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TORRANCE CITY COUNCIL – APRIL 19, 2016

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At 11:26 p.m. City Council adjourned to Tuesday, April 26, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:30 p.m. on Tuesday, April 19, 2016 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, City Attorney Fellows, City Clerk Poirier and other staff representatives.

Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The City Council immediately to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54956.8.

The City Council reconvened at 7:00 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Councilmember Ashcraft.

The non-sectarian invocation was given by Councilmember Barnett.

3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA/ MOTION TO WAIVE FURTHER READING

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, April 14, 2016.

MOTION: Councilmember Rizzo moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred; supplemental material was available to Items 8B, 12E, 12F, 12G (2) and 13A (2).

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Furey provided a brief summary of the Federal Legislative Advocacy Committee meeting held on Tuesday, April 19, 2016 with Steven Palmer, Vice President of Van Scoyoc Associates, the City's federal advocacy and consulting firm, and noted that the Committee's report will be submitted for consideration at the April 26, 2016 City Council meeting.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2016-26 RE RODNEY CRAWFORD

RESOLUTION NO. 2016-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING RODNEY CRAWFORD OF THE PUBLIC WORKS DEPARTMENT
UPON HIS RETIREMENT AFTER TWENTY-ONE YEARS OF SERVICE

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-26. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

To be presented at a later date.

6B. INTRODUCTION OF TORRANCE STUDENTS PARTICIPATING IN SISTER CITY CULTURAL EXCHANGE PROGRAM

Werner Willoughby, president of Torrance Sister City Association, provided background information about Torrance's Sister City program with Kashiwa, Japan. Jennifer Hirashiki, adult leader, introduced Torrance students who will be participating in this year's program.

7. ORAL COMMUNICATIONS #1

The following 12 people spoke: Catherine Leys, Steven Goldsmith, Wendy Araiza, Erin Shaw, Melanie Cohen, Frances Romero, Damien McDowell, Jim Gates, Cindy Macha, Anne O'Brien, Tiffany Williams, and Gillian Chowdary.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation of the City Clerk that City Council approve the City Council minutes of March 22, 2016.

8B. FISCAL YEAR 2016-2018 SHORT RANGE TRANSIT PLAN

Considered separately, see page 3.

8C. TORRANCE SISTER CITY ASSOCIATION 2015 ANNUAL REPORT AND FINANCIAL STATEMENT

Recommendation of the Community Services Director that City Council accept and file the Torrance Sister City Association 2015 Annual Report and Financial Statement.

8D. TORRANCE SISTER CITY ASSOCIATION GRANT FOR 2016

Recommendation of the Community Services Director that City Council approve a grant in the amount of \$1,500 to the Torrance Sister City Association for 2016.

8E. ARMED FORCES DAY PARADE AIRCRAFT FUEL REIMBURSEMENT

Recommendation of the Chief of Police that City Council:

- 1) Appropriate funding in an amount not to exceed \$5,100 from the Airport Aeronautical fund balance to the Western Museum of Flight for twenty five airplanes to conduct flyovers during the 2016 Armed Forces Day Parade; and
- 2) Approve that the airplanes participating in the flyovers for the Armed Forces Parade are exempt from aircraft noise regulations pursuant to Torrance Municipal Code Section 46.8.10.

MOTION: Councilmember Ashcraft moved for the approval of Consent Calendar Items 8A, 8C, 8D and 8E. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

Consent Calendar Item 8B was considered separately at this time.

8B. FISCAL YEAR 2016-2018 SHORT RANGE TRANSIT PLAN

Recommendation of the Transit Director that City Council approve the Fiscal Year 2016-2018 Short Range Transit Plan for submission to the Los Angeles County Metropolitan Transportation Authority.

Mark Stephenson requested clarification regarding statistics in the report, which was provided by staff.

MOTION: Councilmember Ashcraft moved to concur with the staff recommendation. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. TERMINATION OF COVENANT AGREEMENT RE 20821 HAWTHORNE BOULEVARD

Recommendation of the Community Development Director that City Council consider the current property owner's request to terminate the existing Covenant Agreement restricting the building's occupancy on property located in the H-PR Zone at 20821 Hawthorne Boulevard. PCR73-01 Laurel Development Corp (RB Furniture Company) / 20821 Hawthorne Blvd LLC (Alex Hakakian)

Planning Manager Lodan reviewed the property owner's request that a Covenant Agreement, which restricts the existing building at 20821 Hawthorne Boulevard to retail furniture sales, be terminated so the building can be used for a broader range of uses, including medical office and retail uses. He reported that the property owner currently has a lease pending with a medical tenant to utilize half the building and this action would facilitate the signing of the lease.

