

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

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, September 19, 2007, in the West Annex meeting room at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner Horwich.

**3. ROLL CALL**

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

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana, Plans Examiner Noh, Associate Civil Engineer Symons, Fire Marshal Kazandjian 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 September 13, 2007.

**5. APPROVAL OF MINUTES – August 15, 2007**

**MOTION:** Commissioner Horwich moved for the approval of the August 15, 2007 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote, with Commissioner Browning abstaining.

**6. REQUESTS FOR POSTPONEMENT**

Planning Manager Lodan relayed the applicant's request to continue Agenda Item 9A, PRE07-00018: Tomaro Architecture, to October 17, 2007.

**MOTION:** Commissioner Browning moved to continue Agenda Item 9A to October 17, 2007. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Planning Manager Lodan reported that neighbors present at the prior hearing were notified of the continuance and announced that the hearing would not be re-advertised as it was continued to a date certain.

Commissioner Horwich requested that the Commission be provided with the list of neighbors who were notified.

7. **ORAL COMMUNICATIONS #1** – None.

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

8. **TIME EXTENSIONS**

8A. **MIS07-00257: STANDARD PACIFIC HOMES**

Planning Commission consideration for approval of a one-year time extension of a previously approved Vesting Tentative Tract Map (TTM061850) for condominium purposes on property located in the Planned Development Zone at 2349 Jefferson Avenue.

**Recommendation**

Approval.

Sr. Planning Associate Santana introduced the request.

Annie Lavin, representing the applicant, voiced her agreement with the recommended conditions of approval.

**MOTION:** Commissioner Browning moved for the approval of MIS07-00257, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote, with Commissioner Weideman abstaining.

St. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 07-104.

**MOTION:** Commissioner Gibson moved for the adoption of Planning Commission Resolution No. 07-104. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote, with Commissioner Weideman abstaining.

8B. **MIS07-00262: BHARAT PATEL**

Planning Commission consideration for approval of a one-year time extension of a previously approved Division of Lot (DIV05-00012) to allow the subdivision of one residential lot into two residential lots on property located in the R-1 Zone at 2240 232<sup>nd</sup> Street.

As no representative was present, item was deferred until later in the meeting (see page 10).

9. **CONTINUED HEARINGS**

9A. **PRE07-00018: TOMARO ARCHITECTURE (BOB AND PAT HOFFMAN)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new one-story, single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 109 Via Sevilla.

Item was continued to October 17, 2007.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **CUP07-00023: CHESTER SMITH ASSOCIATES (FLOYD SANGER)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction and operation of a 665 square-foot office for the purposes of a rental car business with hand-washing and light detailing of rental vehicles on property located in the C-3 Zone at 2540 Sepulveda Boulevard.

**Recommendation**

Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material available at the meeting consisting of an additional condition of approval and revised Code requirements.

Floyd Sanger, owner of subject property, stated that he thought some of the conditions of approval were unwarranted but he would accept them so that the project could go forward.

In response to Commissioner Browning's inquiry, Mr. Sanger reported that there would be no paint or body work done at this location and no compressor on site.

Jeff Smith, project architect, requested clarification of the following conditions:

Condition No. 13 and Condition No. 16, requiring a permanent structure for the washing of vehicles - He explained that vehicles will be hand-washed on a slab using a bucket and hose and estimated that building a structure would cost approximately \$30,000.

Condition No.23, requiring the replacement of the overhead-serviced streetlight on Eriel Avenue with an underground-serviced marbelite pole – He related his belief that this small rent-a-car operation should not be burdened with this expense, noting that the pole matches existing poles and the entire street is overhead-serviced.

Condition No. 24, requiring verification that the site will comply with the Torrance Noise Ordinance – He explained that there will be no noisy equipment used in this operation.

Condition No. 28, requiring a sewer study to confirm that the carwash will not overwhelm the public sewer system – He reported that a maximum of 15 cars would be washed within a 12-hour period using only 3-4 gallons each, which should not impact the sewer system.

