

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

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:05 p.m. on Wednesday, November 17, 2004, in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Drevno.

3. ROLL CALL

Present: Commissioners Botello, Drevno, Faulk, Horwich, LaBouff, Uchima and Chairperson Muratsuchi.

Absent: None.

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

4. POSTING OF THE AGENDA

MOTION: Commissioner Uchima, 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

None.

6. REQUESTS FOR POSTPONEMENTS

None.

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

7. CONTINUED HEARINGS

7A. PRE04-00025, WAVA04-00021: EVAN BRAUN (LOUIE SAMPEDRO)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a one-story addition to an existing single-family residence and Waiver to allow a reduction of the front setback requirement on property located in the Hillside Overlay District in the R-1 Zone at 431 Camino de Encanto.

Recommendation

Approval.

Sr. Planning Associate Lodan introduced the request.

Evan Braun, project architect, voiced his agreement with the recommended conditions of approval.

Louie Sampedro, 431 Camino de Encanto, owner of the subject property, stated that he did his best to comply with City requirements while at the same time providing the necessary space for his growing family.

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

MOTION: Commissioner Uchima moved for the approval of PRE04-00025 and WAV04-00021, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner LaBouff and passed by unanimous roll call vote.

Sr. Planning Associate Lodan read aloud the number and title of Planning Commission Resolution Nos. 04-130 and 04-131.

MOTION: Commissioner Uchima moved for the adoption of Planning Commission Resolution Nos. 04-130 and 04-131. The motion was seconded by Commissioner LaBouff and passed by unanimous roll call vote.

8. WAIVERS

None.

9. FORMAL HEARINGS

9A. PRE04-00028, WAV04-00025: TONY AND ROBBI VILLALOBOS (RICHARD GASTELUM)

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of first and second-story additions to an existing single-family residence and a Waiver to allow a reduction of the side yard setback requirement on property located in the Hillside Overlay District in the R-1 Zone at 5102 Via El Sereno.

Recommendation

Approval.

Sr. Planning Associate Lodan introduced the request and noted supplemental material available at the meeting consisting of public correspondence.

Richard Gastelum, project architect, voiced his agreement with the recommended conditions of approval.

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

MOTION: Commissioner Faulk moved for the approval of PRE04-00028 and WAV04-00025, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

Sr. Planning Associate Lodan read aloud the number and title of Planning Commission Resolution Nos. 04-135 and 04-136.

MOTION: Commissioner Faulk moved for the adoption of Planning Commission Resolution Nos. 04-135 and 04-136. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

9B. CUP04-00004, DIV04-00003, WAV04-00002: HASAN UD-DIN HASHMI

Planning Commission consideration for approval of a Conditional Use Permit to allow the demolition and redevelopment of an existing religious facility, a Division of Lot to allow a Lot Line adjustment, and a Waiver to allow a reduction of the side yard setback requirement on property located in the M-2 Zone at 1918 Artesia Boulevard.

Recommendation

Approval.

Sr. Planning Associate Lodan introduced the request and noted supplemental material available at the meeting consisting of an additional condition of approval, revised resolutions, and public correspondence.

Mr. Khan, project architect, voiced his agreement with the recommended conditions of approval.

Hasan Ud-Din Hashmi, Chairman of the Momin Lodge, stated that his organization would like to replace older buildings with new facilities in order to plan for the future and suggested that when the project has been completed, it will be a landmark in Torrance.

Commissioner Uchima asked about the additional condition of approval requiring a site assessment (Phase II) for soil contamination.

Fire Marshal Carter explained that the possibility of soil contamination exists due to the previous heavy industrial use and staff wants to ensure that there are no problems with contamination because the proposed facility includes a school and areas for public assembly.

Mr. Khan indicated that the applicant had no objection to the condition requiring a site assessment.

