

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

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:04 p.m. on Wednesday, July 20, 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 Fauk, Guyton, Horwich, LaBouff, Muratsuchi and Chairperson Uchima.

Absent: Commissioner Drevno. (excused)

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

**4. POSTING OF THE AGENDA**

**MOTION:** Commissioner Muratsuchi, 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 Muratsuchi moved for the approval of the June 1, 2005 Planning Commission minutes as submitted. The motion was seconded by Commissioner Guyton; voice vote reflected unanimous approval, with Chairperson Uchima abstaining (absent Commissioner Drevno).

**6. REQUESTS FOR POSTPONEMENT**

None.

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

**7. TIME EXTENSIONS**

**7A. MIS05-00158: PARK/GIBBS DEVELOPMENT (SUBTEC- CHERYL VARGO)**

Planning Commission consideration for approval of a Time Extension of a previously approved Tentative Tract Map (TTM54015) to allow the division of one lot into two lots and for condominium purposes on property located in the R-3 Zone at 2708 Cabrillo Avenue.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

**MOTION:** Commissioner Faulk moved for the approval of MIS05-00158. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 05-089.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-089. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote (absent Commissioner Drevno).

**8. CONTINUED HEARINGS**

**8A. CUP05-00010, PRE05-00011, PCR05-00002: WITHEE MALCOLM ARCHITECTS (MALAGA BANK)**

Planning Commission consideration for approval of a Conditional Use Permit, a Precise Plan of Development and a Planning Commission Review to allow the construction and operation of a new two-story bank building with subterranean parking on property located in the Hillside Overlay District in the G-2 Zone at 25904 Rolling Hills Road.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

Responding to issues raised at the previous meeting, Dan Withee, project architect, clarified that the recorded access agreement submitted by Rosemary Iloenyosi, the owner of One-Stop Mart, 25920 Rolling Hills Road, grants the bank the right to ingress/egress over the convenience store's property and it is not a reciprocal agreement. He disputed claims that the project would block views of 41 apartment units at 25935 Rolling Hills Road and estimated that approximately 7 units on the first floor would be impacted, 4 of which had balconies that were boarded up until just prior to Commissioner's visits. He stated that in order to minimize the impact on neighboring

properties, he was able to achieve a two-foot height reduction by utilizing a more expensive structural system, which allows a reduction in the space between floors.

Mr. Withee requested an opportunity to work with Fire Marshal Carter to modify Condition No. 5 (requiring the applicant to provide certification that the site is free of all hazardous materials and that waste and oil residues have been remediated to acceptable background levels) because the site is unique and this "boiler-plate" condition could create problems for the applicant.

Commissioner Horwich suggested the possibility of substituting the words "demonstrate to the satisfaction of the Fire Department" for "provide certification."

Mr. Withee indicated that the change in wording was acceptable to the applicant, however, Fire Marshal Carter expressed concerns about the proposed change. He explained that the Los Angeles Regional Water Quality Control Board formerly provided documentation that a site was suitable for redevelopment, but they are no longer doing so, therefore, the applicant must obtain documentation from an outside source, possibly a toxicologist, that the site has been successfully remediated.

Commissioner Faulk stated that he was opposed to changing the condition because the applicant must provide sufficient documentation that the site has been remediated and changing the condition would not alter this process.

Commissioner Muratsuchi questioned whether the applicant was amenable to including One Stop Mart on the bank's monument sign.

Mr. Withee reported that Malaga Bank is strongly opposed to installing a sign advertising a business not located on their property due to liability and maintenance issues.

Planning Manager Isomoto stated that she did not believe the proposed structure would significantly affect One Stop Mart's visibility, noting that it does not currently enjoy good visibility on Crenshaw for southbound traffic and visibility from the other three directions would remain the same. She advised that staff would not support a condition requiring the applicant to provide off-site signage for this store.

Mark Doosc, owner of apartment complex at 25935 Rolling Hills Road, submitted photographs showing nighttime views from the apartments and information detailing the economic damage he would suffer due to view impairment caused by the proposed project.

Commissioner Faulk asked about boarded up balconies, and Mr. Doosc explained that the balconies were boarded up for security reasons when there was a bar between the apartment building and the gas station and that he was now in the process of getting rid of the wood and renovating the complex.

