next meeting.

Chairman Uchima stated that he had visited the site and was prepared to make a decision on the project this evening.

Chairperson Uchima invited public comment, and no one came forward to speak.

**MOTION:** Chairperson Uchima moved for the approval of PRE05-00048, 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, with Commissioner Horwich abstaining.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-025.

**MOTION:** Chairperson Uchima moved for the adoption of Planning Commission Resolution No. 06-025. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

**10E. PRE05-00049, WAV05-00031: EVAN BRAUN DESIGN, INC. (JOE AND NINA JORLING)**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions to an existing one-story, single-family residence with an attached garage, in conjunction with a Waiver to allow less than required side yard setback requirements on property located in the Hillside Overlay District in the R-1 Zone at 5518 Calle de Ricardo.

**Recommendation**

Approval.

Planning Assistant Hurd introduced the request and noted supplemental material available at the meeting consisting of revisions to Condition No. 5 and correspondence from the residents at 5501 Calle de Ricardo.

Evan Braun, project architect, reported that he worked hard to come up with a design that would not overwhelm the neighborhood, noting that the proposed project is modest in size, with an FAR of only .35, and that its Craftsman-style architecture is complementary to surrounding houses. He stated that while he did not like the idea of reducing the overall height by 12 inches as staff has recommended, he would do so if necessary.

Fred Virrazzi, 5525 Paseo de Pablo, stated that he objects only to the massive roof and requested that it be lowered and changed to a hipped design with a north/south ridgeline to minimize the impact.

In response to Chairperson Uchima's inquiry, Mr. Virrazzi confirmed that the view impacted is his foreground view and not a view of the ocean or city lights.

Chairperson Uchima asked about the possibility of reducing the pitch of the roof and/or changing to a hipped design.

Mr. Braun expressed his preference to reduce the project's height by lowering the plate height of the second story rather than reducing the pitch of the roof. He explained that hipping the roof would not significantly alter the massing of the roof and that it would be contrary to the residence's Craftsman-style design.

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

**MOTION:** Commissioner Busch moved for the approval of PRE05-00049 and WAV05-00031, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Add**

- That the overall height of the project shall be reduced by one foot.

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

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution Nos. 06-026 and 06-027.

**MOTION:** Commissioner Drevno moved for the adoption of Planning Commission Resolution Nos. 06-026 and 06-027 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

**10F. PRE05-00051: LOUIE TOMARO (KONO/PETERS)**

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 basement and an attached garage on property located in the Hillside Overlay District in the R-1 Zone at 121 Via Alameda.

**Recommendation**

Approval.

Chairperson Uchima announced that he was abstaining from consideration of this item because of his friendship with the applicant and exited the dais.

(Commissioner Faulk took over as chair for this portion of the meeting.)

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

Brian Peters, applicant, reported that the subject property has been in his wife's family for 33 years; that they moved into the home after her father passed away a year ago; and that they would like to build a new home to accommodate their three daughters and his wife's mother.

Louie Tomaro, project architect, briefly described the proposed project, noting that it features a tiered design to minimize the impact on neighbors. He voiced his agreement with the recommended conditions of approval with the exception of Condition No. 5, requiring the second floor to be shifted three feet forward. Referring to a drawing to illustrate, he explained that this movement would adversely impact neighbors to the north because the project would appear more massive and it would not significantly improve sunlight to properties to the west. He maintained that reducing the height of the structure by two feet (Condition No. 6) would effectively address the light issue.

Terry Opdahl, 120 Via Alameda, stated that he bought his home with the understanding that no second stories could be built across the street and while the proposed project only affects approximately 4% of his view, he was concerned about the precedent it would set.

In response to Commissioner Browning, Mr. Opdahl confirmed that his home has a second story and that there are several other two-story homes on the east side of the street.

In response to Commissioner Faulk's inquiry, Planning Manager Isomoto confirmed that the east side of Via Alameda is not within the boundaries of the Hillside Overlay District.

Deputy City Attorney Whitham advised that property owners outside the Hillside Overlay District are neither burdened nor protected by the Hillside Overlay Ordinance.

Joe Buck, 433 Via Anita, contended that the proposed project should be denied because the applicant has not satisfied all of the requirements necessary for approval of a project that exceeds 14 feet in height, increases the height of any part of the building beyond the existing height, or has a Floor Area Ratio in excess of .50. With the aid of slides, he reviewed the requirements of TMC Sections 91.41.10 (Limitation in Increases in Height) and 91.41.11 (Limitation in Increase in Building Space Lot Coverage) and maintained that the responses in the Precise Plan Application do not provide the substantiation necessary for approval of the project. He pointed out that the applicant uses the fact that there are other two-story homes in the vicinity as justification for this project, however the two-story homes across the street are outside the Hillside Overlay and the only 2 two-story homes on the block in question were built before guidelines in the Hillside Ordinance were made mandatory requirements in 1984. He stated that there is nothing unique about the subject lot that would differentiate it from any other lot on this block, therefore, there would be no basis for denying subsequent applications from neighboring property owners for two-story residences should this project be approved and the resulting flood of two-story homes would have a cumulative adverse impact.