Responding to Commissioner Faulk's inquiry, Mr. Hashmi provided clarification regarding activities at the center, explaining that there are currently five daily prayer services with approximately 50 people in attendance and that there are two large festivals each year attended by approximately 500 people. He noted that should the festivals grow larger and exceed 500 people, a larger facility such as a convention center will be rented.

With regard to the proposed uses, Mr. Hashmi indicated that the new facility will include an accredited preschool/elementary school for approximately 150 students and a research library.

Planning Manager Isomoto provided clarification of parking requirements. She explained that parking for a religious facility is calculated based on the public assembly area, which in this case is the 7045 square foot sanctuary, and out of the proposed 231 parking spaces, 201 are required, leaving 30 spaces for school use. She noted that a condition was included (No. 15) stating that the number of students and staff associated the school operation shall not exceed a parking requirement of 30 spaces because the applicant was not able to provide detailed information about the number and size of classes at this time.

Commissioner Botello suggested the possibility of amending Condition No. 15 to state that the number of students shall not exceed 150.

Commissioner Horwich related his understanding that 30 parking spaces could support more than 150 students depending on the grade levels and makeup of the school and indicated that he favored retaining Condition No. 15 in its original form.

In response to Commissioner Horwich's inquiry, Planning Manager Isomoto confirmed that there are other preschool/elementary schools in industrial areas in Torrance.

David Albert, owner of ALS Industries, Inc., 1942 W. Artesia Boulevard, stated that he was opposed to the Waiver of the side yard setback requirement for the west side of the property, maintaining that the proposed 11-foot wide drive aisle was not adequate and could hinder access for emergency vehicles. He suggested that the project is essentially a teardown and the applicant should be required to demolish the entire structure and provide the required 20-foot setback.

Mr. Albert expressed concerns about the adequacy of the parking, the height of the dome and minaret, and possible contaminants in the soil due to the heavy manufacturing operation that formerly occupied this site. He stated that he learned from a former employee that there were several underground tanks on the property, including fuel tanks, septic tanks, and dip tanks containing plating acids. He requested additional

information regarding the intended use for the second floor of the building as it was not clear from the plans. He also requested clarification of Condition No. 8, requiring that the property be graded to within two feet of the grade of the adjacent property, explaining that due to the existing height differential between the two properties that was not possible.

Planning Manager Isomoto requested that Condition No. 8 be deleted. She reported that plans show that the second floor of the building will include two research libraries, a lounge/restroom, and offices.

Chairperson Muratsuchi questioned whether there was any indication that the project would have a significant impact on the neighborhood.

Planning Manager Isomoto advised that the overall increase in square footage, approximately 20,000 square feet, was not enough to trigger an environmental assessment or traffic study.

In response to Commissioner Botello's inquiry, Planning Manager Isomoto confirmed that there is a possibility that the remaining westerly wall will have to be demolished should contamination be found, which requires the removal of soil from underneath the building, and that the wall could be rebuilt in its existing position if the Waiver is granted.

Responding to questions from the Commission, Fire Marshal Carter reported that the proposed setback on the west side of the building would not hinder access for emergency vehicles. He indicated that he had no estimate of how long it would take for the Phase II site assessment to be completed because that is the responsibility of the applicant. He advised that cleanup must be completed before any construction can begin, noting that if heavy metal contamination is found, another government agency will become involved.

Chairperson Muratsuchi asked about staff's experience with similarly sized religious facilities with regard to traffic or parking problems.

Planning Manager Isomoto advised that staff was not aware of any traffic or parking problems associated with other religious institutions in Torrance; that the same Code requirements/parking ratios have been in effect for a number of years; and that there was no reason to believe that this facility would be any different.

Mr. Albert reiterated his position that that the parking was inadequate and that the Waiver should not be granted because the 11-foot drive aisle was inadequate and the westerly wall of the building will likely have to be demolished anyway due to soil contamination.

Chairperson Muratsuchi questioned whether staff was confident that having one-way access on the west side of the building was sufficient.