Planning Manager Lodan explained that staff included the condition requiring a permanent structure because they do not want to see temporary canopies being used in a permanent fashion.

Associate Civil Engineer Symons advised that the condition requiring the replacement of overhead-serviced streetlights is a standard condition imposed as part of the City's effort to eliminate overhead power lines whenever possible. With regard to the sewer study, he reported that staff would like something from an engineer showing the projected sewer flow to ensure that there is adequate capacity.

In response to Commissioner Browning's inquiry, Mr. Smith explained that water used to wash vehicles will drain into a clarifier, then into the sewer system and that there will be a diverter to prevent rain water from being flushed through the system.

A brief discussion ensued regarding what would constitute an appropriate permanent structure. Planning Manager Lodan reported that staff envisioned four posts and some type of roofing, with architecture compatible with the building.

Mr. Smith, referring to Condition No. 12, requiring that the wash area be relocated from the southeast corner to the middle of the lot, proposed an alternate location near the eastern property line adjacent to the San Franciscan restaurant parking lot.

Deborah Hicks, representing Avis Rent-a-Car, reported that the Santa Monica office has a metal roof over the carwash platform and netting was installed at another location this summer to provide shade, but none of their locations has a permanent structure over the carwash area. She explained that cars do not have to be washed each time they are rented and sometimes wiping down the car and cleaning the windows will suffice. She stated that Avis needs a new location in Torrance and believes this site is ideally suited.

Commissioner Faulk asked if Avis objected to replacing the streetlight or providing a noise study.

Ms. Hicks stated that she had not investigated the cost of replacing the streetlight, but did not believe it would be a deal breaker and expressed confidence that noise would not be an issue because the only equipment to be used is a portable wet and dry vacuum.

Commissioner Faulk stated that he thought the landscaping for the project would create a nice buffer and improve the streetscape and asked about the size of the 12 trees to be planted.

Ms. Hicks indicated that she did not have that information but noted that Avis' landscaping company will work closely with the City to ensure that the trees are the appropriate species and size.

In response to Commissioner Gibson's inquiry, Ms. Hicks reported that the rent-a-car office's hours of operation will be 8:00 a.m. to 6:00 p.m., Monday through Friday; 8:00 a.m. to 2:00 p.m. on Saturday; and 9:00 a.m. to 2:00 p.m. on Sunday and that it will be staffed with one manager, one full-time service attendant and two part-time rental agents.

Commissioner Gibson expressed support for the condition requiring a permanent structure over the carwash area because this is a heavily trafficked intersection and having netting for shade would not be appropriate.

Commissioner Weideman asked if staff would be amenable to eliminating the requirement that there be a permanent structure over the carwash area if the applicant agrees not to put up any type of canopy.

Planning Manager Lodan advised that it has been staff's experience that some type of structure will eventually be needed and this condition was included to prevent it from being done in a haphazard manner.

Commissioner Weideman asked about Mr. Smith's proposal to relocate the wash area to the eastern property line, and Planning Manager Lodan stated that he thought that was a workable option.

In response to Commissioner Weideman's inquiry, Planning Lodan provided clarification regarding Condition No. 6, requiring lights along the southern property line to be mounted on the wall to avoid spillover into nearby residences.

Chairperson Busch questioned whether there is a City tax on car rentals, and Planning Manager Lodan related his understanding that there is not.

Commissioner Browning recommended that the exit on Sepulveda be right turn only because customers might not be familiar with the area.

Commissioner Browning noted that the Code requirements specify that a portion of the sidewalk must be removed and sod and trees installed in the parkway area along Sepulveda and asked about eliminating this requirement in the interest of conserving water. He pointed out that there will be ample landscaping on-site with trees only a few feet away from the parkway; that there are numerous properties along major streets that don't have landscaped parkways; and that the parkway trees could interfere with visibility for exiting vehicles.

