

**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, June 20, 2006, 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, Uchima, Gibson, Horwich and Chairperson Fauk.

Absent: None.

Also Present: Planning Manager Lodan, Planning Associate Hurd-Ravich, Plans Examiner Noh, Fire Marshal Kazandjian, Transportation Planning Manager Semaan, and Deputy City Attorney Whitham.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on June 15, 2007.

5. APPROVAL OF MINUTES

MOTION: Commissioner Browning moved for the approval of the May 2, 2007 Planning Commission minutes as submitted. The motion was seconded by Commission Weideman and passed by unanimous roll call vote.

6. REQUESTS FOR POSTPONEMENT – None.

7. ORAL COMMUNICATIONS #1 – None.

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Chairperson Fauk 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. CUP07-00010, DIV07-00009: FREDERICK J. KOCH

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a two-unit condominium project in conjunction with a Division of Lot for condominium purposes on property located in the R-2 Zone at 24431 Ward Street.

Recommendation

Approval.

Planning Associate Hurd-Ravich introduced the request.

Frederick Koch, applicant, voiced his agreement with the recommended conditions of approval.

Glenda Mitchell, 24431 Ward Street, reported that she resides on the subject property and as a foster parent, she must notify the state when she moves; that Mr. Koch has given her 120 days notice; and that she would appreciate any assistance that can be provided.

Commissioner Browning expressed support for Condition No. 6, which requires a Tenant Relocation Plan to be submitted prior to the issuance of building permits, even though relocation assistance is not a Code requirement for single-family residences.

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

MOTION: Commissioner Browning moved for the approval of CUP07-00010 and DIV07-00009, 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 Hurd-Ravich read aloud the number and title of Planning Commission Resolution Nos. 07-073 and 07-074.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 07-073 and 07-074. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

9B. PRE07-00004: WENDY LEE

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 on property located in the Hillside Overlay District in the R-1 Zone at 2534 Loftyview Drive.

Recommendation

Approval.

Planning Associate Hurd-Ravich introduced the request.

David Lee, applicant, voiced his agreement with the recommended conditions of approval. He reported that the project has undergone several revisions and he has made a sincere effort to comply with the Hillside Overlay Ordinance, including moving the wall of the existing garage to comply with setback requirements. He explained that he originally wanted to include a garage that could accommodate four vehicles, but downsized it to a two-car garage with a little extra space for storage. He noted that while the project's floor area ratio (FAR) is 0.60, that includes a 15-foot x 10-foot area that is double-counted due to vaulted ceilings. He stated that he would like to retain the high ceiling because it has always been his dream to be able to look from the second floor and see his children playing down below. Referring to a list of the FARs of nearby homes, he maintained that the proposed FAR was consistent with the neighborhood. He noted that he had submitted a petition signed by 13 surrounding neighbors in support of the project.

In response to Commissioner Browning's inquiry, Mr. Lee provided clarification regarding the size of the garage, explaining that he added 4 feet to the depth of a standard sized two-car garage to accommodate his Toyota Sequoia.

Commissioner Browning noted that in order to approve a project with an FAR in excess of 0.50, the applicant must establish that being limited to 0.50 would constitute an unreasonable hardship and questioned how the fact that there are other homes in the area of the same size addresses this issue.

Mr. Lee stated that he referred to the list to show that there was a precedence for homes with an FAR that exceeds .50 in this area.

Commissioner Browning noted that only 2 of the 8 homes listed as having an FAR in excess of 0.50 were approved after the Hillside Overlay Ordinance was amended in 1989 to limit the FAR to 0.50 and he personally believed the one approved in 1991 with an FAR of 0.58 was a mistake. He stated that obviously there was a concern about the size of homes being built or the ordinance would not have been amended, therefore, he did not find the argument that there were homes with FARs that exceed 0.50 in the area to be persuasive.

Commissioner Busch questioned whether there have been any projects approved by the Commission in this area with an FAR of 0.50 or less, and Planning Manager Lodan indicated that he was not aware of any. He noted that one-story projects with an FAR of 0.50 or less can be approved via the sign-off process and would not require Commission approval.