Mr. Buck urged the Commission to devise a clear set of rules for second stories so that people living or buying in the Hillside Overlay area would know exactly what they can build. He suggested that having specific rules would make the Commission's job easier and help avoid conflicts between neighbors.

John Quicker, 106 Vial Alameda, read a letter previously submitted outlining his objections to the project.

Commissioner Faulk noted that Mr. Quicker's property is not within the Hillside Overlay.

James Donahue, 128 Via Alameda, stated that he understood that he had no legal standing because his home is not within the Hillside Overlay, however, the project will cause him to lose some of the view he paid a premium for and he would like to see it lowered.

Aron Yanagi, 418 Via Soledad, noted that he submitted a letter detailing his concerns and indicated that his main concern is that the project would block sunlight from his backyard.

Michael O'Brien, 115 Via Alameda, objected to the scope and the size of the project and called for the FAR to be reduced to .50.

Mr. Tomaro submitted photographs to demonstrate the impact reducing the project's height by two feet would have on sunlight to neighboring properties and proposed lowering it another six inches to further improve the situation.

Commissioner Browning questioned why Mr. Tomaro designed a project with an FAR that exceeds .50 when he was well aware of this limitation.

Mr. Tomaro explained that the size of the house was dictated by the family's needs and that the original design was larger and room sizes were reduced as much as possible while still maintaining proportion.

Commissioner Busch asked about staff's position on Mr. Tomaro's proposal to reduce the height of the project an additional six inches rather than shifting the second story forward three feet

Planning Manager Isomoto advised that having reviewed the information submitted by Mr. Tomaro, staff believed lowering the height another six inches was an acceptable alternative to shifting the second story forward.

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

Commissioner Browning expressed concerns about what seems to be a continuing pattern of disregard for the FAR limitation by applicants in the Hillside Overlay area.

**MOTION:** Commissioner Horwich moved for the approval of PRE05-0051, as conditioned, including all findings of fact set forth by staff, with the requirement that the structure be reduced in height by an additional 6 inches and eliminating Condition No. 5, requiring the second floor to be shifted 3 feet forward. The motion was seconded by Commissioner Browning and passed by a 5-1 roll call vote, with Commissioner Busch dissenting and Chairperson Uchima abstaining.

Planning Assistant Hurd read aloud the number and title of Planning Commission Resolution No. 06-028.

**MOTION:** Commissioner Faulk moved for the adoption of Planning Commission Resolution No. 06-028 as amended. The motion was seconded by Commissioner Horwich and passed by a 5-1 roll call vote, with Commissioner Busch dissenting and Chairperson Uchima abstaining.

Chairperson Uchima returned to the dais.

- 11. **RESOLUTIONS** – None.
- 12. **PUBLIC WORKSHOP ITEMS** – None.
- 13. **MISCELLANEOUS ITEMS**
- 13A. **MIS06-00021: MARGARET MILLER**

Planning Commission review of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow a 4-foot fence along the western side yard in the front yard on property located within the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Continued to March 1, 2006.

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

Planning Manager Isomoto reported on recent City Council action on Planning matters, noting that the Benoit project on Ridgeland Road was approved at the February 7, 2006 Council meeting.

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

Planning Manager Isomoto reviewed the agenda for the March 1, 2006 Planning Commission meeting.

**16. ORAL COMMUNICATIONS**

**16A.** Planning Manager Isomoto thanked Commissioners for the flowers and cards.

**16B.** Chairperson Uchima thanked Ms. Isomoto for her service to the City and for being a mentor and a friend to commissioners and offered well wishes for her retirement.

**16C.** Commissioner Busch thanked Ms. Isomoto for the warm welcome and assistance provided since he joined the Commission.

**16D.** Commissioner Gibson commented on her long friendship with Ms. Isomoto and noted that the City has greatly benefited from her loyalty and devotion.

**16E.** Commissioner Horwich noted that he has know Ms. Isomoto since 1986 when he first served on the Planning Commission and she was instrumental in his decision to apply for a second term six years ago

**16F.** Commissioner Drevno wished Ms. Isomoto a wonderful retirement, noting that she will be greatly missed.

**16G.** Noting his background in municipal government, Commissioner Faulk commended Ms. Isomoto for her exemplary professionalism.

**16H.** Commissioner Browning commended Ms. Isomoto for a job well done and expressed appreciation for her service to the City and the assistance provided to commissioners.

**17. ADJOURNMENT**

At 11:30 p.m., the meeting was adjourned to February 23, 2006 at 7:00 p.m. for a General Plan Workshop in City Council Chambers.

Approved as Submitted April 5, 2006 s/ Sue Herbers, City Clerk
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