Planning Manager Isomoto conceded that it would be better to have two-way drive aisles on both sides of the building and noted that the Commission has the authority to approve the project without the Waiver or require a different setback.

Mr. Khan advised that a structural engineer surveyed the site and issued a report confirming that the westerly wall can be retained and offered to provide a copy of the report to staff.

Commissioner Botello asked about the possibility of redesigning the project to eliminate the need for the Waiver. Mr. Khan responded that doing so would require a major shifting of the building, interfere with the project's phasing, and require the elimination of parking spaces.

Commissioner Faulk stated that he was having a hard time justifying the Waiver because the existing buildings on the site will be demolished and the applicant will be, in essence, starting from scratch, therefore complying with Code requirements should not be a problem.

Larry Garvey, representing the applicant, maintained that the Waiver was justified because the Momin Lodge has been at this location for 9 years without any problems and there would be no change in land use, just the replacement of an older structure with a new one and the addition of 20,000 square feet.

Chairperson Muratsuchi suggested that adding an accredited school could be construed as a change in land use. Mr. Garvey voiced his opinion that the school was a minor component as compared to the overall size of the facility and does not represent a change in land use.

Commissioner Faulk called attention to Condition Nos. 3 and 4, requiring the applicant to submit a landscape plan and to include vine pockets along the base of all walls. He explained that the Commission places a strong emphasis on landscaping and that staff will be expecting a plan that includes substantial landscaping to balance the large amount of hardscape on this site.

MOTION: Commissioner Uchima, seconded by Commissioner Botello, moved to close the public hearing; voice vote reflected unanimous approval.

Commissioner Horwich indicated that he favored approval of the Conditional Use Permit and the Division of Lot.

In response to Commissioner Faulk's inquiry, Planning Manager Isomoto confirmed that the project's dome and minaret comply with applicable provisions of the Torrance Municipal Code, including height restrictions.

MOTION: Commissioner Horwich moved for the approval of CUP04-00004 and DIV04-00003, as conditioned, including all findings of fact set forth by staff, with the following modification:

Delete

No. 8 That the property shall be graded to be within 2 feet of the grade of the adjacent properties.

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

MOTION: Commissioner Botello moved to deny WAV04-00002. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

Commenting on his vote to deny the Waiver, Chairperson Muratsuchi stated that the introduction of the school use at this location raised concerns about the adequacy of the existing ingress/egress.

Sr. Planning Associate Lodan read aloud the number and title of Planning Commission Resolution Nos. 04-137 and 04-138.

MOTION: Commissioner Faulk moved for the adoption of Planning Commission Resolution Nos. 04-137 and 04-138 as amended. The motion was seconded by Commissioner Uchima and passed by unanimous roll call vote.

Planning Manager Isomoto advised that a resolution for denial of the Waiver would be brought back for formal adoption at the next meeting.

Commissioner Horwich voiced his opinion that the project will be an asset to the City of Torrance once it has been completed.

10. RESOLUTIONS

None.

11. PUBLIC WORKSHOP ITEMS

None.

12. MISCELLANEOUS ITEMS

12A. MIS04-00312: OSCAR MOTTA

Planning Commission consideration for approval of a Time Extension for a previously approved Division of Lot (DIV02-00015) for condominium purposes on property located in the R-3 Zone at 20611 Amie Avenue.

Recommendation

Approval.

Sr. Planning Associate Lodan introduced the request.

Oscar Motto, applicant, requested approval of the Time Extension, explaining that flooding due to heavy rains after the initial approval caused the project to be delayed and added to the cost, but it was now back on track.

MOTION: Commissioner Botello moved for the approval of MIS04-00312. The motion was seconded by Commissioner Faulk and passed by unanimous roll call vote.

Sr. Planning Associate Lodan read aloud the number and title of Planning Commission Resolution No. 04-140.

MOTION: Commissioner Botello moved for the adoption of Planning Commission Resolution No. 04-140. The motion was seconded by Commissioner Horwich and passed by unanimous roll call vote.