Commissioner Uchima stated that he did not feel the proposed project was overly large; noted that "hardship" is not defined in the Code so the issue of hardship is subjective; and related his belief that it was reasonable to take into account a family's needs as long as the project was compatible with the neighborhood.

Mr. Lee reported that his family consists of his wife and two children and that his mother-in-law visits often.

Commissioner Browning suggested the possibility of reducing the height of the roof in the vaulted area to under 17 feet in order to reduce the FAR. He noted that, as

proposed, the project exceeds FAR requirements by square footage equal to the size of a three-car garage.

Mr. Lee explained that lowering the roof in the vaulted area would create a jog in the ceiling.

Commissioner Weideman asked if Mr. Lee was willing to compromise and reduce the FAR.

Mr. Lee stated that he felt he had done everything possible to minimize the size of the project and to do any more would be a "stab in the heart."

Commissioner Gibson stated that she felt the project was reasonable and she would support it as proposed.

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

Commissioner Horwich stated that he did not believe the responses concerning the hardship issue were applicable, however, he did believe there was a legitimate reason for having an FAR in excess of .50, which is the smaller than typical lot. Voicing support for the project, he noted that there are no hillside issues involved, because the project would have no impact on the views, light, air or privacy of neighbors.

Commissioner Uchima noted his agreement with Commissioner Horwich's remarks.

Commissioner Browning pointed out that even if the lot was the typical 6000 square feet, the project would still exceed an FAR of 0.50 by 188 square feet.

Voicing support the project as proposed, Chairperson Faulk noted that the Commission has the discretion to approve a project with an FAR over 0.50 and has done so many times and that he believed it was appropriate in this case.

Commissioner Busch indicated that he was inclined to support the project, citing the petition; the fact that there would be no impact on the view, light, air or privacy of neighbors; and the substandard sized lot. He stated, however, that he would have liked the applicant to have shown a little more flexibility.

Commissioner Weideman stated that although he was impressed by the petition and agreed there would be no impact on the view, light, air and privacy of neighbors, he could not support the project due to the FAR.

MOTION: Commissioner Busch moved for the approval of PRE07-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Browning and Weideman dissenting.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution No. 07-065.

MOTION: Commissioner Gibson moved for the adoption of Planning Commission Resolution No. 07-065. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Browning and Weideman dissenting.

9C. CUP06-00004, PRE06-00011, DIV06-00005: MIKE ADLI

Planning Commission consideration for approval of a Conditional Use Permit and a Precise Plan of Development to allow the construction of three new condominium units in conjunction with a Division of Lot for condominium purposes on property located in the Hillside Overlay District in the R-3 Zone at 332 Paseo de la Playa.

Recommendation

Denial without prejudice.

Planning Associate Hurd-Ravich introduced the request.

Mike Adli, 328 Paseo de la Playa, applicant, reported that the project has been redesigned six times in order to address view issues and he now believes it would have only a positive impact. He explained that the project would open up view corridors enabling neighbors to have white water views they've never had before, however, this is not evident from the silhouette because it does not show the portion of the building that will be removed. He contended that the project's FAR of 0.74 was justified because while it is higher than the average FAR as compared to all properties in the area, it is well below the FAR of nearby condominium developments.

Larry Peterson, 6601 Center Drive West, Los Angeles, legal counsel for the applicant, urged approval of the project. He noted that it was the Commission's role to make subjective judgments and the Commission has a practice of distinguishing between primary and secondary views, acquired and original views, and the significance of a view, i.e. a white water view versus a view of the sky and trees. He stated that while some units at 157 Paseo de la Concha would lose approximately 50% of white water views from their second floors, primary views on the third floor are spectacular and they are not impacted by the project. He reported that the applicant has suffered a significant economic loss by not being allowed to go forward with the project and this loss far outweighs the loss of a small percentage of secondary view, the value of which is highly speculative.

Referring to the staff report, Commissioner Busch noted that it was staff's opinion that it would be possible to further minimize view impacts by shifting the proposed second story of Units 2 and 3 in an easterly direction and reducing the square footage of the second story to move the building back approximately 20 feet.

Mr. Adli explained that the building is tiered and the top floor is very small and doing what staff has suggested would necessitate the elimination of the kitchen and the living room and the project would no longer be viable. He noted that a condominium project is being built two blocks away, which has units approximately the same size, and stressed the need to be able to compete in today's real estate market.