In response to Commissioner Faulk's inquiry, Mr. Doosc confirmed that he considers the 41 units listed as being impacted by the project to be view units and he charges a premium for them as opposed to other units without a view.

Rick Spurgeon, 25935 Rolling Hills Road, #124, reported that the proposed project would obstruct the view from his apartment, as well as common areas in the complex, and suggested that the bank be limited to one story.

Rosemary Iloenyosi, owner of One Stop Mart, 25920 Rolling Hills Road, contended that it would not be fair to allow the bank to block her store, which has been at this location for 20 years. She urged the Commission not to allow the bank to take away her livelihood just because it is owned by wealthy men. She reported that she submitted a document indicating that her customers have the right to go through the bank's property and their customers have the right to go through hers.

Commissioner Muratsuchi stated that he believed the project would impact the store's visibility for southbound traffic on Crenshaw and asked if Ms. Iloenyosi could propose a compromise. Ms. Iloenyosi offered to sell the bank a portion of her property so the structure could be pushed back away from the street.

Commissioner Guyton asked about Ms. Iloenyosi's claim that she submitted documentation of a reciprocal easement.

Associated Civil Engineer Symons advised that the document he reviewed grants an easement to the bank for ingress/egress over Ms. Iloenyosi's property.

Ms. Iloenyosi reiterated her claim that the easement is reciprocal.

Gus Godinez, 25935 Rolling Hills Road, #105, stated that the proposed project would block the view from his apartment.

In response to Commissioner Muratsuchi's inquiry, Mr. Godinez reported that he pays \$50 a month extra for the view.

Zaree Kradjian, 25935 Rolling Hills Road, #309, reported that the bank would obstruct the view from her apartment and the view is the main reason she rented this apartment.

Carla Pasch, owner of the apartment building at 25935 Rolling Hills Road, called attention to documents submitted by Mr. Doosc indicating that in addition to the potential loss of rents, the proposed project would reduce the value of the property between \$350,000 and \$468,000.

Commissioner Muratsuchi asked if the two-foot height reduction proposed by the applicant would mitigate the impact on view. Ms. Pasch estimated that the structure would have to be reduced between 5 and 8 feet in order to avoid impacting views and suggested eliminating the parapet to achieve further height reduction.

Responding to Ms. Iloenyosi's comments, Mr. Withee reported that a thorough title search was conducted before the bank purchased the property and there is no record of any easement other than the one granting the bank an easement over the One Stop property. He pointed out that Ms. Iloenyosi's property is set back approximately 150 feet from Crenshaw Boulevard and even a one-story building would block the One Stop Mart from view of southbound traffic.

With regard to the apartment building at 25935 Rolling Hills Road, Mr. Withee stated that he did not observe any impact to the views of second or third-floor apartments and questioned why view units would have solid balconies.

Chairperson Uchima asked about the possibility of relocating mechanical equipment so the parapet could be reduced in height.

Mr. Withee explained that moving the equipment to one end of the building so the parapet could be lowered would be extremely costly and it would cause the mechanical system to operate very inefficiently. He stated that lowering the parapet would reduce the height only 1-2 feet and there was no way to achieve the 5 to 8-foot reduction Ms. Pasch indicated was necessary to avoid any view impact.

Commissioner LaBouff noted that the owners of the apartment building have claimed that they would suffer considerable financial damage should the project go forward and asked what the bank stands to lose if they are not allowed to build on this site and the impact on Torrance.

John Paullin, President of Malaga Bank, explained that the bank paid a premium for this high profile site with the intention of constructing a landmark building that will be an asset to the city and enable the bank to better serve customers in Torrance. He further explained that the bank plans to relocate its loan department to the new building so it will be closer to the freeway and a one-story building could not accommodate the bank's retail and lending operations. He reported that it was determined that a two-story building would be appropriate on this site because there are several two-story buildings in the vicinity and a shopping center of similar height across the street. He noted that a survey was done that indicated that the roofline would be below the floor level of the second story of the apartment building behind the site and since first floor apartments only had a view through the gas station and its canopy, it was felt that view obstruction would not be an issue. He maintained that Torrance would benefit by having this rundown gas station with no landscaping replaced by the proposed building.