Associate Civil Engineer Symons advised that this is a typical requirement intended to beautify the streetscape and add more pervious area, however, it is sometimes waived when trees are in close proximity or when utilities interfere with planting.

Planning Manager Lodan stated that he would prefer to leave the parkway landscaping to the discretion of the Public Works Department because the City has a strong policy of trying to upgrade the streetscape along main corridors wherever possible. He noted that new irrigation systems are a lot more water wise than older systems.

Commissioner Faulk voiced support for the project, including the condition requiring a permanent structure for the carwash area and proposed adding a condition prohibiting tents, canopies or other temporary structures to avoid any future problems.

Commissioner Uchima related his belief that a metal roof for the car wash structure was not appropriate and Chairperson Busch noted his agreement.

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

**MOTION:** Commissioner Weideman moved to approve CUP07-00023, as conditioned, including all findings of fact set forth by staff, with the following modifications:

**Modify**

No. 12 That the applicant shall relocate the wash area to ~~the middle of the lot~~ create the least intrusion to the satisfaction of the Community Development Director.

**Add**

- That no tents, canopies, or other temporary structures shall be permitted.
- That the exit on Sepulveda Boulevard shall be right turn only.

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

St. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 07-101.

**MOTION:** Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 07-101 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote

**11B. PRE07-00017, WAV07-00013: JOHN AND KATHY BRUBACHER**

Planning Commission consideration for approval of a Precise Plan of Development to allow first and second-story additions and a roof deck to an existing one-story, single-family residence in conjunction with a Waiver to allow less than the required front-facing garage setback on property located in the Hillside Overlay District in the R-1 Zone at 2734 Ridgeland Road.

**Recommendation**

Approval.

Sr. Planning Associate Santana introduced the request.

John Brubacher, 2734 Ridgeland Road, applicant, voiced his agreement with the recommended conditions of approval. He reported that the project was designed to minimize the impact on neighbors by maintaining view corridors across the rear of the property and it has the overwhelming support of neighbors as evidenced by the petition signed by approximately 40 neighbors. He noted that the proposed roof deck has the unqualified support of adjacent neighbors.

Kathy Brubacher, 2734 Ridgeland Road, applicant, briefly described the proposed project, which consists of three bedrooms and a master suite on the first floor, and a kitchen, dining room, great room and study on the second floor.

In response to Commissioner Browning's inquiry, Mr. Brubacher confirmed that the existing garage will be demolished. He explained that it will remain in its current location, but the grade will be lowered and the depth of the garage will be increased by one foot to meet current minimum requirements, which will result in a one-foot reduction in the length of the driveway from 14.9 feet to 13.9 feet. He reported that he currently does not park his vehicles in the garage and parks the smaller of his two vehicles in the driveway and it does not encroach on the sidewalk.

Commissioner Browning expressed concerns about decreasing the length of the already substandard driveway because any vehicles parked there would likely encroach on the sidewalk thereby impeding people walking, jogging and pushing strollers.

Mr. Brubacher stated that he was under the impression that expanding the garage to meet minimum requirements took priority over the driveway.

Commissioner Browning indicated that he was not swayed by the argument in the Precise Plan application that the project's Floor Area Ratio of 0.59 should be allowed because the FAR would be within the 0.50 limit if the lot met the current minimum requirement of 6,000 square feet.

Ken Edwards, 25831 Skylark Road, voiced support for the project, explaining that the subject lot is very challenging; that adding a second story is the only way to expand; and that the view impact is minimal.

Dustin Sauter, 2730 Ridgeland Road, reported that the Brubachers have gone out of their way to keep neighbors informed about their plans and he strongly supports the project. He indicated that he had no objections to the rooftop deck and thought the FAR of 0.59 was reasonable because the project does not impede anyone's view and the FAR is consistent with the 0.60 allowed in the rest of the City, outside the Hillside Overlay District.

