

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, December 5, 2007 in the Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Uchima.

3. ROLL CALL

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

Absent: None.

Also Present: Planning Manager Lodan, Planning Assistant Graham, 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 November 30, 2007.

5. APPROVAL OF MINUTES – October 17, 2007 and November 7, 2007

MOTION: Commissioner Browning moved for the approval of the October 17, 2007 Planning Commission minutes as submitted. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote, with Commission Uchima abstaining.

Referring to the November 7, 2007 minutes, Agenda Item 7A, Commissioner Browning clarified that he requested that copies of the Articles of Incorporation and the CC&Rs be provided when the Modification of the Conditional Use Permit for Belmar is brought forward.

MOTION: Commissioner Browning moved for the approval of the November 7, 2007 Planning Commission minutes as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

6. REQUESTS FOR POSTPONEMENT – None.

7. ORAL COMMUNICATIONS #1

7A. Nancy Saiz, 1521 Beech Avenue, reported that neighbors at 2463 Sonoma were building a new two-story house and she never received any notification; expressed concerns about the impact on privacy; and requested that the project be halted.

Planning Manager Lodan explained that the project in question is a single-family residence that complies with all building standards therefore it is not subject to Planning Commission review. He offered to bring back an information item on the project at the next meeting.

Commissioner Weideman related his understanding that house being demolished at 2463 Sonoma was built in 1925. Planning Manager Lodan advised that there is currently nothing in the Torrance Municipal Code that would prevent the demolition.

7B. George Griffiths, 1519 Beech Avenue, stated that he has an easement through the property at 2463 Sonoma for utility meters and to access his trash and recycling bins, which the property owner has blocked.

Deputy City Attorney Whitham advised that easements between two property owners are civil matters over which the Planning Commission has no jurisdiction.

At Commissioner Weideman's request, Deputy City Attorney provided clarification regarding how the California Environmental Quality Act applies to the demolition of older buildings.

7C. Todd Vanderplym, 425 Via Anita, called for a review of the Hillside Overlay Ordinance, relating his belief that it is unconstitutional because it provides for unequal protection.

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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 – None.

9. CONTINUED HEARINGS

9A. PRE06-00037: RUKHSANA MIR

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with an attached garage on property located in the Hillside Overlay District in the R-1 Zone at 417 Via Anita.

Recommendation

Denial without prejudice.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting consisting of correspondence received subsequent to the completion of the agenda item.

Jehan Mir, 417 Via Anita, applicant, stated that he made sure when he bought the subject property 18 years ago that he could build a second story without impacting the view, light, air and privacy of neighbors. Submitting photographs to illustrate, he disputed the claim of the neighbor at 421 Via Anita that the project would block sunlight from this property. With regard to claims of view impact at 408 Via La Soledad, he explained that this neighbor never had a view over his rooftop until the neighbor at 404 Via La Soledad cut down a huge tree that had blocked the view for several years. He reported that 408 Via La Soledad was a non-view property until a second story was added and related his belief that the Hillside Overlay Ordinance should make a distinction between view and non-view properties and acquired and primary views. He suggested that the Hillside Ordinance should be a two-way street and people who have acquired views should not have domain over their neighbors' properties. He displayed additional renderings of the project to counter the claim that the structure was too massive, noting that his architect could produce a three-dimensional model but it would take approximately one month.

Commissioner Browning voiced objections to the project's FAR of .59, which in his opinion makes the project look massive.

Referring to the application, Chairperson Busch stated that he did not believe the response to Item 2b, "the existing home needs to be removed and denial would cause the property to be vacant and reduce its value substantially," constituted an unreasonable hardship. He explained that Dr. Mir was not being denied the right to build a new home, however, the project must comply with guidelines in the Hillside Ordinance.

Dr. Mir stated that the hardship is that he needs more space because five people will be living in the home, two of them elderly.

After a show of hands of those who wished to speak, Chairperson Busch requested that they limit their remarks to 3 minutes.

William Matthews, 210 Via Pasqual, voiced objections to the project, citing the massiveness of the structure and the impact on light and privacy. He expressed concerns that approval of the project could set a precedent and lead to further mansionization in the area.