Chairperson Uchima reported that he observed some view blockage when he visited the site and believes a height reduction of at least three to four feet would be needed to mitigate this impact.

Commissioner Horwich stated that while he thought an additional reduction in height would be helpful, if feasible, he was prepared to support the project with the two-foot reduction proposed by the applicant. He disputed the apartment owners' claim that 41 units would be impacted by the project, indicating that he did not believe any second or third-floor apartments would be seriously impacted and, at most, 10 or 11 would be impacted on the first floor. Noting that Commissioners subscribe to a code of ethics, he sought to dispel any idea Ms. Iloenyosi might have that the bank was being given preferential treatment.

Commissioner Guyton asked about the expense involved in reducing the space between floors to achieve the two-foot height reduction; Mr. Withee estimated the cost to be between \$15,000 and \$40,000.

Commissioner Guyton voiced his opinion that the additional expense of lowering the parapet was not justified because the overall height reduction would not approach

the 5 to 8 feet Ms. Pasch indicated was necessary to preserve the view from first-floor apartments. He stated that he did not believe it would be possible to achieve such a reduction without eliminating the second story, therefore, he would support the project with the two-foot reduction proposed by the applicant.

Commissioner Muratsuchi questioned whether the provision in TMC Section 91.41.6, which states that a project shall not have a harmful impact on the land values and investment of other properties in the vicinity, would create a potential cause of action for the apartment building's owners.

Deputy City Attorney Whitham noted that there is always the potential that an affected property owner will challenge a decision, but indicated that she had not heard anything this evening that would cause her to be particularly concerned. She confirmed that in order to approve the project, the Commission must make a finding that it would not have a harmful impact on the land value and investment of surrounding properties, but advised that that this is a subjective judgment for which there are no specific guidelines.

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

Commissioner Muratsuchi stated that while he agreed Torrance would benefit from having Malaga Bank at this location, he believed the apartment building's owners had submitted evidence that the project would have a harmful impact on their investment, which he believed was significant enough to prevent approval of the project.

**MOTION:** Commissioner Horwich moved for the approval of CUP05-00010, PCR05-00002, and PRE05-00011, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Add**

- That the height of the building shall be reduced by two feet.

The motion was seconded by Commissioner Faulk and passed by 5-1 roll call vote with Commissioner Muratsuchi dissenting (absent Commissioner Drevno).

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution Nos. 05-076, 05-077 and 05-078.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 05-076, 05-077 and 05-078 as amended. The motion was seconded by Commissioner Faulk and passed by 5-1 roll call vote, with Commissioner Muratsuchi dissenting (absent Commissioner Drevno).

Commenting on his vote, Chairperson Uchima indicated that he was swayed by Commissioner Guyton's argument that reducing the height of the project an additional two feet would not resolve view issues.

Commissioner Horwich noted that should Ms. Iloenyosi be able to provide documentation of a reciprocal easement, it would still be enforceable.

Commissioner Guyton indicated that he did not believe a one-story building at this location would be financially feasible because escalating land values have made it necessary to utilize property more effectively and that was a big factor in his decision.

The Commission recessed from 8:20 p.m. to 8:35 p.m.

**8B. MOD05-00007 (MOD94-0002, CUP90-0035): ANASTASI DEVELOPMENT**

Planning Commission consideration for approval of a Modification to existing entitlements (CUP90-0035 and MOD94-0002) to allow the establishment of a self-storage facility within an existing industrial building, the construction of two new buildings, one for purposes of self-storage and RV storage and the other as an industrial building, and to allow 20 outdoor RV storage stalls on property located in the M-2 Zone at 19840 Pioneer Avenue.

**Recommendation**

Denial without prejudice.

Planning Associate Crecy introduced the request.

John Mirassou, representing Anastasi Development, disputed staff's contention that a self-storage facility was not consistent with the subject property's General Plan land use designation, noting that the Industrial Business Park designation is characterized as a mixture of complementary business and industrial uses and self-storage facilities have been allowed on sites with this land use designation in the past.