Commissioner Browning reported that he visited 157 Paseo de la Playa five or six times at different times of day and observed that the project would have a significant impact on views of the ocean, white water and sand.

Mr. Adli stated that he observed that the project would impact an impressive view from a walkway at 157 Paseo de la Playa, but a walkway is not a living area, therefore it is not protected by the Hillside Overlay Ordinance. He explained that the primary view from inside these units is to the north and the only unit significantly impacted by the project is Unit No. 5 and this impact has been mitigated by the large view corridor that would be opened up for this unit.

Nicole Adams, 157 Paseo de la Concha, #3, voiced objections to the project, stating that it would completely take away the white water view she enjoys from her balcony.

Treva Merritt, 163 Paseo de la Concha, stated that the impact on her view has improved since the revisions, however, she would still lose 55% to 60% of her second-floor view to the north.

Bruce Scher, 157 Paseo de la Concha, #5, stated that the revisions have lessened the impact on his view, but he remains opposed to the project because it would still have a significant impact on his property. He noted that the new condominium development Mr. Adli referred to a couple blocks away has no view whatsoever, therefore, it was not relevant to this discussion.

Charles Belak-Berger, project architect, stated that he has done everything possible to mitigate the impact on view. He noted that the lot is zoned for six units, but the applicant was proposing only three and that the project meets or exceeds all requirements. He contended that moving the second story back as staff has recommended would not significantly improve anyone's view. He expressed concerns that this area will become stagnant if property owners are not allowed to develop their properties.

Commissioner Busch asked that staff comment on the assertion in Mr. Peterson's letter dated June 20, 2007, that neighbors at 157 and 173 Paseo de la Concha have an "acquired view" and thus lack standing to object to the project.

Deputy City Attorney Whitham advised that the Hillside Overlay Ordinance does not address the issue of acquired view; that in the past when deciding Hillside cases, some commissioners and some city council members have felt that views acquired after the ordinance was adopted were not worthy of the same degree of protection that original views deserve; and that it was up to each commissioner to decide whether or not a view was worthy of protection.

Mr. Peterson stated that when an ordinance is ambiguous like the Hillside Overlay Ordinance, it runs the risk of being thrown out by the court unless it is applied in a fair and consistent manner, therefore, the Commission must not ignore past practices.

Lee Farnsworth, 163 Paseo de la Concha, #8, stated that the proposed project would take away approximately 50% of what little view he has.

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

Chairperson Faulk clarified that the Commission considers each project on an individual basis and even if only one neighbor suffers significant view loss, that's enough to deny a project. Indicating that he would not support the project, he reported that he observed that it would take away views that can never be regained while the subject property has views that can never be obstructed. He noted that the Hillside Ordinance does not limit protection to views from interior living areas as Mr. Adli claimed. He indicated that he was not swayed by the applicant's claim of economic loss because it is not a determining factor in his decisions and that he also was not swayed by the argument that the applicant should be allowed to build what others have built as every project is constrained by the particular lot being developed.

Commissioner Browning noted his agreement with Chairperson Faulk's comments.

Commissioner Busch reported that he observed that the modified project would still result in significant view loss and he could not support it because he believes it violates the Hillside Ordinance. He commended staff for the well written staff report and noted that it included recommendations regarding possible modifications, which the applicant rejected as not being feasible.

Commissioner Weideman stated that he also observed significant view loss and favored denying the project without prejudice.

MOTION: Commissioner Weideman moved to deny CUP06-00004, DIV06-00005 and PRE06-00011 without prejudice. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution Nos. 06-086, 06-087 and 06-088.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution Nos. 06-086, 06-087 and 06-088. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

The Commission recessed from 8:25 p.m. to 8:37 p.m.

9D. CUP07-00005, TTM68480: DEAN THOMAS (CHURCH OF CHRIST)

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a 12-unit condominium project in conjunction with a Tentative Tract Map to divide one lot into two and for condominium purposes on property located in the R-3 Zone at 3525 Maricopa Avenue.

Recommendation
Approval.

Planning Associate Hurd-Ravich introduced the request.