Lisa Edmondson, 429 Via Anita, stated that while she would like to see this property improved because it has been in disrepair for some time, the proposed project does not comply with the Hillside Ordinance because it was disproportionate in size to other homes in the area and it would adversely impact the view and light of neighbors. She suggested that the project be redesigned to maintain a single-story appearance by digging down into the grade.

Joan Buck, 433 Via Anita, related her belief that it was clear from the design of the project that Dr. Mir paid no attention to the requirements of the Hillside Ordinance.

Thomas Fallo, 421 Via Anita, reported that the proposed project would impact light and ventilation to his property, as well as block views. He urged the Commission to deny the project "with prejudice" because the applicant has failed to make any attempt to work with his neighbors to resolve their concerns. He disputed the applicant's claim that the project would increase property values in the neighborhood.

Todd Vanderplym, 425 Via Anita, stated that the proposed project goes too far and pushes everything to the maximum. He expressed concerns about the impact this project has had on the neighborhood and called for the City to rewrite the Hillside Ordinance so that neighbors could remain friends.

Pat Mraz, 214 Via Pasqual, submitted a petition signed by 46 neighbors who are opposed to the project and believe it violates the Hillside Ordinance. He expressed concerns that should the project be approved, a precedent would be set and the Hillside Ordinance would lose its power. He reported that since the Hillside Overlay has been in place, those who wish to add square footage have done so by building subterranean rather than adding a second story. Submitting photographs to illustrate, he contended that the project would intrude on the privacy of his backyard, master bedroom and family room, block sunlight from his backyard and home, and decrease the value of his property.

Jindra Wollner, 207 Via Alameda, stated that if people were allowed to build second stories in the Hillside Overlay everyone would block everyone else's view, which would not be desirable.

Brent Mullin, 405 Via Anita, stated that everyone who buys property in the Hillside Overlay should understand the restrictions and urged denial of the project because it would have too great an impact on too many people.

Steve Morris, 230 Via Pasqual, reported that he spent \$1 million on a 1500 square-foot home three years ago due to its beautiful, private backyard and voiced objections to the proposed project because it would intrude on that privacy. He suggested that the applicant has plenty of room to build a single-story home, which makes sense because he has indicated that elderly people will live there.

Kathie Baldwin, 408 Via La Soledad, stated that her view would be extremely impacted by the project and urged the Commission to deny it. She explained that a neighbor planted a pine tree that little by little obscured her view and she was very pleased when the tree was cut down and her view was restored. She expressed her willingness to work with the applicant, but voiced her opinion that the project as proposed does not fit the lot.

Returning to the podium, Dr. Mir contended that the project would have absolutely no impact on properties on Via Pasqual as photographs he submitted demonstrate and disputed claims that it would block sunlight from 421 Via Anita. He noted that there are several two-story homes in the area so the argument that the project is not in harmony with the neighborhood was without merit. He stated that it doesn't make sense to dig down because it could make the hillside unstable. He suggested that the basic reason his project has met with opposition is because this is a retirement community with people who bought properties in the 1950s, live on a fixed income and pay very little in property taxes, therefore they have no incentive to fix up their

properties. He stated that he cannot expand to the rear because it would impact his neighbor and maintained that it was unreasonable to deprive him of the ability to expand his home when the only thing he can do is add a second story.

Commissioner Uchima reported that he visited the site and observed that the project was too tall and too large and not in harmony with the neighborhood. He stated that while the proposed home was very attractive, he could not support it as submitted because it would impact the view, light, air and privacy of neighbors, therefore it violates the Hillside Ordinance.

Commissioner Weideman indicated that he also would not support the project and questioned whether Dr. Mir had discussed the project with his neighbors.

Dr. Mir reported that he had spoken to his immediate neighbors and Kathie Baldwin several months ago, as well as Mr. Matthews on Via Pasqual even though he did not see how he possibly could be impacted.

Commissioner Weideman asked if any modifications were made in response to input received from neighbors. Dr. Mir stated that the only input he got was, "don't build a second story."