Mr. Mirassou noted that the applicant purchased the property with the existing building in 2002 and it has been vacant for five years. He reported that efforts to lease the building have been unsuccessful and cited statistics indicating that there is a 62% vacancy rate in the South Bay for buildings of this size (over 50,000 square feet) with approximately 3,400,000 square feet currently available. With this in mind, the company explored several possible uses for the site, including building a high-density residential development in conjunction with the addition of a commuter rail line, but none proved to be feasible. He explained that a market study was done which determined that there is great need for self-storage space as these facilities have an occupancy rate of almost 90% and the company also wanted to include RV storage because there is almost none available and the demand will only increase if Torrance passes a law currently under consideration to prohibit RV parking on city streets.

Bruce Jordan, project architect, noted that the Commission voted unanimously to approve a self-storage facility on 190<sup>th</sup> Street, which had the same zoning and land use designation. He commented on the increasing demand for storage space as homes are downsized and reported on his extensive experience in the planning and design of self-storage facilities, which includes award-winning facilities on Hawthorne Boulevard and the Magellan project on 190<sup>th</sup> Street. Referring to comments in the staff report, he maintained that the FAR in excess of .60 was justified because the facility would generate far less traffic than the existing use and place little demand on police and fire services. He noted that the City has approved storage facilities with an FAR as high as 1.0. With regard to the parking deficiency, he explained that most cities recognize that self-storage facilities require only 15 to 20 parking spaces and suggested that a

condition be included requiring RV spaces to be converted for self-storage parking if a problem develops, a condition that was imposed on the 190<sup>th</sup> Street project. He urged approval of the project, which would help meet the demand for additional storage space and allow a site that has sat idle for five years to be put to productive use.

Mr. Jordan noted that the project would be subject to the conditions of approval included in the original entitlements and asked that Condition Nos. 9,13, 22 and 24, as contained in Resolution 94-18, be deleted because they were no longer applicable.

Referring to the proposed conditions, should the project be approved, Mr. Jordan requested the elimination of Condition No. 11 (requiring the vacation of City easement under proposed Building C) and No. 19 (requiring easements for access to sump and pumps north of the property), relating his understanding that the existing easements are to remain and there is no need to relocate them. He also requested the elimination of Condition No. 16 (requiring a firewall with a 30" parapet at the north wall of Buildings B and C), explaining that the firewall is not necessary due to the way the buildings have been designed.

Associate Civil Engineer Symons advised that the existing easement under Building C will have to be vacated and relocated so Condition Nos. 11 and 19 are valid conditions that should remain. He noted that the vacation requires City Council approval so it must be done before building can commence.

Commissioner Muratsuchi questioned why staff was recommending denial of this project when the Magellan project on 190<sup>th</sup> Street received staff's support.

Planning Manager Isomoto stated that in staff's view, the proposed project and the 190<sup>th</sup> Street project are entirely different situations because the building on the 190<sup>th</sup> Street site was functionally obsolete and had been vacant for several years and the site was not located in a master planned business park as is the subject property. She explained that the existing building on the subject property was designed to be a corporate headquarters and was used as such for many years and staff believes that it is in the City's best interest that the building remain in its current configuration so it will continue to be available for this use. She indicated that staff would support RV storage as an interim use without the conversion of the building.

Commissioner Faulk noted his agreement with the Planning Manager Isomoto's remarks, pointing out that the site is located within a well-defined area designed to accommodate businesses that contribute to the City's employment base. He conceded that the proposal makes economic sense for the applicant because self-storage facilities generate income with very little overhead and few employees, but indicated that he felt it was important to maintain this site's Business Park designation so that Torrance would continue to be a balanced city.

Commissioner Guyton stated that while he respects staff's and Commissioner Faulk's opinion, he was inclined to support the project due to his personal experience in trying to find storage for his boat and RV. He reported that there are long waiting lists for RV storage facilities in Torrance; that the only storage space available in the South Bay tends to be in rundown facilities in the Compton/Carson area, which are not very secure; and that he has found no indoor boat storage facilities, which are also in great demand. He noted that the problem would only be exacerbated should regulations prohibiting the

parking of RVs on city streets be approved. He stated that the fact that the property has remained vacant for five years seems to indicate that there is not a lot of demand for this type of facility and he believed the property's owners should be able to utilize their investment.

Planning Manager Isomoto clarified that the proposed project is primarily a self-storage facility with only 28 spaces dedicated to RV storage and that staff would be supportive if the entire property was used for RV storage without any significant changes to the existing building, which would allow the property to be re-utilized as originally intended at some point in the future.