Cheryl Vargo, representing the applicant, explained that the Church of Christ would like to sell of a portion of their property to a developer to pay for much needed renovations. Referring to renderings, she briefly described the proposed project. She noted that parking is an issue in this area due to the many older multi-family developments with deficient parking, therefore, each unit has four parking spaces (a two-car garage with two spaces in front) which is one parking space more than required, so in essence, each unit will have its own guest parking space in addition to the required guest parking (three spaces). She explained that the project has a floor area ratio of 0.77, which while higher than the R-3 standard of 0.60, is justified based on the FAR of other developments in the vicinity, including the nearby 14-story senior development with an FAR of 0.99.

Referring to the recommended conditions, Ms. Vargo requested that Condition No. 14, requiring that all private patio enclosures be constructed of block walls, be modified to allow railings instead of solid block walls because this would be more compatible with the project's Craftsman-style architecture.

Planning Manager Lodan expressed staff's willingness to work with the applicant on this issue as long as block walls are used for the perimeter and any retaining situation.

Commissioner Busch proposed that there be no construction on Sundays, and Ms. Vargo indicated that she had no objection to such a condition.

Commissioner Busch questioned whether there would be a reduction in the number of units, square footage per unit, or both, if the project was reduced to an FAR of 0.60.

Ms. Vargo stated that she was not sure how this could be accomplished, but expressed concerns that the church may not realize the funding they need should the project be downsized.

In response to Commissioner Browning's inquiry, Ms. Vargo provided clarification regarding the parking configuration.

Commissioner Browning reported that he observed that the subject portion of the church's lot includes a playground with a basketball hoop.

Ms. Vargo related her understanding that the church no longer uses this portion of the lot and it is not part of the preschool or any organized activities.

Commissioner Browning reported that this area has the highest concentration of R-3 developments in the City with the majority of them having an FAR that exceeds 0.60, which could account for the parking problem. He related his belief that developments built 30-40 years ago that would never be approved today should not be used to justify an FAR in excess of 0.60.

Ms. Vargo contended that it was not the FAR of the existing developments that have created the problem, but rather the lack of parking. She explained that apartments in the area average 800-900 square feet and have only one parking space while almost every unit has two cars, which has created a great demand on parking. She stated that

the applicant cannot fix existing parking problems, but provided additional parking for each unit to ensure that the project does not add to the problem. She related her belief that the larger units will not generate any greater demand for parking or create any of the problems the existing units have.

Commissioner Browning proposed, should the project be approved, that the curbing along the front be painted red to ensure that there is adequate access for fire fighting equipment.

Fire Marshal Kazandjian advised that since the building will be equipped with fire sprinklers, the Code requires 3 ½ feet of red curbing on either side of the fire department connection for a total of 7 feet.

Commissioner Busch suggested that the City might want to look into the possibility of implementing a parking permit system for this area as has been done in other areas of the City.

In response to Commissioner Busch's inquiry, Ms. Vargo confirmed that the CC&Rs will specify that the two spaces in front of each garage are for the exclusive use of that unit.

Asked to estimate how long it would take for the project to sell out, Ms. Vargo stated that it's conceivable that all the units could be sold by the time the project is completed, approximately 18 months after approval, but it could take longer because the market has slowed. She noted, however, that smaller, more affordable units like these tend to sell faster than more expensive units.

Dean Thomas, applicant, noted that he has developed several projects in the South Bay area and takes pride in his work. He reported that he and his architect explored different options before coming up with this design and he believes the proposed project works the best for this site. He explained that the parcel can accommodate 16 units, but having only 12 enables him to provide 4 parking spaces per unit thereby eliminating any impact on street parking. He related his experience, as owner of Bayside Properties, that properties sell quickly if they are priced right.

Ron Patch, representing the Church of Christ, reported that the church has had a declining membership for several years and maintenance has been deferred to the point where the church has become an eyesore and the only solution is to sell off part of the property. He explained that they tried to take the least amount of property they could and selected a portion of the property that has not been used by the church for years. He further explained that the church spoke with more than one developer and Mr. Thomas was selected because it was felt that the proposed design was the most compatible with the neighborhood and with church operations. He pointed out that parking will continue to be a problem in this area whether or not this project is built, but expressed confidence that the project would not exacerbate the problem.