At Chairperson Busch's request, Deputy City Attorney Whitham explained the legal implications of denying a project "with prejudice." She advised that an applicant must wait six months before submitting a new application when a project is denied with prejudice, however, there is no waiting period if a project is denied without prejudice.

Chairperson Busch expressed his reluctance to deny a project with prejudice, recalling that this has not been done during his tenure on the Commission.

Commissioner Browning stated that he would not support the project and commended staff for the well written staff report.

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

Commissioner Horwich stated that this is another situation where the property owner feels he has the right to do what he wants with his property, however, ten of his neighbors have testified that their rights will be infringed upon if the project goes forward. He indicated that he could not support the project due to the overwhelming number of neighbors who oppose it.

Chairperson Busch stated that he also would not support the project because he believes the FAR is too high, the project is too massive, and there would be impacts on the view, light, air and privacy of neighbors in violation of the Hillside Ordinance.

MOTION: Commissioner Faulk moved to deny PRE06-00037 without prejudice. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 07-063.

MOTION: Commissioner Faulk moved for the adoption of Planning Commission Resolution No. 07-063. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Commissioner Gibson asked about the timeframe for the removal of the silhouette. Deputy City Attorney Whitham advised that the silhouette should be removed within a reasonable amount of time unless Dr. Mir plans to appeal, in which case the silhouette should remain in place until the appeal has been heard.

Dr. Mir requested that the Commission provide findings of fact.

Chairperson Busch advised that there are findings of fact in the resolution and reflected in the minutes of the meeting, which will be part of the record.

The Commission recessed from 8:25 p.m. to 8:38 p.m.

Agenda Items 12A through 12 D were considered out of order at this time.

12. RESOLUTIONS

12A. CUP07-00024, TTM069717: CAPELLINO & ASSOCIATIONS

Planning Commission adoption of a resolution reflecting their decision to deny without prejudice a Conditional Use Permit to allow the construction and operation of a new professional office condominium development in conjunction with a Tentative Tract Map for condominium purposes, which would include the abandonment of a portion of Sartori Avenue, on property located in the C-1 Zone at 1104 Sartori Avenue.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution Nos. 07-106 and 07-107. The motion was seconded by Commissioner Gibson and passed by a 5-1 roll call vote, with Commissioner Uchima dissenting and Commissioner Faulk abstaining.

12B. PRE07-00016: LYNETTE FINLEY

Planning Commission adoption of a resolution reflecting their decision to deny without prejudice a Precise Plan of Development to allow the construction of a new two-story, single family residence located within the Hillside Overlay District in the R-1 Zone at 5144 Zakon Road.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-114. The motion was seconded by Commissioner Weideman and passed by unanimous roll call vote, with Commissioner Faulk abstaining.

12C. PRE07-00018, WAV07-00018: TOMARO ARCHITECTURE (HOFFMAN)

Planning Commission adoption of resolutions reflecting their decision to approve a Precise Plan of Development to allow the construction of a new one-story, single-family residence in conjunction with a Waiver of setback requirements on property located in the Hillside Overlay District in the R-1 Zone at 109 Via Sevilla.

MOTION: Commissioner Horwich moved for the adoption of Planning Commission Resolution No. 07-100. The motion was seconded by Commissioner Browning and passed by a 5-2 roll call vote, with Commissioners Uchima and Weideman dissenting.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-126. The motion was seconded by Commissioner Horwich and passed by a 5-2 roll call vote, with Commissioners Uchima and Weideman dissenting.

12D. PRE07-00023: PETER PALDINO (ALEX DANIELS)

Planning Commission adoption of a resolution reflecting their decision to deny without prejudice a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 5405 Paseo de Pablo.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 07-124. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote, with Commissioner Faulk abstaining.

9B. PRE07-00010: TOM AND MARY PAT GAHAN

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence with an attached garage on property located in the Hillside Overlay District in the R-1 Zone at 22322 Susana Avenue.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Greg Schneider, project architect, reported that the laundry room and a small hallway were eliminated to reduce the project's FAR and noted that several neighbors were present to express support for the project.

Commissioner Browning asked about the neighbors at 22318 and 22326 Susana, and Mr. Schneider reported that they were both present at the meeting.