Commissioner Faulk indicated that he would also support RV storage on this site on an interim basis.

Voicing support for the staff recommendation, Commissioner Muratsuchi noted that staff tends to be very business friendly and rarely recommends denial of a project. He stressed the importance of looking at a project from a long-term perspective rather than focusing on immediate needs.

**MOTION:** Commissioner Muratsuchi moved to deny MOD05-00007 without prejudice. The motion was seconded by Commissioner Faulk and passed by a 5-1 roll call vote, with Commissioner Guyton dissenting (absent Commissioner Drevno).

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 05-088.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-088. The motion was seconded by Chairperson Uchima and passed by 5-1 roll call vote, with Commissioner Guyton dissenting (absent Commissioner Drevno).

Commissioner Muratsuchi commented that he would support a residential development on this site if it meant bringing a commuter rail line into Torrance.

9. **WAIVERS**

None.

10. **FORMAL HEARINGS**

10A. **PRE05-00005: HAN JONG AND HAE RYUNG KIM (SO JIN HWANG)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 3121 Carolwood Lane.

**Recommendation**

Approval.

Hae Ryung Kim, applicant, stated that the project would not have any impact on the air, light, view or privacy of neighbors and requested approval as submitted.

Commissioner Muratsuchi noted that in order to exceed an FAR of .50, an applicant must demonstrate that complying with this restriction would constitute an unreasonable hardship and while the Commission has some discretion, he thought an FAR of .57 was pushing the limit.

Ms. Kim indicated that she has been considering reducing the size of the family room by one foot. It was the consensus of the Commission to defer this item while staff consulted with Ms. Kim regarding the possible reduction in the size of the family room.

**10B. PRE05-00018: LAURENCE ALLEN (DAVID AND IVERY MURPHY)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing two-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 4914 Paseo de las Tortugas.

**Recommendation**

Approval.

Planning Manager Isomoto introduced the request and noted supplemental material available at the meeting consisting of a revised east elevation to address privacy concerns.

Laurence Allen, project architect, voiced his agreement with the recommended conditions of approval.

Renee Knapp, 4904 Paseo de las Tortugas, asked that east-facing windows on the second story be eliminated because of the impact on her privacy.

Referring to the supplemental material, Planning Manager Isomoto noted that the applicant was proposing only two windows on the east elevation, a narrow bathroom window and 48" x 84" corner window.

Ms. Knapp indicated that she objected to the corner window as it would look directly into her backyard and contended that it was unnecessary because there are other windows in this room.

Commissioner Guyton suggested the possibility of raising the sill height of the corner window and using translucent glass.

Ms. Knapp expressed concerns that the translucent glass could be replaced with clear glass in the future.

Deputy City Attorney Whitham explained that if it is made a condition of approval, the glass must remain translucent even if the house is sold because conditions run with the land.

Kathryn Balale, 5001 Paseo del Pavon, stated that she was opposed to the second-story addition because the rest of the homes on this block are all single-story and because it would intrude on neighbors' privacy. She requested, if the project is approved, that the applicants be required to provide a landscaping plan, which includes shrubs/trees around the perimeter of the property to enhance privacy and screen the structure from view, noting that this would benefit the applicants as well as neighbors.

Mr. Redlund, 4921 Paseo del Pavon, stated that he did not object to the addition but was concerned about the window on the south elevation overlooking his backyard.

In response to Commissioner Guyton's inquiry, Mr. Redlund confirmed that a condition requiring translucent glass for this window would address his concern.

Returning to the podium, Mr. Allen offered to eliminate the east-facing window in the second-story bathroom, leaving only the south-facing window, and to raise the sill height of the corner window to 36 inches rather than having a full-length window.

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

Commissioner Faulk stated that he thought the compromise proposed by Mr. Allen would mitigate privacy concerns, noting that privacy issues are often more of a perceived problem than a real problem because the vast majority of people are not interested in looking into neighbors' yards. He indicated that he gives more weight to privacy concerns when they involve a direct view into someone's bathroom or bedroom. He stated that he liked Ms. Balale's idea of requiring landscaping around the perimeter, however, staff has recommended against this in the past because of enforcement issues.