Councilmember Weideman noted his intention to address the City Manager's Note concerning the long-term vision for Hawthorne Boulevard (agenda item – page 2) under Oral Communications #2.

Alex Hakakian, owner of the subject property, urged the Council to approve the termination of this agreement, explaining that the property has been vacant for three years and he will lose the prospective medical tenant if there is any further delay.

MOTION: Councilmember Rizzo moved to approve the termination of the Covenant Agreement. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. SOLE-SOURCE PURCHASE ORDER FOR COMPRESSED NATURAL GAS

Recommendation of the Transit Director and Public Works Director that City Council:

- 1) Authorize a sole-source purchase order with Clean Energy Fuels Corporation of Newport Beach, California for an amount not-to-exceed \$2,132,416.62, from April 20, 2016 to November 19, 2017, to pay for the pass through and compression fees for Compressed Natural Gas (CNG); and
- 2) Authorize payment of services rendered to date (June 1, 2015 through April 19, 2016) in the amount of \$649,249.53.

Art Estrada, Transit Department, reviewed the staff recommendation.

Mark Stephenson requested clarification regarding the payment for services rendered to date, which was provided by staff.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12B. APPROVAL OF OFFICIAL MAP NO. 4 – TORRANCE TRANSIT CENTER PROPERTIES

Recommendation of the Community Development Director that City Council:

- 1) Approve Official Map No. 4 – Survey and subdivision of Torrance Transit Center Properties; and
- 2) Approve the Resolution on the map for the survey and subdivision of the Torrance Transit Center; and
- 3) Authorize the Mayor and City Clerk to sign the map for recordation with the Los Angeles County Recorder's Office.

Associate Civil Engineer Symons reviewed the staff recommendation.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

RESOLUTION NO. 2016-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING OFFICIAL MAP NO. 4 FOR THE SURVEY AND SUBDIVISION
OF THE TORRANCE TRANSIT CENTER PROPERTY IN THE CITY OF TORRANCE

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-27. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12C. RESOLUTION AMENDING THE DEFERRED COMPENSATION PLAN AND BYLAWS

Recommendation of the City Treasurer that City Council adopt a Resolution amending the City of Torrance Deferred Compensation Plan and Bylaws.

City Treasurer Cortez briefly reviewed the proposed amendments.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

RESOLUTION NO. 2016-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING A REVISION TO THE CITY OF TORRANCE DEFERRED
COMPENSATION PLAN COMMITTEE AND BYLAWS

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-28. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

12D. ACCEPTANCE/APPROPRIATION OF FUNDING FOR LINE 4 EXPRESS

Recommendation of the Transit Director that City Council:

- 1) Authorize the execution of an Agreement with Los Angeles County Metropolitan Transportation Authority (Metro) for \$700,000 for the current operation of the Line 4 Express; and
- 2) Authorize the execution of an Agreement with Metro for \$3,035,991 for the summer 2016 expansion of the Line 4 Express; and
- 3) Accept and appropriate \$3,735,991 to the Transit Operating Budget.

James Lee, Transit Department, reviewed the staff recommendation.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12E. RENEWAL OF TERM LIFE/ACCIDENTAL DEATH & DISMEMBERMENT AND VOLUNTARY LIFE AND DISABILITY INSURANCE

Recommendation of the City Manager that City Council:

- 1) Approve retaining the current carrier, Reliance Standard of Chicago, Illinois to provide Term Life/Accidental Death & Dismemberment (AD&D), voluntary life and Disability Insurance to eligible employees effective May 1, 2016; and
- 2) Approve the proposed renewal rate of \$0.105 cents per \$1,000 of payroll for Term Life Insurance and \$0.020 cents per \$1,000 of payroll for AD&D, for a combined rate of \$0.125 per \$1,000 of payroll for a total expenditure of \$107,382 per year for the period beginning May 1, 2016 and ending April 30, 2019; and
- 3) Approve the proposed renewal rate of \$0.640 cents per \$100 of payroll for Short Term Disability (STD) Insurance for a total expenditure of \$346,752 per year for the period beginning May 1, 2016 and ending April 30, 2018; and
- 4) Approve the proposed renewal rate of \$0.460 cents per \$100 of payroll for Long Term Disability (LTD) Insurance for employees represented by TME-AFSCME/TLEA, and \$0.230 cents per \$100 of payroll for executive, management and general employees not represented by TME-AFSCME/TLEA for a combined total expenditure of \$171,825 per year for the period beginning May 1, 2016 and ending April 30, 2019.