Peter Williams, 2726 Ridgeland Road, expressed support for the project. He stated that he appreciated efforts to preserve his view, which would have been blocked if the house had been pushed further back. He reported that most of the homes in this neighborhood were built before the 20-foot minimum requirement for driveways and his driveway is also substandard in length.

In response to Chairperson Busch's inquiry, Planning Manager Lodan advised that the living area would have to be reduced from the proposed 2559 square feet to approximately 2100 square feet in order to achieve an FAR of 0.50.

Mr. Brubacher reported that the proposed design was the third iteration of the layout and site plan and he believed it was a good compromise. He explained that he tried to find a way to lengthen the driveway, but was unable to do so and noted that there are several homes with short driveways in the neighborhood, including one at 2713 Skylark that was approved four years ago. With regard to the FAR, he stated that he believed the size of the project was reasonable and noted that removing 450 square feet would eliminate most of the second floor.

Ms. Brubacher explained that she can't park her van in existing driveway because it's so steep that it's unsafe and they plan to demolish the garage so that it can be made as flat as possible.

Commissioner Faulk asked about the purpose of the rooftop deck, and Mr. Brubacher responded that it would be an area to relax and take advantage of the 360 degree view.

Commissioner Faulk recalled that there are restrictions on exterior stairways. Planning Manager Lodan advised that they are permitted from level to level as long as they are not touching the ground.

Commissioner Horwich asked about Condition No. 10, which imposes more restrictive hours for grading activities. Sr. Planning Associate Santana advised that the Environmental Division has been receiving complaints about grading because it involves a lot of heavy equipment and vibration, therefore staff included a condition limiting grading activities to from 9:00 a.m. to 5:00 p.m.

Commissioner Gibson expressed concerns that the roof deck and the steep steps leading to it could pose a safety hazard to the Brubachers' young children.

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

Indicating that he would not support the project, Commissioner Faulk stated that he generally has no concerns about a project when all the neighbors support it, however, in this case, he was concerned that the FAR was pushing the limit and he was reluctant to approve a rooftop deck when the Commission was in the process of considering new regulations. He asked about the possibility of eliminating the roof deck.

Planning Manager Lodan advised that the roof deck was not integral to the project and could be added at a later date after the project has been completed.

**MOTION:** Commissioner Browning moved to deny PRE07-00017 and WAV07-00013 without prejudice. The motion was seconded by Commissioner Faulk, and discussion continued.

Planning Manager Lodan suggested that the Commission might wish to consider allowing the applicant an opportunity to redesign the project.

Commissioner Uchima voiced support for a continuance, and Commissioner Browning withdrew his motion.

Commissioner Horwich stated that he could support the project with the elimination of the rooftop deck, explaining that although the FAR is high, he did not believe the project would look imposing from the street and he did not think the length of the driveway was a major obstacle.

Commissioner Uchima noted his agreement with Commissioner Horwich's assessment, stating that he did not believe 2500 square feet of livable space was excessive.

Commissioner Weideman stated that he felt the topography of this site warranted some flexibility with regard to his usual stance on FAR and he had no objections to the Waiver because the proposed reconfiguration of the driveway would make it safer. He indicated, however, that he could not support the rooftop deck due to ongoing discussions about new regulations.

Chairperson Busch indicated that he would also support the project with the elimination of the roof deck, stating that he was impressed by the 45 signatures of immediate neighbors and the fact that there was no opposition to the project. He noted that the 0.50 FAR limitation is a guideline and not absolute.

Commissioner Gibson voiced support for a continuance.

**MOTION:** Commissioner Uchima moved for the approval of PRE07-00017 and WAV07-00013, as conditioned, including all findings of fact set forth by staff, adding a condition that the rooftop deck shall be eliminated. The motion was seconded by Commissioner Horwich, and discussion briefly continued.

Commissioner Browning stated that he thought the project was massive as evidenced by the renderings and it was ridiculous to ignore the FAR. He noted that Ms. Brubacher mentioned that she drives a van, which would extend out over the sidewalk when parked on the driveway, and related his belief that no one has a right to encroach on public sidewalks.