Voicing support for the project, Commissioner Muratsuchi stated that he thought the applicants had been very reasonable in trying to reach a compromise and he liked the fact that the FAR was kept below .50.

**MOTION:** Commissioner Muratsuchi moved for the approval of PRE05-00018, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Add**

- That the sill height on the corner window shall be a minimum of 36 inches.
- That the east-facing bathroom window shall be eliminated and the south-facing bathroom window shall be translucent glass.

The motion was seconded by Commissioner Faulk and passed by a 4-2 roll call vote, with Commissioner Guyton and Chairperson Uchima dissenting (absent Commissioner Drevno).

Chairperson Uchima stated that he believed the corner window would have an adverse impact on Ms. Knapp's privacy and could easily be eliminated because the remaining windows would allow more than enough light and view opportunities.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 05-091.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-091 as amended. The motion was seconded by Commissioner Horwich and passed by a 4-2 roll call vote with Commissioner Guyton and Chairperson Uchima dissenting (absent Commissioner Drevno).

Commissioner Guyton indicated that he favored requiring translucent glass for the corner window, which would have protected Ms. Knapp's privacy while still allowing morning light into the bedroom. He expressed the hope that the applicants would add landscaping to soften the appearance of the addition and enhance privacy as they are the first to add a second story in this particular area.

Discussion of Agenda Item 10A was resumed.

**10A. PRE05-00005: HAN JONG AND HAE RYUNG KIM (SO JIN HWANG)**

Planning Manager Isomoto reported that Ms. Kim misunderstood commissioners' comments and did not want to make any changes to the project. She noted that the existing residence has an FAR of .49 and the addition would add approximately 460 square feet.

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

Commissioner Muratsuchi indicated that he would have been inclined to support the project with an FAR of .55 or below but he could not support it as proposed in the absence of any demonstration of hardship.

Planning Manager Isomoto noted that the subject lot is smaller than usual, at only 5,000 square feet, and the project's FAR would be under .50 if the lot was the typical 6,000 square feet.

Commissioner Horwich voiced support for the project, stating that the size of surrounding lots is such that the project will not have any impact.

**MOTION:** Commissioner Horwich moved for the approval of PRE05-00005 as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by a 5-1 roll call vote with Commissioner Muratsuchi dissenting.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 05-090.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 05-090. The motion was seconded by Commissioner Guyton and passed by a 5-1 roll call vote with Commissioner Muratsuchi dissenting (absent Commissioner Drevno).

**10C. PRE05-00016: FRADKIN-MARTZ CORNERSTONE REALTY, LLC**

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-1 Zone at 406 Paseo de la Playa.

**Recommendation**

Continuance for redesign.

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

Peter Paldino, project architect, briefly described the proposed project, explaining that it is basically a one-story house with a garage dug into the ground. He reported that his client met with five surrounding neighbors to discuss their concerns and has offered to lower the profile of the front of the building by two feet to mitigate the impact on views. He submitted photographs of the silhouette from neighboring properties.

Commissioner Horwich, echoed by Chairperson Uchima, stated that he was not sure a two-foot reduction would be sufficient to mitigate the impact on views.

Herb Hoelscher, 409 Paseo de la Concha, stated that the proposed residence would take away approximately 25 percent of his ocean view and he doubted that a two-foot reduction would address his concerns.

Elizabeth Findley, 105 Paseo de Suenos, reported that her home is the one most affected by the proposed project and she would lose half of her white water view, which would greatly reduce the value of her property. She noted that Condition No. 4 (requiring the northern portion of the residence to be repositioned toward the eastern rear portion of the property) would address her concerns.

John Fike, 439 Camino de Encanto, stated that his white water view would be impacted by the project and expressed concerns about the possibility that a rooftop deck could be built on the flat roof. He submitted photographs of homes in the area that were remodeled without impacting views and suggested that a hip roof would mitigate the impact on his property.

Fabio Mallick, 211 Paseo de Suenos, stated there have been quite a few additions in this area and each one has taken a little more of his white water view. He contended that the proposed residence was taller than necessary as evidenced by the house next door, which sits on higher ground but is still lower than the silhouette.