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The Commission recessed from 8:30 p.m. to 8:45 p.m.

12B. LUS04-00004: CITY OF TORRANCE

Planning Commission consideration of the Floor Area Ratio (FAR) limits for multiple-family residential developments.

Planning Manager Bihn introduced the item. He noted that Planning Associate Shelly Kim prepared a comprehensive report on FAR limits and that the Commission was being asked to recommend that the City Council approve one or more of the following options:

- 1) Adopt the draft ordinance revising the Torrance Municipal Code so that R-2 and R-3 residential development projects may not be developed with Floor Area Ratios above 0.65 and 0.60 respectively with approval of a Conditional Use Permit.
- 2) Keep the existing standards.
- 3) Revise the FARs.
- 4) Modify other development standards as needed.

Gladys Meade, representing the League of Women Voters, voiced support for the proposal to limit R-3 residential developments to an FAR of 0.60, noting that the report on multi-family developments issued by her organization in July, *Multi-Family Housing Developments, Conclusions and Recommendations*, did not address R-2 standards. She stated that the public hearing process for Conditional Use Permits is very useful, however, it should not be used as an excuse to weaken FAR standards. She further stated that the League was pleased that the City Council has decided to update the General Plan and to explore the feasibility of implementing development impact fees, but expressed the hope that other recommendations in the report would also be given consideration.

Commissioner Botello commended the League for the very concise, well written report.

Commissioner Horwich expressed concerns that should definite FAR limits be established, some projects that currently must be reviewed by the Planning Commission would not be subject to the public hearing process. Planning Manager Bihn explained that R-2 and R-3 projects that comply with all development standards do not require a Conditional Use Permit, which involves a public hearing, unless the units are condominiums.

Ms. Meade commented on the benefits of having a project publicly reviewed and voiced her preference that a public hearing be held for developments of any kind.

Referring to the League's report, Chairperson Muratsuchi asked about the report's conclusion that FAR standards adopted in the late 1980s were meant to be a definite limit as opposed to staff's position that they were meant to be a guideline.

Ms. Meade stated that the conclusion was the result of many discussions and it was not based on historical research into the drafting of the Code. She explained that the League became concerned about the discretion being exercised by the Planning Commission and the City Council over the last two years and felt it was preferable to establish an absolute limit. She suggested that after the General Plan update has been completed, some of this discretion might be returned, but until that time, strictly adhering to the limits would be a way of restoring residents' faith in the Planning process.

Chairperson Muratsuchi asked about charges that the Planning Commission and the City Council have been violating the Torrance Municipal Code by approving projects that exceed FAR standards.

Deputy City Attorney Whitham confirmed that the Code, as currently written, provides a mechanism by which projects may exceed 0.60 in the R-3 Zone and 0.65 in the R-2 Zone through the granting of a Conditional Use Permit as long as the necessary findings are made.

In response to Commissioner Botello's inquiry, Planning Manager Bihn confirmed that the proposed Ordinance does not change the Conditional Use Permit process, it just establishes FAR limits for multi-family developments which may not be exceeded.

Sandi Monda, representing a coalition of homeowners groups – Old Torrance Neighborhood Association, Northwest Torrance HOA, Southwood/Sunray HOA, Seaside HOA, Madrona HOA, Save Historical Old Torrance, West Torrance HOA, Southwood/Riviera HOA, Hillside HOA, Country Hills HOA, and Southwood HOA – reported on the coalition's activities over the past several months, noting that they have been united in concerns about development in Torrance and they are seeking a way to ensure balanced and intelligent growth. She indicated that the coalition supports limiting R-2 developments to an FAR of 0.65 and R-3 developments to an FAR of 0.60 and including garages in the calculations for the sake of consistency. She noted that garages are included in the FAR for R-1 projects and they do contribute to a project's bulk. She stated that it is hard for anyone to know what the rules are when they seem to keep changing and suggested that having a "carved in stone" limit will simplify the Planning process and make it more consistent. She requested that the Commission also consider lowering the FAR in the Hawthorne Boulevard Corridor Specific Plan Zone, Del Amo Subdistricts 1 and 2, from 1.0 to 0.60, explaining that staff was directed by the City Council to bring forward an item on this issue.