Rolf Weymar, 22326 Susana Avenue, voiced support for the project and urged the Commission to approve it.

Daniel Fischer, 22318 Susana Avenue, stated that he supports the project and hopes to have an opportunity to improve his own house in the future.

Cara Furman, 22302 Susana, expressed support for the project, relating her belief that it's important to encourage families to stay in the area and improve their homes.

John Mirassou, 22301 Susana Avenue, stated that he wholeheartedly supports the project and believes the size of the home is very reasonable.

Bob Hoffman, 109 Via Sevilla, urged approval of the project, noting that the applicants are constrained by the small lot, and even though the FAR is .54, it's a very modest sized home.

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

Commissioner Horwich announced that he would be abstaining from voting on this matter because he wasn't present at the original hearing.

Commissioner Faulk voiced support for the project, commending the applicants for their willingness to compromise.

Commissioner Weideman stated that he had voted against the original project due to concerns about the FAR, but would support the revised plans, which have the full support of adjacent neighbors.

MOTION: Commissioner Uchima moved for the approval of PRE07-00010, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote, with Commissioner Horwich abstaining.

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 07-087.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution No. 07-087. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

9C. PRE06-00040: SCOTT AND RENA VAN DOESELAR

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of 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 22630 Draille Drive.

Recommendation

Approval.

Commissioner Browning announced that he was abstaining from consideration of this item and exited the dais.

Planning Assistant Graham introduced the request and noted supplemental material consisting of a letter from Stuart Peterson, 22626 Draille Drive.

Scott Van Doeselaar, 22630 Draille Drive, stated that has modified the plans and believes that he and his neighbor are now in agreement.

Stuart Peterson, 22626 Draille Drive, stated that he supports the revised plans, with the understanding that the overall height of house will not increase more than 16 inches. He noted that Mr. Van Doeselaar had mentioned that any windows on the second floor facing his home would have sill heights no lower than six feet.

Mr. Van Doeselaar clarified that the plans were designed with no windows facing Mr. Peterson's home to address privacy concerns, but he recently came up with the idea of transom windows with a sill height of six feet, which he would like to add.

Planning Manager Lodan suggested that when Mr. Van Doeselaar has finalized the size and location of the windows, he could provide staff with the plans and seek approval from his neighbor via the sign-off process.

Commissioner Weideman wanted to make sure that the maximum height would be as described in Mr. Peterson's letter.

Planning Manager Lodan advised that the plans and silhouette certification reflect this height.

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

MOTION: Commissioner Faulk moved for the approval of PRE06-00040, as conditioned, including all findings fact set forth by staff, adding a condition that any windows added to the north side of the residence shall be subject to the neighbor sign-off process. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution No. 07-049 as amended. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Browning).

Commissioner Browning returned to the dais.

9D. MIS07-00237: CHUNGN WANG (KAY WARREN)

Planning Commission consideration of an appeal of a Community Development Director approval of a Minor Hillside Exemption to allow the construction of a ramp and stairs along the rear portion of the residence providing access to a proposed deck one foot above grade on property located in the Hillside Overlay District in the R-1 Zone at 441 Paseo de la Playa.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Doug McHattie, representing the applicant Kay Warren, reported that he spoke with a Coastal Commission representative, who indicated that there would be no problem obtaining approval for the deck. He related his understanding that the appellant has an illegal path and a deck that has not been approved by the Coastal Commission.

Commissioner Browning asked if the applicant intends to put in a path down to the beach. Mr. McHattie stated that Ms. Warren does plan to do so but it has nothing to do with this project.

Commissioner Weideman asked about the diagram on page 46 of the staff report showing a pathway. Planning Manager Lodan clarified that the diagram was from an earlier set of plans and this project is limited to the deck and the ramp and stairs leading to it.

Roger Bacon, 445 Paseo de la Playa, disputed the claim that his deck was not approved. He reported on a meeting he had with a Coastal Commission representative to discuss the condition of the slope on Ms. Warren's property and submitted photographs to illustrate.

Chairperson Busch requested that Mr. Bacon confine his remarks to the project being considered.