Human Resources Administrator Fuentes provided a brief summary of the staff report and noted supplemental material available at the meeting.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

12F. CONTRACT FOR 4TH OF JULY FIREWORKS SHOW

Recommendation of the City Manager that City Council approve a contract with Pyro Spectaculars, Inc., of Rialto, CA in the amount of \$35,000 for a 4th of July Fireworks Show to be held on July 4, 2016, at the Torrance Civic Center.

Sr. Business Manager Minter provided a brief summary of the staff report and noted supplemental material available at the meeting.

Councilmember Weideman commented that he was pleased there will be an RFP (request for proposal) process for this contract next year, which will allow a local fireworks company to compete, since the timeframe for planning the show did not allow for it this year so a previous vendor was used.

Councilmember Ashcraft noted that her objections to the fireworks show are based on the fact that no ongoing funding has been identified for future shows.

Mark Stephenson voiced objections to the fireworks show, relating his belief that these funds should be used for higher priority issues.

James T. Wright voiced his opinion that the fireworks show is a very special way to celebrate the nation's origins.

MOTION: Councilmember Rizzo moved to concur with the staff recommendation. The motion was seconded by Councilmember Weideman and passed by a 6-1 vote, with Councilmember Ashcraft voting no.

12G. COMMUNITY BENEFIT PROJECTS RECOMMENDATION TO SCAQMD BOARD

Recommendation of the City Manager that City Council develop and recommend community benefit projects to SCAQMD Board.

Assistant City Manager Giordano reported that as a result of a public hearing held on April 2, 2016 by the South Coast Air Quality Management District (SCAQMD) Hearing Board, ExxonMobil was fined \$4,500,000 in penalty fees as a result of the explosion that occurred at the refinery in 2015 and up to \$500,000 for violations that may occur during the refinery start-up process. She explained that half of these monies have been earmarked for projects to benefit the community surrounding the refinery and while the SCAQMD governing board will make the final decision on how this money is allocated, the City can submit recommendations, as can any member of the public, therefore staff has prepared the following list of items the Council may wish to consider:

- Solar Panels: City parking lots at City Hall and/or City Yard
- Electric Vehicles: Transition a portion of City fleet to electric vehicles
- Compressed Natural Gas (CNG) Heavy Duty Trucks: Transition a portion of diesel heavy duty truck fleet to CNG

- Hybrid Buses: Transition portion of Transit fleet gasoline/electric hybrid buses to CNG
- Interoperability between agencies: Develop/construct/supplement rapid interagency response to critical situations.

Councilmember Ashcraft indicated that she favored allocating funds to improve interoperability between agencies.

Councilmember Rizzo recommended adding air quality monitoring equipment to the wish list because air pollution from the refinery has long been a concern of residents.

City Manager Jackson suggested including a caveat that funds be allocated for this purpose only if it is not mandated by the State because the State is in the process of drafting new guidelines and may require all refineries to install air quality monitoring equipment.

Councilmember Weideman expressed support for Councilmember Ashcraft's and Councilmember Rizzo's suggestions and recommended that interoperability between agencies be expanded to include enhancements to the community alert system.

Mayor Furey proposed that funds be allocated for the educational aspect of the community alert system, i.e. informing the public what it means to shelter in place.

City Manager Jackson suggested taking a regional approach with regard to enhancements to the warning system and educational efforts.

Councilmember Griffiths noted that pitfalls in the Torrance Alerts system became evident when the February 2015 explosion occurred and recommended that procedures for utilizing the system be enhanced. He stressed the need for more community outreach so the large population of non-residents who come into Torrance on a daily basis for work and other activities can be educated about the community alert siren and other emergency alerts.

Mayor Furey invited public comment.

John Bailey, speaking on behalf of Southeast Homeowners Association Board of Directors, recommended that consideration be given to creating a more robust community alert siren system, including the addition of sirens at strategic locations such as at the Southeast Library, Hickory Park, and all Torrance schools. He also called for a community-based Air Quality Monitoring System to be designed, set-up, maintained and operated by the AQMD with periodic reports to the public in order to protect the health and safety of the community.