Planning Manager Bihn advised that this item was brought forward first because R-2 and R-3 development was the Council's primary focus and because it was felt that it would be best to wait until the General Plan update has been completed to see how the Hawthorne Boulevard Corridor Specific Plan fits within the overall scheme before making any changes.

Chairperson Muratsuchi noted that Ms. Monda formerly served on the Planning Commission for eight years, during which time projects with FARs in excess of the limits

proposed were approved, and questioned why she now felt there was a need for change.

Ms. Monda stated that it has been the Commission's practice to consider projects on a case-by-case basis; noted that the environment has changed in recent years due to the shortage of land for residential development and there has been a lot of rezoning of industrial and commercial property to accommodate housing without a clear plan; and stressed the need to look at the cumulative impact of multi-family development on traffic, schools and the infrastructure. With regard to the proposed FAR limits, she suggested that setting an absolute limit would help developers because they will know exactly what is required to get a project approved and ease residents' concerns about over-development and restore their faith in the process.

Kurt Nelson, representing JCC Homes, 3480 Torrance Boulevard, voiced his opposition to the proposed FAR limits. He stated that land development cannot be reduced to a mathematical formula because sites vary in size, shape and topography and maintained that allowing some flexibility leads to more attractive projects. He explained that there is no discernible difference between a project with an FAR of 0.60 and one with an FAR of 0.62; that FAR is meant to be a tool to help analyze a project; and that the existing process – whereby developers, staff, the Planning Commission and concerned citizens work together – results in better projects. He stated that while residents have raised legitimate concerns about traffic and other issues in recent months, not all, or even the majority of these problems can be attributed to residential development. He noted that projections for the City's population growth made in 1992 are not far off and suggested that there will be virtually no residential development in Torrance if Zone Changes are prohibited. He emphasized the need for creativity due to the lack of available land in Torrance.

Referring to Mr. Nelson's remarks about Zone Changes, Commissioner Botello commented on the need to preserve the City's balance of industrial, commercial and residential land. He expressed concerns that residential developers can currently outbid industrial and commercial buyers because they can afford to pay more for a parcel and there is no incentive to retain land for commercial or industrial use in the future.

Mr. Nelson maintained that Torrance has an incredibly good commercial and industrial base and if any imbalance exists, it is the dearth of residentially zoned land.

Chairperson Muratsuchi, echoed by Commissioner Fauk, questioned why Mr. Nelson felt the FAR limits would result in less attractive developments.

Mr. Nelson reiterated his position that land development cannot be reduced to a mathematical formula and setting an absolute limit for FARs would hinder creativity.

Noting her experience in representing developers for the past 25 years, Cheryl Vargo shared historical information about the City's adoption of FAR standards. She explained that the 0.60 FAR standard for the R-3 Zone was established to address concerns about the size and bulk of units built on small lots in close proximity to one-story, single-family residences and that a provision was included allowing this standard to be exceeded because it was recognized that there are areas in the City that can support a higher FAR. She noted that the allowable density of 27 units per acre in the R-3 Zone can barely be achieved with an FAR of 0.60 as it works out to only

approximately 900 square feet per unit, which is the minimum size for a two-bedroom unit and much smaller than the typical unit currently being built. She urged that garages not be included in FAR calculations for the R-2 and R-3 Zones because it would drastically reduce the amount of livable square footage. Referring to the photographs included in the staff report, she pointed out that there are factors other than FAR that affect a project's appearance and suggested the possibility of establishing a range of between 0.60 and 0.75 for the R-3 Zone.