Mr. Bacon stated that he objected to the huge terrace being proposed by his neighbor and believed it was unsafe because someone could fall off of it. Submitting photographs to illustrate, he reported that other neighbors have decks but nothing on the scale of what Ms. Warren is proposing. He contended that this hearing was mis-advertised because the older set of plans was included in the staff report. He expressed concerns about improper drainage on Ms. Warren's property and erosion of the slope, submitting photographs to illustrate. He reported that the Coastal Commission representative indicated that sandbags are needed to stop the erosion, however, he called the Grading Department and nothing has been done.

Chairperson Busch noted that Mr. Bacon was straying from the topic and had exceeded his time to speak and therefore asked him to take a seat.

Commissioner Browning suggested that the two parties consider a compromise. He stated that he believed the deck should be reduced in size because it is rather large and because of potential safety issues. He noted that the deck extends out to the top of the bluff and while it would be only 12 inches off the ground today, future erosion could create a much greater drop-off. He pointed out that reducing its width would create more privacy for neighbors. He proposed reducing the size of the deck from 48' wide x 20' deep to 37' wide x 10' deep, not counting the 4-foot ramp at the rear of the house.

Chairperson Busch stated that he thought Commissioner Browning's proposal had merit because he also thought the deck was too large and could not support it as proposed.

Commissioner Weideman indicated that he would support a reduction in the size of the deck. He noted that this matter was continued was because the Commission had asked staff to look into adding more stringent conditions and commended staff for doing so.

Mr. McHattie expressed concerns about the usability of the deck at 37' x 10' and suggested 37' x 14" as a more acceptable size.

Mr. Bacon indicated that he would not object to a deck 37' x 13' and expressed the hope that Ms. Warren would take the necessary steps to protect her property from erosion.

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

Commissioner Horwich stated that he would support the project because it appears that Mr. Bacon's concerns, which are not related to the project before the Commission, will be addressed by the Coastal Commission.

MOTION: Commissioner Browning moved for the approval of MIS07-00237, as conditioned, including all findings of fact set forth by staff, adding a condition that the dimensions of the deck shall not exceed 37 feet by 13 feet (plus 4-foot ramp). The motion was seconded by Commissioner Weideman and discussion briefly continued.

Commissioner Horwich stated that he would support the motion because it appears that Mr. Bacon's concerns, which are not related to the project before the Commission, will be addressed by the Coastal Commission.

Chairperson Busch called for the vote, and the motion passed by unanimous roll call vote.

Commissioner Faulk commended Commissioner Browning for forging a compromise, but wanted to make clear that he still supports the Community Development Director's original decision to approve the project, which was based on facts that were somewhat overlooked at this hearing. He noted that this was a Hillside Ordinance case, however, little if any of the discussion addressed the impact on view, light, air and privacy, which are the focus of the Hillside Ordinance.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution No. 07-122 as amended. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Commissioner Faulk asked to be excused for the rest of the meeting and left Council Chambers at 9:50 p.m.

The Commission recessed from 9:50 p.m. to 9:57 p.m.

10. **WAIVERS** – None.

11. **FORMAL HEARINGS**

11A. **PCR07-00001, CUP07-00023: MAKENA GREAT AMERICAN**

Planning Commission consideration for approval of a Planning Commission Review for the construction and operation of a new retail/commercial center in conjunction with a Conditional Use Permit to allow restaurant/food uses on property located in the C-2 Zone at 4135 Pacific Coast Highway.

Recommendation

Approval.

Planning Assistant Graham introduced the request.

Tim Lux, Datum Architects, Irvine, voiced his agreement with the recommended conditions of approval with the exception of Condition No. 10, which prohibits outdoor seating. He explained that the project will include a restaurant use and they would like to at least entertain the opportunity for outdoor seating.

Planning Manager Lodan proposed that the condition be amended to state, "that there shall be no outdoor seating without prior approval of the Community Development Director."

Commissioner Weideman asked about parking lot lighting. Mr. Lux indicated that the lighting plan has not yet been designed. Planning Manager Lodan confirmed that adjacent apartments would be protected from lighting spillover.