Maureen Mauk, representing Families Lobbying Against Refinery Exposures (FLARE), recommended that the City look at how well it is equipped to deal with future threats and accidents, which are bound to occur due to aging refinery infrastructure, and make sure its Emergency Management Plan is up-to-date and that schools have plans and backup plans for dealing with refinery catastrophes. She called for the installation of real-time air quality monitoring stations that are accessible to public. She suggested that while expanding the City's fleet of environmentally responsible vehicles was commendable, there are more pressing issues that need to be addressed with this funding.

Councilmember Ashcraft pointed out that there is no guarantee that Torrance will receive all of these funds since they are earmarked for the benefit of the South Bay area and encouraged individuals and groups to make their wishes known to the SCAQMD.

Mayor Furey clarified that the list of projects compiled by staff was based on the SCAQMD's history of allocating funds in similar cases.

City Manager Jackson noted that the AQMD is charged with improving air quality, so projects that accomplish this could have a better chance of being approved.

Councilmember Goodrich asked about communications issues that occurred after the February 2015 refinery explosion.

Fire Chief Serna explained that the communication gap occurred a result of the involvement of outside regulatory agencies and the problem was more procedural as opposed to an equipment-based problem that would benefit from additional funding.

Councilmember Goodrich asked about the likelihood that new State guidelines will require air quality monitoring equipment for refineries, and Fire Chief Serna advised that it was highly likely that refineries will be required to have fence-line air quality monitoring equipment.

City Manager Jackson suggested that the Council may wish to consider enhanced local air quality monitoring, which is not necessarily related to the refinery.

Councilmember Goodrich indicated that he was not in favor of using these one-time funds for community outreach/education related to the community alert system because this needs to be done on an ongoing basis and because he believes it's the refinery's responsibility to educate the public about emergency precautions. He noted that according to the staff report, the AQMD took a balanced approach when awarding funds in a previous case, allocating funding for both mitigation and safety issues, therefore he supports allocating the funds, as follows: 1) Enhanced community warning system; 2) Solar panels for City parking lots; and 3) Expanding the City's fleet of electric vehicles.

Mayor Furey recommended that the City make an effort to encourage the public to send letters to the SCAQMD requesting that funding be allocated for projects in Torrance, the city most affected by the refinery.

Mary Ann McFarland expressed support for the installation of air quality monitoring equipment in Torrance.

Terri Darcy requested that residents be provided with more notice than the required 48 hours in advance of the restart of refinery operations; that they be informed about any medical risks associated with emissions from the refinery start-up; and that the City provide more easily accessible information about the refinery.

Assistant to the City Manager Chaparyan advised that detailed information about the refinery is available at www.torranceca.gov/refinery.

Mark Stephenson voiced his opinion that funds should be allocated solely for safety enhancements for residents within a defined radius of the refinery. He called for an audible alert system to be installed at Torrance schools triggered by a City-controlled hazmat system and that households in near proximity to the refinery and schools be provided with OSHA-approved chemical cartridge respirators. He recommended that the City assess its ability to provide enhanced emergency medical services should there be a release of modified hydrofluoric acid.

Jim Montgomery voiced his opinion that the focus should be on the health and safety of residents closest to the refinery and suggested that consideration be given to air filtration systems for public schools in the immediate vicinity. He recommended that 80% of funding be allocated for health and safety issues and 20% for investments in the future such as clean energy vehicles and solar panels.

In response to Mayor Furey's inquiry, Assistant City Manager Giordano reported that the next meeting of the SCAQMD is scheduled for May 6, 2016 and it is not yet known if the allocation of these funds will be on the agenda, but she would recommend that any comments from the public be submitted prior to that meeting.

Juan Ortiz recommended using a booth at the Farmers Market as a means of providing information about this issue to the community and making a video for dissemination to schools.

Catherine Leys suggested that the City take action to encourage the Torrance Unified School District to request funds for safety measures for students, such as filtration systems for schools.

Mayor Furey confirmed that the City would do so, but recommended that parents also lobby their schools and the SCAQMD.

Alexander Gomez, North High School student, stressed the need for a better notification/warning system, noting that he was in P.E. class when the explosion occurred in February 2015 and did not learn about it until an hour later.

MOTION: Councilmember Weideman moved to direct staff to forward recommendations from the Council and public as discussed at this meeting to the SCAQMD Board. The motion was seconded by Councilmember Rizzo and passed by unanimous vote.