Chairperson Busch called for a vote on the motion, and the motion passed by a 4-3 roll call vote, with Commissioners Browning, Faulk and Gibson dissenting.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 07-102 and 07-103.

**MOTION:** Commissioner Horwich moved for the adoption of Planning Commission Resolution Nos. 07-102 and 07-103 as amended. The motion was seconded by Commissioner Weideman and passed by a 4-3 roll call vote, with Commissioners Browning, Faulk and Gibson dissenting.

Agenda Item 8B was considered at this time.

**8B. MIS07-00262: BHARAT PATEL**

Planning Commission consideration for approval of a one-year time extension of a previously approved Division of Lot (DIV05-00012) to allow the subdivision of one residential lot into two residential lots on property located in the R-1 Zone at 2240 232<sup>nd</sup> Street.

**Recommendation**

Approval.

Sr. Planning Associate Santana introduced the request.

Commissioner Horwich stated that he favored approving the time extension even though the applicant was not present due to the time element.

Chairperson Busch stated that he would not support the time extension because the applicant had not bothered to show up.

Voicing support for the time extension, Commissioner Browning noted that the applicant could have had an emergency or may not have known that his presence was required.

**MOTION:** Commissioner Horwich moved for the approval of MIS07-00262, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Uchima and passed by a 5-1 roll call vote, with Chairperson Busch dissenting and Commissioner Weideman abstaining.

St. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 07-105.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-105. The motion was seconded by Commissioner Horwich and passed by a 5-1 roll call vote, with Chairperson Busch dissenting and Commissioner Weideman abstaining.

**12. RESOLUTIONS**

**12A. RESOLUTION NO. 07-093 - PRE07-00013: MICHAEL GUZMAN**

Planning Commission adoption of a resolution reflecting their decision to deny without prejudice a Precise Plan of Development to allow first and second-story additions to an existing two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 602 Paseo de la Playa.

**MOTION:** Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-093. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote with Commissioners Faulk and Gibson dissenting.

**13. PUBLIC WORKSHOP ITEMS**

**13A. LUS07-00001: CITY OF TORRANCE (CONSTRUCTION DAYS AND HOURS)**

Planning Commission consideration of amendments to portions of the Torrance Municipal Code to further restrict hours and days in which construction is permitted.

Sr. Planning Associate Santana reported that based on discussions at the July 25, 2007 Planning Commission Workshop, staff formulated a list of recommendations concerning amendments to the City's permitted hours of construction. He noted supplemental material available at the meeting consisting of Redondo Beach's hours of construction; peak volume traffic information; and correspondence received subsequent to the completion of the agenda item.

Chairperson Busch voiced his opinion that maintaining the status quo and allowing construction to take place 13 out of 24 hours (7:00 a.m. to 8:00 p.m.) was not in the best interest of the community. He pointed out that according to the comparison of other cities compiled by staff, Torrance has the most liberal hours of construction, with the exception of Huntington Beach (7:00 p.m. to 8:00 p.m., Monday through Saturday). He suggested that while staff cites peak hour traffic congestion between 4:00 – 6:00 p.m. as a reason for retaining the 8:00 p.m. end time on weekdays, a 7:00 p.m. end time would suffice. He related his experience that contractors are amazed when they learn that Torrance allows construction to take place from 7:00 a.m. to 8:00 p.m., seven days a week, including holidays.

Commissioner Browning expressed concerns about staff's recommendation to include a decibel limit ("construction and/or any activity involving the creation of noise beyond 50 dba as measured from the property lines") in the revised ordinance due to the difficulty of enforcing it. He questioned where the 50 dba number was obtained.

Planning Manager Lodan advised that 50 dba is called out in the Torrance Municipal Code as the threshold used with regard to noise issues.