Chairperson Faulk noted that plenty of parking will remain even with the sale of this portion of the property and suggested the possibility of allowing cross access so it could be used for overflow parking for the new development should the need arise.

Mr. Patch reported that the church currently allows Meals on Wheels to park on the property and will likely continue to do so. He stated that the large parking lot is actually a liability because it attracts skateboarders from nearby apartments.

Commissioner Browning questioned whether any of the developers the church interviewed proposed building anything smaller than 12 units.

Mr. Patch reported that Mr. Thomas proposed the least number of units, with the other developers all proposing 16 units. He noted that the church made it clear that they did not want to get involved in a project that required a variance or anything that would cause it to be delayed because they would like to start renovations as soon as possible.

Mr. Thomas stated that due to traffic and parking issues in this neighborhood, he has made arrangements to lease property for a staging area during construction to mitigate the impact as much as possible

Commissioner Gibson stated that she liked the project and believed it would be an attractive addition to the community, as well as provide much needed funding for the church.

Commissioner Busch related his understanding that the church does not pay property tax on the parcel.

Deputy City Attorney Whitham stated that she had not researched that issue.

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

Commissioner Uchima voiced support for the project, stating that he believed it was well thought out.

Commissioner Browning stated that although he thought it was a beautiful project, he could not support it because it exceeds FAR standards and this area is already overbuilt.

MOTION: Commissioner Gibson moved for the approval of CUP07-00005 and TTM68480, as conditioned, including all findings of fact set forth by staff, with the following modifications:

Delete

No. 14 That all private patio enclosures shall be constructed of block walls to the satisfaction of the Community Development Director.

Add

- That there shall be no construction on Sundays.
- That perimeter walls shall be decorative block.
- That there shall be 3½ feet of red curbing on either side of the fire department connection along the frontage for a total of 7 feet.

The motion was seconded by Commissioner Uchima and passed by a 6-1 roll call vote, with Commissioner Browning dissenting.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution Nos. 07-075 and 07-076.

MOTION: Commissioner Busch moved for the adoption of Planning Commission Resolution Nos. 07-075 and 07-076 as amended. The motion was seconded by Commissioner Gibson and passed by a 6-1 roll call vote, with Commissioner Browning dissenting.

10. WAIVERS

10A. WAV07-00007: CYNTHIA ANDRADE

Planning Commission consideration for approval of a Waiver to allow less than the required side yard setback in conjunction with the construction of a new patio cover to an existing two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 5513 White Court.

Recommendation

Denial without prejudice.

Planning Associate Hurd-Ravich introduced the request.

Emil Sunjara, representing the applicant, explained that there was a patio cover in the same location, which had to be removed when a second-story addition was built, and the applicant would like to rebuild it.

Commissioner Browning asked about the purpose of the patio cover, and Mr. Sunjara reported that it is necessary to prevent water damage on the garage wall from wind-driven rain.

Commissioner Browning expressed concerns that the patio cover would detract from the home's curb appeal. Mr. Sunjara voiced his opinion that the aluminum patio cover would blend very well with the house.

Commissioner Busch noted that staff determined that project does not meet the criteria for granting a Waiver because although the lot is irregularly shaped, it is not substandard in size and it does not present any significant topography issues that would make enforcement of the setback requirement an unnecessary hardship.

Mr. Sunjara stated that the hardship would be that there would be no protection from water without the patio cover.

In response to Commissioner Busch's inquiry, Mr. Sunjara reported that the applicant was not aware at the time the patio cover was removed that she would not be able to replace it without a Waiver.

Commissioner Weideman noted that the staff report mentions that a brick planter on the property encroaches into the public right-of-way, therefore it must be removed or an encroachment permit obtained.

Mr. Sunjara confirmed that the applicant would comply with this requirement.

Commissioner Browning related his belief that there were other alternatives that could address the moisture problem, such as waterproofing the garage wall, installing gutters or extending the eaves.

Commissioner Weideman stated that he was not convinced the Waiver was necessary therefore he could not support it.

Commissioner Busch stated that he did not believe the criteria for granting a Waiver had been met and stressed the need to uphold the Municipal Code.

