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**TORRANCE CITY COUNCIL – NOVEMBER 1, 2016**

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At 9:01 p.m., the City Council adjourned to Tuesday, November 15, 2016 at 5:30 p.m. for a closed session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. Tuesday, November 8, 2016 will be a City Council dark night.

**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 5:31 p.m. on Tuesday, November 1, 2016 in the Council Chamber at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Ashcraft, Goodrich, Griffiths, Herring, 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 14 was considered out of order at this time.

**14. CLOSED SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 14A) Conference with Legal Counsel – Anticipated Litigation, 14B) Conference with Legal Counsel – Anticipated Litigation, and Public Employee Performance Evaluation – City Manager, pursuant to California Government Code §54956.9(d)(2), §54956.9(d)(4) and §54957(b)(1).

The City Council reconvened at 7:01 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 Herring.

The non-sectarian invocation was given by Councilmember Rizzo.

**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 and on the City's website on Thursday, October 27, 2016.

**MOTION:** Councilmember Ashcraft 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 Goodrich and passed by unanimous vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

Item 10A was deferred to November 15, 2016. Supplemental material was available for Items 8B and 10A.

Item 10A was considered out of order at this time.

**10A. MOD14-00013: 24777 CRENSHAW BOULEVARD – SOUTH BAY LEXUS  
(CITY OF TORRANCE)**

Recommendation of the Planning Commission and Community Development Director that City Council:

- 1) Deny the appeal and approve a Modification on property located at 24777 Crenshaw Boulevard to allow the operation of an automobile dealership in conjunction with the existing automobile service center, and to allow renovations and expansions to the existing building and site, on property in the M-2 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities; and
- 2) Adopt a Resolution denying the appeal.

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.

City Attorney Fellows advised that staff was recommending that the hearing be continued to November 15, 2016 to allow time for the Political Fair Practices Commission to respond to a request for formal written advice concerning a potential conflict of interest for Councilmember Griffiths.

**MOTION:** Councilmember Weideman moved to continue the hearing to November 15, 2016. The motion was seconded by Councilmember Herring and passed by 6-0 vote, with Councilmember Griffiths abstaining.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Fire Chief Serna announced that the monthly testing of Torrance Refining Company's community alert siren will take place on Wednesday, October 5, 2016 at 11:30 a.m.

Councilmember Rizzo announced that the Community Planning and Design Committee will meet to discuss the refurbishment of the front of City Hall on Tuesday, November 15, 2016 in the Third Floor Assembly Room at 4:00 p.m., with additional information available at 310-618-5880.

Councilmember Griffiths announced that the Ad Hoc Web Redesign Committee met on October 27, 2016 and after reviewing 3 wireframe options for the Torranceca.gov web redesign, the committee concurred with the Redesign Team's recommendation. He noted that staff will present a preview of the website to the Committee before bringing it forth to Council for final approval and virtual ribbon cutting and the tentative date for launch is spring 2017.

Councilmember Griffiths announced that the Torrance Sister City Association is seeking adult leaders to accompany students on a cultural exchange trip to Kashiwa, Japan in July 2018, with additional information available by visiting [www.torrancesistercity.org](http://www.torrancesistercity.org).

City Clerk Poirier invited staff and the public to view the artwork of Torrance Artist Guild member Peggy West, who specializes in pastel artwork, on display in the City Clerk's office for the month of November.

City Clerk Poirier announced that the L.A. County Registrar-Recorder/County Clerk will host early voting from 8:00 a.m. – 4:00 p.m. on November 5 and November 6, 2016 at El Camino College - 16007 Crenshaw Boulevard.

City Clerk Poirier announced that the City Clerk's Office is a drop-off location for Vote-by-Mail ballots until November 7, 2016 during regular business hours.

**6. COMMUNITY MATTERS**

**6A. PROCLAMATION RE "MILITARY VETERANS APPRECIATION WEEK"**

Mayor Furey presented a proclamation declaring November 6 through November 12, 2016 as "Military Veterans Appreciation Week" in the City of Torrance to Jimmy Gow and Bob Chiota from the Torrance Social Services Commission; Jerry Yamamoto, a lifetime member and President of Chapter 53 Vietnam Veterans of America; and Kirk Gillette, a past Post Commander and current Judge Advocate for the Veterans of Foreign Wars, Post 10166.

**6B. PROCLAMATION RE "TORRANCE EDUCATION FOUNDATION MONTH"**

Mayor Furey presented a proclamation declaring November 2016 as "Torrance Education Foundation Month" in the City of Torrance to Torrance Education Foundation representatives Camilla Seferian, Secretary; Dee Hardison, Founding Board Member; Donna Belitz, Board Member; Robin Comer, Board Member; Terry Furey, Board Member; Brian Sunshine, Board Member; Susan Swinburne, Executive Director; Dana Cortez, Board Member; and Mary Hoffman, Board Member.

**7. ORAL COMMUNICATIONS #1**

The following 10 people spoke: Jimmy Gow, Summer Cacciagioni, Carolyn Verin, Denielle Johnson, Erika Snow Robinson, Margaret Kingman, Steve Norris, Jen Harris, John Paul Tabakian, and Debbie Hays.