Sr. Planning Associate Santana explained that the decibel limit was included because of previously discussed concerns about noise from people working in garages impacting surrounding neighbors. He reported that Code Enforcement Officers from the City's Environmental Division would enforce the provisions of the ordinance.

Planning Manager Lodan noted that the City has several EQOs and they do have the ability to work after hours and on weekends if the situation dictates.

Commissioner Browning stated that he still felt enforcement of noise limits would be difficult and expressed concerns about restricting homeowners from working on construction projects in their own homes on weekends.

Jackie Decker, Carlow Road, voiced support for limiting construction on weekdays to no later than 6:00 p.m., relating her belief that 8:00 p.m. was much too late.

Toni Reina, Planning Manager for Continental Development Corporation, owner of Skypark Medical and Office Center, noted that she sent a letter (supplemental

material) stressing the need for flexibility in hours of construction for commercial zones and urging the Commission to consider not restricting them in commercial zones and redevelopment areas not adjacent to a residential zone.

Commissioner Weideman stated that he believed Ms. Reina had a valid point, but was not sure how large the buffer between commercial and residential zones should be, noting recent problems with residents being disturbed during the construction of the CarMax facility on Hawthorne Boulevard.

Sr. Planning Associate Santana suggested that a provision could be included specifying that in order to be excluded from restrictions on hours of construction, a commercial/industrial project must be a minimum of 300 linear feet from residential uses. He noted that the Community Development Department has GIS (Geographic Information System), which could be used to verify that a project meets the minimum separation requirement.

Commissioner Browning stated that he understood that exceptions are needed for facilities like Skypark Medical and Office Center, where construction activities must be limited to after hours and weekends, but favored leaving it to the discretion of the Community Development Director.

Chairperson Busch voiced support for staff's recommendation that a sign be posted at construction sites listing contact information for the property owner and the contractor, permitted hours of construction, any special conditions, and the Code Enforcement phone number where violations may be reported.

Commissioner Faulk stated that he also supports making the sign a requirement so that contact information is readily available and felt it was probably the most significant of the changes being discussed. He asked about the size of the sign.

Sr. Planning Associate Santana explained that this idea came from Hermosa Beach, which limits the size of the notice to no larger than 11" by 17". He proposed having the sign the same size as the public notice sign because staff already has the capability of generating a sign in this format.

Commissioner Browning expressed concerns that the signs will become opportunities for contractors to advertise.

Commissioner Faulk stated that he was not concerned about the advertising aspect because most construction sites already have signs posted advertising both general and subcontractors. He noted that in addition to providing contact information, another benefit of a sign is that contractors will not be able to ignore conditions as they will be clearly spelled out for all to see.

In response to Commissioner Horwich's inquiry, Planning Manager Lodan provided clarification regarding the trip generation information included in the supplemental material.

Commissioner Horwich stated that while an argument could be made that contractors should be allowed to start earlier and finish later so they do not contribute to traffic congestion during peak hours, he was inclined to disregard the traffic issue.

Ms. Reina clarified that she would prefer that a provision be included exempting commercial zones and redevelopment areas from restrictions on hours of construction when they are a certain distance away from residential uses rather than having to request an exemption from the Community Development Director each time they undertake a project. She noted that Pasadena sets the distance at 300 linear feet.

Chairperson Busch asked how late construction activities would continue.

Ms. Reina reported that construction that cannot be done during normal business hours, such as in common areas and restrooms, would typically take place from 7:00 p.m. to 1:00 or 2:00 a.m.

In response to Chairperson Busch's inquiry, Deputy City Attorney Whitham confirmed that the City could allow construction to continue after 10:00 p.m. without being in violation of California Penal Code §415 concerning public nuisances.

Tom Rische, Carlow Road, reported that he sent out an email to residents in his area regarding this topic and responses noted that another common problem on construction sites is loud radios, which is a particular problem in the Riviera area because sound reverberates off the hillside. He voiced his opinion that people deserve to eat dinner, watch television, or do homework in peace and construction activities should end no later than 6:00 or 7:00 p.m. He noted that noise from gardeners is oftentimes as loud as noise from construction workers.