Jeffrey Coyle, 414 Paseo de la Concha, reported that he believed a two-foot reduction would preserve his view and requested that the silhouette be re-flagged once the project has been revised to confirm this.

Carey Martz, owner of the subject property, stated that he tried to meet with as many neighbors as possible prior to this hearing; that he understands the process

because he previously built the home where he currently lives on Monte D'Oro; and that he intends to work with his neighbors to come up with a project that is acceptable to all concerned.

Chairperson Uchima suggested that Mr. Martz and his architect view the impact from the affected homes before redesigning the project and asked those with view impacts to leave contact information with staff.

Commissioner Horwich suggested the repositioning of the north portion of the house as mentioned in Condition No. 4 as a possible solution.

Planning Manager Isomoto noted that the condition was written before all the neighbors from various locations came forward and she was not convinced that this repositioning would take care of everyone's concerns.

Commissioner Horwich requested that information be provided when this matter is reconsidered about whether those objecting to the project have second stories and when they were built.

**MOTION:** Commissioner Muratsuchi moved to continue the hearing on this matter to August 17, 2005. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Manager Isomoto announced that the hearing would no be re-advertised because it was continued to a date certain.

The Commission recessed from 10:30 p.m. to 10:37 p.m.

**10D. MOD05-00009 (CUP21-00040): MUOI LE**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit to allow the conversion of a former take-out only restaurant to a sit-down restaurant with no alcohol service on property located in the C-1 Zone at 2515 Carson Street.

**Recommendation**

Approval.

Planning Manager Isomoto introduced the request.

Alan Le, representing the applicant, voiced his agreement with the recommended conditions of approval.

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

**MOTION:** Commissioner Muratsuchi moved for the approval of MOD05-00009, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Manager Isomoto read aloud the number and title of Planning Commission Resolution No. 05-093.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-093. The motion was seconded by Commissioner Guyton and passed by unanimous roll call vote (absent Commissioner Drevno).

**10E. CUP05-00016, CUP05-00017, CUP05-00018, TTM062670: LA CHARITE HOMES, INC (SUBTEC – CHERYL VARGO)**

Planning Commission consideration for approval of three Conditional Use Permits and a Tentative Tract Map to allow the construction of three separate two-unit detached condominium projects on property located in the R-2 Zone at 18516 Mansel Avenue.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request.

Cheryl Vargo, representing the applicant, briefly described the proposed projects, noting that all the units will share a common driveway and they will be similar in appearance to single-family homes. She requested that Resolution Nos. 05-094 and 05-096 be amended to eliminate references to the driveway on Lot 32 and suggested that Finding C in Resolution No. 05-097 be amended to clarify that the 6-unit condominium project consists of two units per lot. Referring to Condition No. 8, which requires portions of the driveway to be replaced with grasscrete, she expressed concerns that the grasscrete could become uneven and cause people to trip and proposed using grasscrete in the guest parking area instead.

Planning Manager Isomoto requested a continuance so the proposed changes could be reviewed by staff.

**MOTION:** Commissioner Muratsuchi moved to continue the hearing to August 3, 2005. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote (absent Commissioner Drevno).

Planning Manager Isomoto announced that the hearing would not be re-advertised because it was continued to a date certain.

**11. RESOLUTIONS**

None.

**12. PUBLIC WORKSHOP ITEMS**

None.

**13. MISCELLANEOUS ITEMS**

**13A. MIS05-00122: FRANK AND JOANN CITROWSKI**

Planning Commission consideration of an appeal of Community Development Director approval of a Minor Hillside Exemption to modify an existing Precise Plan of Development (PRE03-00036) to allow construction of two chimneys in conjunction with the construction of previously approved first and second-story additions to an existing single-family residence located in the Hillside Overlay District in the R-1 Zone at 4095 Bluff Street.

**Recommendation**

Approval.

Planning Associate Crecy introduced the request and noted supplemental material available at the meeting.

Commissioner Muratsuchi asked that those who wish to speak confine their remarks to the matter at hand and to refrain from making personal attacks.

Frank Citrowski, applicant, requested that the Commission deny the appeal and allow him to complete his remodeling project, which has been delayed three months due to the chimney issue and caused quite a bit of hardship for his family.