Responding to questions from the Commission, Brett Blanchard, Makena Great American, reported that the company has done five projects in Torrance, including centers at Crenshaw and Artesia, Prairie and Artesia, and Arlington and Sepulveda. He explained that approximately 40% of the subject building has been leased by a Japanese convenience store and there will also be some kind of fast food restaurant, but no drive-through.

Commissioner Browning expressed concerns about approving a Conditional Use Permit for a restaurant without knowing what the restaurant will be and related his preference that the CUP come back to the Commission after the restaurant tenant has been identified.

Don Robertson, Makena Great American, explained that they would like to have the CUP approved because having an approved restaurant use would help with marketing. He noted that originally Starbucks was going to be a tenant, however, they backed out because of lagging sales at some of their stores.

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

In response to Commissioner Weideman's inquiry, Planning Manager Lodan provided clarification regarding the reciprocal parking arrangement. He noted that only parking spaces on the subject property count toward parking requirements.

Commissioner Browning recommended that the restaurant be deleted from the approval and the applicant be required to come back when the tenant has been identified. He noted that the Commission recently denied a Pizza Hut at Anza and Del Amo due to concerns about its proximity to West High and other schools and this site is as close or closer to South High and 2 or 3 other schools. He also noted that there are residents immediately adjacent to the project who could be disturbed by the early opening time of a coffee shop like Starbucks.

Planning Manager Lodan advised that the CUP was included because some commissioners have objected when restaurant uses have come back after a project has been approved.

Commissioner Gibson indicated that she would support the project as proposed, noting that South High is quite a distance away from the subject property, as opposed to the project at Anza and Del Amo, which was very close to West High and surrounded by a residential area.

Commissioner Uchima stated that he would also support the project as proposed and did not believe it was necessary to come back to the Commission for a CUP.

Commissioner Weideman indicated that he favored having the restaurant use come back for approval in order to stay consistent with action taken in the past by this Commission.

MOTION: Commissioner Gibson moved for the approval of PCR07-00001 and CUP07-00028, as conditioned, including all findings of fact set forth by staff, modifying Condition No. 10 to state that there shall be no outdoor seating without prior approval of the Community Development Director. The motion was seconded by Commissioner Uchima and failed to pass as reflected in the following roll call vote:

AYES: Commissioners Gibson, Horwich and Uchima.
NOES: Commissioners Browning, Weideman and Chairperson Busch.
ABSENT: Commissioner Faulk.

MOTION: Commissioner Browning moved for the approval of PCR07-00001 and CUP07-00028, as conditioned, including all findings of fact set forth by staff, eliminating the approval of the restaurant and deleting Condition No. 10. The motion was seconded by Commissioner Weideman and passed by a 4-2 roll call vote, with Commissioners Gibson and Uchima dissenting (absent Commissioner Faulk).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution Nos. 07-129 and 07-130.

MOTION: Commissioner Browning moved for the adoption of Planning Commission Resolution Nos. 07-129 and 07-130 as amended. The motion was seconded by Commissioner Horwich and passed 5-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner Faulk).

11B. CUP07-00026, TTM69668: DIANNA AND MICHAEL TUMANJAN

Planning Commission consideration for approval of a Conditional Use Permit to allow the construction of a new five-unit condominium project exceeding two stories in height in conjunction with a Tentative Tract Map to merge two lots into one and for condominium purposes on properties located in the R-3 Zone at 2718 and 2722 Dalemead Street.

Recommendation

Denial without prejudice.

Planning Assistant Graham introduced the request.

Bruce Krause, project architect, stated that he was disappointed that staff was recommending denial of the project because a conscientious effort was made to design an acceptable project, including the use of detached units so that the project would more resemble single-family homes.

Michael Mendes, 2714 Normallin Street, expressed concerns about the adequacy of the parking and the impact on privacy. He noted that nothing in the area is over two stories in height and suggested that a two-on-a-lot configuration, each unit with its own driveway, would be more appropriate for the neighborhood.

Greta Mendes, 2714 Normallin Street, contended that the three-story condominiums were out of character with the neighborhood.

Erwin Lewis, 25502 January Drive, reported that there is inadequate water pressure in the area.