Commissioner Browning questioned what projects would be required to post signs with contact information, etc.

Sr. Planning Associate Santana advised that staff was recommending that projects requiring Planning Commission review or considered to be a significant remodel as defined by TMC §231.1.2 be required to post signs.

Commissioner Faulk noted his agreement with the staff recommendation.

Commissioner Browning suggested that this would greatly limit the number of signs to be posted, noting that small projects can be just as loud and annoying as large projects.

Commissioner Weideman voiced support for the staff recommendation in its entirety, with the exception of construction hours on weekdays, which he proposed restricting to from 7:00 a.m. to 6:00 p.m., indicating that he did not find the traffic congestion argument to be very persuasive. He proposed adding a provision exempting commercial zones and redevelopment areas from construction hour restrictions as long as there is a buffer zone from residences.

Commissioner Horwich recommended specifying that there may be no "outside" construction work after 6:00 p.m. He noted his concurrence with staff's recommendation to reduce construction hours on Saturday and prohibit construction on Sundays and holidays.

Commissioner Gibson noted her agreement with Commissioner Horwich's remarks.

Commissioner Browning stated that he favored allowing construction 7:30 a.m. to 6 p.m. on weekdays; 9:00 a.m. to 5:00 p.m. on Saturdays; and allowing construction on Sundays only for homeowners working on their own construction projects. He voiced support for prohibiting construction on holidays as proposed by staff.

Chairperson Busch noted his concurrence with Commissioner Browning's comments.

Commissioner Uchima voiced support for including a provision allowing construction in commercial/industrial areas as long as there is a buffer from residences. He noted that most commercial property improvements involve the inside of the building and doubted that any outside work would be done during nighttime hours.

Jackie Decker related her understanding that Villa Sorrento, a senior assisted living facility, is within 300 feet of Skypark Medical facilities, and urged that the impact on these residents be considered.

Commissioner Browning doubted that this would be a problem, noting Continental Development Corporation's excellent reputation as a property owner/manager.

Commissioner Faulk related his preference that this matter be continued to the next meeting, so that staff could distill Commissioners' comments and put the various proposals in written form to make them easier to evaluate. With regard to the staff recommendation, he requested that there be more definitive language concerning the signs and that the limitation on decibels be separated from the hours of construction for purposes of clarity.

**MOTION:** Commissioner Browning moved to continue the hearing on this item to October 3, 2007. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote.

**14. MISCELLANEOUS ITEMS**

**14A. COMMISSION RULES OF ORDER**

Planning Commission discussion of potential adoption of Planning Commission Rules of Order.

Planning Manager Lodan noted that there was a discussion under "Orals" at the last meeting about the possibility of the Commission adopting its own Rules of Order rather than the current practice of following the City Council Rules of Order, in order to modify the time period during which a Motion for Reconsideration may be made. He explained that he subsequently learned that City Clerk Herbers was in the process of modifying the Council Rules of Order to incorporate the new electronic voting system; that staff has requested that the modification of the time period be included; and that staff was recommending that the Commission delay taking action until the process has

been completed so that a uniform set of rules for all commissions and the City Council can be maintained.

A brief discussion ensued, and it was the consensus of the Commission to defer action at this time and to put the item back on the agenda if it has not been resolved within 60 days.

Planning Manager Lodan later noted that the Commission would not be meeting 60 days from tonight's meeting due to the Thanksgiving holiday, so the item was set for the first meeting in December if not resolved by that time.

**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 October 3, 2007 Planning Commission meeting.

**17. ORAL COMMUNICATIONS # 2** – None.

**18. ADJOURNMENT**

At 10:00 p.m., the meeting was adjourned to Wednesday, October 3, 2007 at 7:00 p.m.

Approved as Submitted October 17, 2007 s/ Sue Herbers, City Clerk
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