Commissioner Botello noted that there have been instances where developers have maintained that a higher FAR was necessary in order to make a project economically feasible but they were subsequently able to design a viable project with a lower FAR once they were required to do so.

Ms. Vargo explained that the price of land is often based on the allowable density and some buyers pay too much because they are not aware of all the variables that can affect what can be built on a site.

Commissioner Botello suggested that one advantage of setting an absolute limit of 0.60 for R-3 properties is that potential purchasers will know exactly what a particular site can accommodate in terms of development, which would tend to constrain escalating land values.

Patrick Furey, Cranbrook Avenue resident, voiced support for the proposed FAR limits for R-2 and R-3 developments. He noted that this item, which would limit the Planning Commission and the City Council's discretionary powers, was brought forward at the direction of the City Council as part of a motion that established a moratorium on Zone Changes and General Plan Amendments until an update of the City's General Plan has been completed. He explained that the Council took this action because many residents have become very concerned and mistrustful about development in Torrance and banded together to make their concerns known during what he characterized as the "summer of discontent." He stated that he did not believe the limits would stay in place forever, but felt they were necessary until the General Plan update has been addressed.

John Mirassou, Susana Avenue resident, noted that he is employed by Anastasi Development, but was speaking as a longtime Torrance resident. He explained that experts agree that California is in the middle of one of the largest population booms in history and that he was concerned about actions the state government might take to provide more housing. He commented on recent attempts by the state to take away local control and allow the building of second units on R-1 lots. He suggested that these attempts will continue because all the people flooding into the state have to live somewhere and maintained that that it was better to have areas designed for higher density as opposed to adding second units on R-1 lots. He voiced support for retaining the higher FAR limit in the Hawthorne Boulevard Corridor Specific Plan Zone, contending that higher density housing mixed with commercial development would create a vibrant downtown like those in Old Town Pasadena, Brea, Fullerton and Santa Monica. He proposed that residents look to the future and consider all of the issues, not just the FAR.

Tom Rische, Carlow Road resident, expressed concerns about the "helter-skelter" development that has been taking place and commented on the need for balanced, intelligent growth. He noted that replacement of the City's aging infrastructure

is years overdue and unless something is done, this problem will be passed along to our children. He commented on the increasing traffic congestion throughout the City, noting that he currently serves as chairman of the Traffic Commission. He indicated that he was not swayed by arguments from developers concerned about making a profit and voiced support for limiting the FAR and sending a message to developers "if it doesn't fit, do not submit."

David Henseler, Singingwood Drive resident, stated that he supports a FAR limit of 0.60 across the board, with garages included, maintaining that developers would adapt and become more creative. He suggested that the City needs to stop doing business as usual and try to come up with a plan to attract businesses to take over vacant buildings.

Dan Aitken, Carmelynn Street resident, stated that he has seen a lot of changes during the time he has lived in the South Bay and he approves of change. He voiced his opinion that nothing should be written in stone and that view issues and other factors need to be taken into account when considering a project.

In response to Commissioner Horwich's inquiry, Deputy City Attorney Whitham provided clarification regarding projects that are subject to the public hearing process.

Commissioner Horwich noted that he had earlier voiced objections to the use of the term "multiple-owner occupied" for condominium developments in City ordinances. Planning Manager Isomoto explained that the term was taken from state regulations that governed this type of development when the ordinances were adopted and confirmed that condominiums do not have to be owner occupied.

MOTION: Commissioner Botello moved to recommend that the City Council adopt the draft ordinance limiting R-2 developments to an FAR of .65 and R-3 developments to an FAR of .60. Discussion continued.

Commissioner Uchima questioned how the League of Women Voters arrived at their recommendation that FARs be limited to 0.60 for R-3 developments and whether they supported including garages in calculations.

Ms. Meade reported that the League took the 0.60 figure from the Torrance Municipal Code and that they had not discussed including garages. She noted that the organization plans to explore other topics in the future, including senior citizen developments, explaining that the League is concerned that the senior housing being built is not what seniors want.