The City Council recessed from 9:11 p.m. to 9:25 p.m.

13. **HEARINGS**

13A. **PRE15-00007, WAV15-00005: 406 CAMINO DE ENCANTO – PEHA & ASSOCIATES (JERRY MCBRIDE)**

Recommendation of the Community Development Director that City Council reconsider the decision to uphold an Appeal and deny a Precise Plan of Development to allow the construction of first and second story additions to an existing one-story single family residence and adopt Resolutions approving a Precise Plan of Development and a Waiver on property located at 406 Camino de Encanto.

Mayor Furey announced that this was the time and place for a public hearing on this matter. City Clerk Poirier confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project, highlighting revisions made to address concerns discussed at the December 15, 2015 City Council meeting, and shared photographs taken from various vantage points in the neighborhood.

Councilmember Rizzo disclosed that he met with residents of Village Palos Verdes, the Riviera Homeowners Association, and the applicants and he walked the neighborhood and viewed the silhouette from a vantage point adjacent to the pool at Village Palos Verdes.

Councilmember Ashcraft disclosed that she had not spoken with any of the parties involved since the December 2015 hearing, but recently walked the neighborhood again. Councilmember Barnett disclosed that he met with proponents and opponents of the project earlier today. Mayor Furey disclosed that he also met with proponents and opponents and walked around the neighborhood. Councilmember Weideman disclosed that he met with the appellants and the proponents and walked the neighborhood. Councilmember Goodrich disclosed that he met with the applicants and representatives of the Riviera Homeowners Association who oppose the project and he also walked the area. Councilmember Griffiths disclosed that he met with both parties as recently as today.

Jerry McBride, 406 Camino de Encanto, applicant, thanked the Council for reconsidering the project and expressed confidence that the revised plans have addressed the concerns of the Council and Village Palos Verdes residents.

Larry Peha, project architect, discussed revisions made since the December 2015 hearing, relating his belief that all view impact has been mitigated. He asserted that objections from neighbors based on potential views currently blocked by vegetation were not valid because the City does not have a Tree Ordinance and that concerns about setting a precedent were also not valid because projects are considered on a case-by-case basis.

Mr. McBride reviewed neighborhood outreach efforts, noting that all of his immediate neighbors support the project. Referring to material previously submitted, he pointed out that aerial photos document the fact that the large tree in his backyard has been in place since 1965 and was already substantial in size when the Village Palos Verdes condominiums were built in 1978. He offered to trim the tree to the same height as the top of the house as a condition of approval.

Jim Scharf, Village Palos Verdes, voiced objections to the project, maintaining that it would impact many properties in the area.

Judy Brunetti, Riviera Homeowners Association, contended that the proposed project would obstruct ocean views from homes above and behind the subject property in violation of the Hillside Ordinance. She also cited privacy impact to the neighbor at 402 Camino de Encanto from the large balcony and wrap-around deck. She recommended a subterranean design, which would eliminate any view impact.

Michael Bahe, Village Palos Verdes, expressed concerns about ocean views being lost to overgrown vegetation, submitting photos to illustrate. He suggested the possibility that a compromise might be reached if the applicant would trim his trees.

Peter Verenkoff, Via la Selva, stated that he's not personally affected by the project but was concerned that its approval would undermine the Hillside Ordinance.

Jill Tomkiewicz, Village Palos Verdes, reported that the proposed second story would block her ocean view, submitting photos to illustrate. She pointed out that those who have sent letters of support do not have views that are impacted by the project.

Andrea McKay Coene, Camino de Encanto and Village Palos Verdes property owner, voiced objections to the project. She stated that Mr. McBride was trying to acquire a view that he didn't pay for at the expensive of neighbors who did and that he has disregarded her suggestions for modifying the project and continued with the same two-story design.

Glenn Tomkiewicz, Village Palos Verdes, reported that the project would block a blue water view from his second and third floor and urged the Council to protect his view and his investment in his property by denying the project.

David Swedelson, legal counsel for Village Palos Verdes, voiced objections to the project, contending that it violates the Hillside Ordinance. He suggested that while approving the project would not set a legal precedent, people often cite the fact that a two-story project was approved nearby as justification for their two-story project.

James Corzine, representing his father the owner of 419 Camino de Encanto, expressed concerns that approving this project will create a domino effect and encourage others on Camino de Encanto to add a second story. He maintained that the applicants were eager to get this project approved because of the pending Tree Ordinance.