Commissioner Horwich announced that he would be abstaining from voting on this item regardless of the motion because while he felt there was a certain amount of fairness involved in allowing the applicant to replace the patio cover in the exact same location, the City has established certain rules and he did not care to vote against them.

MOTION: Commissioner Busch moved to deny WAV07-00007 without prejudice. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution No. 07-077.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-077. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

11. FORMAL HEARINGS

11A. CUP07-00015, DIV07-00011: DAVID CLAYTON

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a four-unit condominium project in conjunction with a Division of Lot for condominium purposes on property located in the R-R-3 Zone at 4228 W. 182nd Street.

Recommendation

Approval.

Planning Associate Hurd-Ravich introduced the request.

Cheryl Vargo, representing the applicant, voiced her agreement with the recommended conditions of approval, including Condition No. 12, which requires that the project's FAR be reduced to 0.60. She briefly described the proposed project, explaining that it was designed with a two-story unit in the front and three-story units in the back so it would be more compatible with the neighborhood, which is a mixture of single-family and multi-family residences. She related her understanding that parking is not a problem in this area.

Commissioner Busch noted that the units could be apartments and asked if there were other condominium projects in Torrance with the same configuration.

Ms. Vargo responded that it was a unique design and she was not aware of any other developments like it.

Ken Gedganudas, owner of apartment complex at 4220 182nd Street, requested that the Commission take steps to ensure that his tenants are not inundated by noise and dust during the construction process and to require that the alley remain clear of construction equipment so tenants would be able to access their garages.

Herb Harold, owner of apartment complex at 18210 Regina, expressed concerns about the ongoing trend of replacing affordable rental units with condominiums. He also expressed concerns about the project's impact on parking.

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

Commissioner Browning noted that there are already restrictions in the Municipal Code that would prevent a contractor from blocking an alley with construction equipment and recommended that Mr. Gedganudas' tenants contact the City if they experience a problem. Voicing support for the project, he stated that he believed it would be an improvement to the area.

Chairperson Faulk suggested that a condition be included prohibiting loud music on the construction site and Sunday construction. He related his observation that parking does not seem to be a problem on this street.

MOTION: Commissioner Browning moved to approve CUP07-00015 and DIV07-00011, as conditioned, including all findings set forth by staff, with the following modifications:

Add

- That there shall be no loud music on the construction site.
- That there shall be no construction on Sundays.

The motion was seconded by Commissioner Weideman and passed by a 6-1 roll call vote, with Commissioner Busch dissenting.

Planning Associate Hurd-Ravich read aloud the number and title of Planning Commission Resolution Nos. 07-078 and 07-079.

MOTION: Commissioner Gibson moved for the adoption of Planning Commission Resolution Nos. 07-078 and 07-079 as amended. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote.

12. **RESOLUTIONS** – None.

13. **PUBLIC WORKSHOP ITEMS** – None.

14. MISCELLANEOUS ITEMS

14A. PLANNING COMMISSION ELECTIONS

MOTION: Commissioner Browning moved to elect Commissioner Busch as Chairperson for FY 2007-08. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

MOTION: Commissioner Weideman moved to elect Commissioner Browning as Vice-chair for FY 2007-08. The motion was seconded by Commissioner Busch and passed by unanimous roll call vote.

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 July 18 Planning Commission meeting, noting that Deputy City Attorney Whitham would be conducting a workshop on the California Environmental Quality Act.

A brief discussion ensued, and it was the consensus of the Commission to hold the workshop prior to the Commission meeting starting at 6:00 p.m.

17. ORAL COMMUNICATIONS #2

17A. In response to Commissioner Weideman's inquiry, Planning Manager Lodan confirmed that a Planning Commission Workshop was scheduled for July 25, 2007.

17B. Commissioners congratulated Commissioner Busch on being elected Chairperson and commended Chairperson Faulk for doing an exceptional job.

18. ADJOURNMENT

At 10:25 p.m., the meeting was adjourned to Wednesday, July 18, 2007 at 6:00 p.m. for a workshop on CEQA to be followed by the regular meeting commencing at 7:00 p.m.

Approved as Amended August 1, 2007 s/ Sue Herbers, City Clerk