Expressing concerns that limiting the FAR could affect affordability, Commissioner Uchima stated that logic would dictate that as the number of units that can be built on a parcel decreases, the cost per unit increases, which translates into higher home prices. He questioned whether the League considered this issue, and Ms. Meade indicated that they had not discussed the impact on affordability but noted that developers are not guaranteed a certain profit margin.

In response to Commissioner Uchima's inquiry, Planning Manager Isomoto clarified that the FAR limits under discussion would not apply to senior citizen housing.

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

Commissioner Botello's motion died for lack of a second.

Indicating that he believed it was important that there continue to be some discretion inherent in the public hearing process, Commissioner Horwich offered the following motion:

MOTION: Commissioner Horwich moved to recommend that the City Council retain the existing FAR standards until such time as the General Plan has been revised. The motion was seconded by Commissioner LaBouff and passed as reflected in the following roll call vote:

AYES: Commissioners Faulk, Horwich, LaBouff and Uchima.

NOES: Commissioners Botello, Drevno and Chairperson Muratsuchi.

Commenting on his vote, Chairperson Muratsuchi stated that in an ideal world, there should be some discretion allowed for creative policy making, however, he was reminded after listening to Ms. Vargo, how persuasive proponents of a project can be, and believed in this case there was a need for very clear restrictions.

Commissioner Faulk voiced his opinion that this Commission has done an excellent job in exercising its discretionary powers. He suggested that anyone who examines the record will find that this Commission has voted to deny, or has had split votes on a number of projects, and on those projects that were approved, compromises have been reached, which have resulted in significant downscaling of some projects, as well as the inclusion of more two-bedroom units to provide entry-level housing opportunities for young families. He indicated that he believes there is a definite advantage to looking at projects on an individual basis and did not want to lose that ability. He suggested that some of the public's mistrust has been caused by developers who have been "pushing the envelope," however, the record will show that this Commission has done a good job of holding the line on FAR standards and developers seem to be getting the message.

Commissioner Drevno stated that she changed her mind after listening to the testimony because she felt she had a responsibility to represent residents' interests and they strongly favored the proposed FAR limits. Referring to comments that the public has lost faith in the Planning Commission, she offered her assurance that Commissioners base their decisions on what they believe is best for the City and expressed confidence that they would adhere to the FAR standards as closely as possible.

13. CITY COUNCIL ACTION ON PLANNING MATTERS

None.

14. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Isomoto reviewed the agenda for the Planning Commission meeting of December 1, 2004.

15. ORAL COMMUNICATIONS

15A. Planning Manager Isomoto noted that Planning Manager Mike Bihn has announced his retirement and will be leaving at the end of the year. She also noted that Danny Santana and Kevin Joe have been promoted to Planning Associates and intern Aquilla Hurd has been hired as a Planning Assistant.

15B. Bonnie Mae Barnard thanked Commissioners for their thoughtful consideration of the FAR limits and expressed the hope that they would keep projects as close to 0.60 as possible. She reported that the property at 2103 Gramercy has been sold to a builder, contrary to the representations made by the property owners who said they wanted to develop it so they could retire there.

15C. June Lee, Vanderhill Road resident, voiced concerns that businesses were being operated out of homes in her neighborhood. She noted her dislike of the senior developments being built in the City and called for realistic senior housing.

15E. Commissioner Horwich thanked staff for the *Planning Commissioner's Handbook*, noting that it has excellent information about public service ethics. He proposed that the Commission form a subcommittee to draft an ethics policy for the Commission.

Commissioner Horwich, seconded by Commissioner Botello, moved to request that staff place an item on the agenda to discuss an ethics policy for the Commission; voice vote reflected unanimous approval.

16. ADJOURNMENT

At 10:54 p.m., the meeting was adjourned to Wednesday, December 1, 2004, at 7:00 p.m.

Approved as Written January 19, 2005 s/ Sue Herbers, City Clerk