Councilmember Weideman noted that according to information submitted by the applicants, the owner of 419 Camino de Encanto supports the project, and Mr. Corzine responded that his father has dementia.

Lynn Fernandez related her experience as a realtor and property owner in Village Palos Verdes, that views are a major factor in the price of a home. She called for the applicants to excavate if they want to expand their house, noting that many property owners in the area have had to do this in order to develop their property.

Jean Adelsman, Village Palos Verdes, expressed concerns about the project's impact on views at Village Palos Verdes and urged that it be denied with prejudice. She echoed calls for the applicants to use a subterranean design, submitting photos of other homes in the area that have been developed in this manner.

Deanna Lytle, Camino de Encanto, stated that she is not affected by the project, but supports efforts of Village Palos Verdes residents to preserve their views and believes that people should not be allowed to improve their home at the expense of their neighbors.

Ted Coene, Camino de Encanto, stated that the applicants have done an excellent job of promoting the project and have obtained a lot of support from people who are not affected by it. He voiced his opinion that the Council made a reasoned decision when they denied the project in December 2015 and urged them to reaffirm this decision since the changes are not substantial.

Ed Butler, Camino de Encanto, reported that he lives directly across the street and strongly supports the project, relating his belief that it is a beautiful structure, which is consistent with the size and scope of other two-story houses on the east side of Camino de Encanto.

Dr. Richard Glimp, Camino de Encanto, voiced support for the project, stressing the need for compromise. He reported that he lives in a semi-subterranean house and is not a fan of them because trash and debris from the street gets swept into his garage and his sump pump recently failed, which would have been disastrous had he not had a back-up system.

Brandt McBride, the applicants' 10-year old son, noted that the addition will allow him to have his own room and requested that any tree trimming leave room for his treehouse.

Robert Gervais, Village Palos Verdes, suggested that any view blockage could be completely eliminated if the lot was excavated to reduce the height of the project by four feet, relating his understanding that there was a great deal of excavation when Village Palos Verdes was built in order to preserve the views of the houses behind it.

Michael Lytle, Camino de Encanto, emphasized that the opposition to the project is not personal and opponents simply want to preserve everyone's property values by protecting views.

Cyrus Shargh, Camino de Encanto, voiced support for the project, relating his belief that the view impact was not significant and the project was consistent with other homes in the area.

Siari Sosa, Village Palos Verdes, urged the Council to reject the project in order to protect the equity of the owners of the 180 units in her condominium complex.

Returning to the podium, Mr. McBride asserted that the view will remain the same for Village Palos Verdes residents whether or not this project is built because they will continue to see the tree in his backyard, which blocks his home and the silhouette from view, and any impact to the view corridor on the south side of the property has been mitigated. He reiterated his offer to trim the tree to the same height as the house as a condition of approval. He explained that houses in the area with a subterranean design are all new construction, not a remodel that makes use of the existing structure like his project, and he cannot afford the extra \$200,000 it would cost to go subterranean. He disputed claims that the project violates the Hillside Ordinance.

Councilmember Goodrich asked Mr. McBride to comment on a photo submitted by Ms. Tomkiewicz, which shows the blockage of a blue water view, and Mr. McBride stated that it appeared that the photo was taken before the silhouette was revised to reflect the most recent changes to the project.

Councilmember Goodrich asked Mr. McBride to review a photo taken by staff from a similar vantage point, and Mr. McBride conceded that a small portion of view was blocked by the project, but related his belief that this blockage was not significant considering the totality of the view from this condominium.

Councilmember Rizzo asked if Mr. McBride currently has an ocean view from his residence, and Mr. McBride stated that he does.

Councilmember Rizzo questioned why the project was designed with the living space on the second floor if not to obtain an ocean view.

Mr. Peha explained that there's a strong trend to have living spaces on the second floor in coastal areas because it makes the rooms more light and airy and allows them to be expanded with decks and balconies thereby creating indoor/outdoor space.

Councilmember Rizzo asked about the purpose of the wrap-around deck/walkway, and Mr. McBride reported that he plans to have a barbeque in that area, which is convenient to the kitchen. He clarified that the walkway extends across the front of the house only and expressed his willingness to eliminate it and downsize the deck over the garage.

Councilmember Griffiths requested clarification regarding the existing ocean view from Mr. McBride's house, and Mr. McBride reported that he has a view from his kitchen window and his garage, which offers a peek of the ocean through the houses looking down the street.