Submitting photographs to illustrate, Chaim Warzman, 4078 Bluff Street, reported that the chimneys obstruct his view and he was never given an opportunity to oppose them because the applicant failed to show the chimneys on the plans submitted to the City. He stated that Mr. Citrowski falsely claimed that he had obtained approval for the chimneys and only applied for a permit after the matter was brought to the City's attention. He proposed that one fireplace be gas only so side venting could be used instead of a chimney and that the other chimney be reduced to the lowest possible height.

In response to Chairperson Uchima's inquiry, Building Regulations Administrator Segovia provided clarification regarding Code requirements for chimneys, explaining that they must be a minimum of two feet above any roof area within a 10-foot radius, and that the chimneys, as proposed, are the minimum allowable height.

Larry Bocock, 4080 Bluff Street, contended that the chimneys would affect the view, light, and air of neighbors and maintained that smoke billowing out of the two chimneys would look like a refinery. He voiced support for the compromise mentioned by Mr. Warzman.

In response to Mr. Bocock's inquiry, Building Regulations Administrator Segovia provided clarification regarding how chimneys are measured.

Joan Citrowski, applicant, emphasized that there was never any attempt to deceive anyone, explaining that the fireplaces were included in floor plans from the beginning, however, the chimney stacks were inadvertently omitted in drawings submitted to the City. She requested that the Commission deny the appeal and uphold the Community Development Director's decision.

Mr. Citrowski reported that the fireboxes have already been installed for the wood-burning fireplaces; that he had the contractor reduce the height of the chimneys closer to the finished height once he learned of the complaints; and that they are not yet finished so how they appear today could be misleading. He stated that he went to great lengths to keep his addition as low as possible; that he removed trees to improve neighbors' views; and he did not understand the strong reaction to these chimneys.

Chairperson Uchima stated that he was under the impression that the chimneys he viewed were the correct height.

Planning Manager Isomoto indicated that staff was also under the impression that the chimneys had been reduced to the minimum required height and offered to send a building inspector out to verify this.

Commissioner Muratsuchi suggested that the Commission could approve the permit adding a condition requiring verification by a building inspector that the chimneys have been reduced to the minimum required height.

In response to Commissioner Horwich's inquiry, Mr. Citrowski indicated that the compromise proposed by the appellant was not acceptable.

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

**MOTION:** Commissioner Muratsuchi moved to deny the appeal and approve MIS05-00122, as conditioned, including all findings of fact set forth by staff, with the following modification:

**Add**

- That a City building inspector shall verify that the chimneys are the minimum height required by Code.

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

Commissioner Faulk stated that he did not believe there was any deception on the part of the Citrowskis and reported that he visited both 4080 and 4078 Bluff Street and did not observe a significant view impact from the chimneys.

Commissioner Guyton noted his agreement with Commissioner Faulk's remarks.

Commenting on his vote, Commissioner Horwich stated that he favored the compromise because one of the chimneys could be eliminated without significantly affecting the use of the fireplace.

Planning Associate Crecy read aloud the number and title of Planning Commission Resolution No. 05-098.

**MOTION:** Commissioner Muratsuchi moved for the adoption of Planning Commission Resolution No. 05-098 as amended. The motion was seconded by Commissioner Guyton and passed by a 5-1 roll call vote, with Commissioner Horwich dissenting (absent Commissioner Drevno).

**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 August 3, 2005 Planning Commission meeting.

**16. ORAL COMMUNICATIONS**

**16A.** Commissioner Guyton stated that he had been asked by Southwood-Riviera Homeowners Association to mention the overgrowth along sidewalks on Calle Mayor behind Ralph's Market. Planning Manager Isomoto offered to relay this information to Environmental Division staff.

**16B.** Commissioner Horwich asked for an excused absence for the July 27 Planning Commission meeting.

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

**16C.** Commissioner Muratsuchi commented on the case involving the two chimneys, and Planning Manager Isomoto reported that she had just spoken with the building inspector who verified that the chimneys were currently at the minimum required height.

**17. ADJOURNMENT**

At 11:30 p.m., the meeting was adjourned to Wednesday, July 27, 2005, at 7:00 p.m. for a General Plan Workshop.

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| Approved as Written<br>September 7, 2005<br>s/ Sue Herbers, City Clerk |
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