Cathy Brown, 2709 Normallin Street, noted her agreement with previous speakers and submitted letters from neighbors who oppose the project for the record.

Leona Solley, 25510 January Drive, stated that she moved from Manhattan Beach to escape overdevelopment and feared a project like this would lead to the same thing. Submitting photographs to illustrate, she maintained that the project does not fit with the neighborhood.

Jorge Arboleda, 2701 Normallin Street, voiced his opinion that the design of the project was out of character with the neighborhood and expressed concerns that garages would not be used and 10 more cars would be parking on the street.

Saul Macias, 25526 January Drive, contended that the project's 30-foot height was too tall for the neighborhood and suggested that the applicant consider a semi-subterranean design.

Billy Roberts, 2709 Clarellen Street, noted his concurrence with his neighbors' remarks and expressed concerns about the loss of his city view.

Michael Santiago, 2705 Clarellen Street, related his belief that the project does not fit in with the neighborhood.

Returning to the podium, Mr. Krause stated that the primary concern seems to be the height of the project and there are ways to address this issue. He explained that the project could be lowered into the grade to a certain extent, but that would require the driveway to be moved to January Drive and Unit 4 would have to be shifted to the other side of the property to avoid an overly steep driveway. He disputed the claim that residents would not use their garages, noting that he uses his all the time. He asked for feedback from the Commission regarding the reduction in height.

Commissioner Horwich stated that he believed the project would be more acceptable if the height was reduced, but felt the matter of how much to lower it should be left to the architect. He asked if Mr. Krause would like a continuance so he could meet with neighbors and explore other possibilities.

Mr. Krause indicated that he would like an opportunity to look at alternatives.

Commissioner Uchima reported that he visited the site and observed that the proposed project would be quite a contrast to residences along Dalemead Street. He stated that he concurred with the recommendation in the staff report that the project would be better suited for the neighborhood if the floor area was more spread out and the height reduced to two stories, with design elements to make the units appear more like single-family residences. He stressed the need to work with neighbors.

Commissioner Browning related his belief that the project was way beyond redesigning. He stated that just lowering its height would not eliminate the impact on this area, therefore he would not support sending it back to the drawing board.

MOTION: Commissioner Browning moved to deny CUP07-00026 without prejudice. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Faulk).

MOTION: Commissioner Weideman moved to deny TTM69668 without prejudice. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote (absent Commissioner Faulk).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution Nos. 07-127 and 07-128.

MOTION: Commissioner Weideman moved for the adoption of Planning Commission Resolution Nos. 07-127 and 07-128. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Faulk).

12. RESOLUTIONS

Agenda Items 12A through 12D were considered earlier in the meeting see pages 6 and 7.

13. PUBLIC WORKSHOP ITEMS – None.

14. MISCELLANEOUS ITEMS – None.

15. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reviewed recent City Council action on Planning matters, noting that at the December 4 meeting, the Council approved the Pizza Hut at Anza and Del Amo after placing some restrictions on the hours of operation.

16. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed the agenda for the Planning Commission meeting of December 19, 2007.

17. ORAL COMMUNICATIONS #2

17A. Greta Mendes, referring to Agenda Item 11B, stated that the developer made no attempt to talk to neighbors and seemed solely interested in maximizing profits.

17B. Bruce Krause, referring to Agenda Item 11B, stated that he was disappointed that he wasn't given an opportunity to work with neighbors to redesign the project. He explained that he had concentrated on the zoning requirements and made an honest mistake by overlooking the need to communicate with neighbors.

17C. Commissioner Browning requested that the matter of amending the Commission's Rules of Order to address the timeframe for reconsideration of an item be brought forward at the January 16 meeting.

17D. Commissioner Gibson wished everyone a happy Hanukah.

17E. Chairperson Busch asked if there was some way to alert the chair when commissioners wish to be recognized.

Planning Manager Lodan related his understanding that the new system can only be utilized by the City Council at this time.

18. ADJOURNMENT

At 10:56 p.m., the meeting was adjourned to Wednesday, December 19, 2007 at 7:00 p.m.

Approved as Amended January 16, 2008 s/ Sue Herbers, City Clerk