Councilmember Weideman asked why the tree in the backyard has not been trimmed.

Mr. Peha reported that they were reluctant to do so while still in this process and Mr. McBride pointed out that the tree protects his privacy because the Village Palos Verdes complex overlooks his backyard.

Kiyomi Haverly, 406 Camino de Encanto, applicant, stated that she did not understand why the tree is an issue, since the Hillside Ordinance does not regulate vegetation and this tree has been part of the topography and landscape of the lot for many years. She noted that the tree is one of the reasons they purchased this house and believed they would have an opportunity to improve it. She likened trimming the tree to a "chicken and egg" type situation, explaining that they feared neighbors would complain that the tree had not been trimmed enough or raise new objections based on the impairment of views that currently do not exist.

Mayor Furey recalled that he mentioned the tree in conversations with the applicants because he thought trimming it would have been an easy compromise.

Ms. Haverly apologized for not trimming the tree, but emphasized that they have tried their best to protect existing views and thought they were following the Hillside Ordinance as they understood it.

Mr. McBride noted that the Planning Commission chairperson commented on the fact that vegetation is not mentioned in the Hillside Ordinance at the hearing when the commission voted unanimously to approve the project.

Mayor Furey indicated that he saw no reason to change his vote since nothing has changed since the last City Council hearing.

Ms. Haverly pointed out that the project has been downsized to address the concern about the floor area ratio (FAR) and it is now below 0.50.

MOTION: Councilmember Weideman moved to close the public hearing. The motion was seconded by Councilmember Griffiths and passed by unanimous vote.

Councilmember Weideman voiced his opinion that it was sufficient reason to deny the project even if only one person is affected. He sought direction from his colleagues on whether to deny the project with or without prejudice.

Councilmember Goodrich indicated that he could not support the project because photos presented this evening show what he believes to be a significant blockage of a blue water view. He noted that the tree did not factor into his decision because the City does not have a Tree Ordinance at this time, but suggested that this case demonstrates why one is needed. He commended the applicants for doing an unprecedented amount of community outreach and acknowledged that this has been a difficult process for them.

Councilmember Rizzo reported that he could not support the project as he was unable to assess the view impact because of the tree blocking the silhouette.

Councilmember Griffiths explained that he thought it was a beautiful house that would enhance property values in the immediate neighborhood, however, he could not support the

project because it would take away other neighbors' views and reduce their property values. While acknowledging that it would be more expensive, he suggested that the same house could be built without impacting views if the lot was graded down three or feet, which would be close to street level due to the slope of the lot. He stated that even though the tree has no direct bearing on the case, had the applicants followed through on their many offers to trim it, it might have been the compromise that could have saved the project.

Councilmember Barnett indicated that he was also inclined to deny the project due to the reduction in property values from view blockage, noting that the Council is constantly trying to balance the rights of property owners to improve their property against the impact on the view, light, air and privacy of neighbors in Hillside cases.

Councilmember Ashcraft reported that she is on the committee that is considering an ordinance regulating view blocking vegetation in the Hillside Overlay and it is a very difficult issue, which is probably why it has never been accomplished. She expressed concerns that this process has pitted neighbor against neighbor and stated that she appreciated both sides of this case.

Mayor Furey explained that he mentioned the tree when he first discussed the project with the applicants because he believed they could have gained their neighbors' support if they would have cut it down due to the improvement in views.

At Councilmember Weideman's request, City Attorney Fellows provided clarification regarding the consequences of approving the project with or without prejudice.

MOTION: Councilmember Weideman moved to uphold the appeal and deny the Precise Plan of Development without prejudice. The motion was seconded by Councilmember Ashcraft and passed by unanimous vote.

Community Development Director Gibson reported that a resolution reflecting the Council's action will be brought back for approval at a later date.

17. ORAL COMMUNICATIONS #2

Bob Chiota spoke.

Councilmember Goodrich spoke.

Councilmember Griffiths.

Councilmember Rizzo spoke.

Councilmember Weideman with the concurrence of Council, requested that the Planning Commission, via the Community Development Department, review and consider the long-term vision of the Hawthorne Boulevard Corridor Specific Plan in relation to retail and office use.

Councilmember Ashcraft spoke.

Mayor Furey spoke.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 11:26 p.m. City Council adjourned to Tuesday, April 26, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:



Rebecca Poirier
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on May 10, 2016