**8. CONSENT CALENDAR**

**8A. APPROPRIATION/TRANSFER OF FUNDS FOR PALOS VERDES BOULEVARD REHABILITATION**

Recommendation of the Public Works Director that City Council:

- 1) Appropriate \$8,453.85 from the Storm Drain Impact Fee Fund balance to the Palos Verdes Blvd Rehabilitation, I-121; and
- 2) Approve a budget transfer of \$15,047.11 of Storm Drain Impact Fee Funds from the Madison Storm Drain Pipeline Replacement, I-134 to the Palos Verdes Blvd Rehabilitation, I-121; and
- 3) Approve a budget transfer of \$23,500.96 of Gas Tax Funds from the Palos Verdes Blvd Rehabilitation, I-121 to the unappropriated Gas Tax Fund.

**8B. AMENDMENT RE ANZA/VISTA MONTANA/ PACIFIC COAST HIGHWAY INTERSECTION IMPROVEMENTS**

Recommendation of the Public Works Director that City Council approve a first amendment to the consulting services agreement with Onward Engineering of Anaheim, CA (C2014-135) in the amount of \$12,560 for a new not to exceed amount of \$302,751 to perform additional project coordination services, finalize design and to extend the term an additional two (2) years to October 31, 2018 for the Anza/Vista Montana/Pacific Coast Highway Intersection Improvements, T-154.

**8C. SEPTEMBER 2016 MONTHLY INVESTMENT REPORT**

Recommendation of the City Treasurer that City Council accept and file the monthly Investment Report for the month of September 2016.

**8D. THIRD AMENDMENT TO AGREEMENT WITH CLEAN ENERGY**

Recommendation of the Transit Director that City Council authorize a third amendment to the agreement with Clean Energy of Newport Beach, CA (C2012-213) for the use of Renewable Compressed Natural Gas fuel at the Torrance City Yard for the remaining term of the contract that began on November 20, 2012 and ending on November 19, 2022.

**MOTION:** Councilmember Rizzo moved for the approval of Consent Calendar Items 8A, 8B, 8C and 8D. The motion was seconded by Councilmember Griffiths and passed by 7-0 vote.

**9. ADMINISTRATIVE MATTERS**

**9A. CONSIDERATION OF COUNCIL DARK NIGHTS**

Recommendation of the City Manager that City Council consider declaring the following Tuesdays as City Council Dark Nights from January 1 through June 30, 2017: January 3, January 17, January 31, February 14, February 21, and May 30.

Management Aide Alatorre reviewed the staff recommendation.

Councilmember Goodrich proposed adding March 21 and April 11, 2017 as Council dark nights and it was the consensus of the Council to do so.

**MOTION:** Councilmember Goodrich moved to concur with the staff recommendation, adding March 21 and April 11, 2017 as Council dark nights. The motion was seconded by Councilmember Weideman and passed by 7-0 vote.

**10. HEARINGS**

**10A. MOD14-00013: 24777 CRENSHAW BOULEVARD – SOUTH BAY LEXUS (CITY OF TORRANCE)**

Considered out of order, see page 2.

**10B. MHE15-00071: 112 VIA COLUSA – JOHN ERNST**

Recommendation of the Planning Commission and the Community Development Director that City Council:

- 1) Deny the appeal and approve a Minor Hillside Exemption on property located at 112 Via Colusa to allow an as-built rooftop air conditioning unit within the Hillside Overlay District in the R-1 Zone. This project is Categorically Exempt from CEQA per Guidelines Section 15301 – Existing Facilities. MHE15-00071: John Ernst; and
- 2) Adopt a Resolution denying the appeal.

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.

Councilmember Herring announced that he was abstaining from consideration of this item because he was on the Planning Commission when this item was first brought forth and exited the dais.

With the aid of slides, Planning Manager Lodan provided background information about the proposed Minor Hillside Exemption to allow an as-built rooftop air conditioning unit at 112 Via Colusa. He explained that the property owner's contractor applied for a permit to replace the air conditioning unit on a like-for-like basis in May 2014, however once it was installed, the property owner at 109 Paseo de Granada alerted staff that the replacement unit was larger in size and expressed concerns about view impact. He noted that according to the contractor, the new unit is 17 inches taller than the unit it replaced and both units have the same two-ton capacity. He shared photographs taken by staff from the appellant's residence and advised that it was staff's opinion that the larger unit does not have an adverse impact on views. He reviewed the Planning Commission's action, noting that on August 3, 2016 the commission voted to approve the Minor Hillside Exemption by a vote of 5-1, with one commissioner abstaining.

Councilmember Ashcraft disclosed that she drove by the properties involved, but did not speak with anyone. Councilmember Griffiths disclosed that he visited the appellant's property to personally observe the view impact.

Maro Matthews, appellant, 109 Paseo de Granada, noted his disagreement with staff's assessment that the larger air conditioning unit does not have an adverse impact on his view. He explained that staff took photographs from a standing position, but he was concerned about the view impact when seated; that from this perspective, he looks directly at the air conditioning unit, not over it; and that while it's true there are utility lines and vegetation obstructing his view, he finds these obstructions preferable to a huge air conditioning unit. He disputed the claim that the replacement unit is the same tonnage as the previous unit, explaining that the residence has been enlarged since the original unit was installed so the same tonnage would not be adequate. He voiced his opinion that claims it would be a financial hardship to relocate the unit to the ground should not be considered because it should not have been put on the roof in the first place, noting that the property owner owns a second home in Palm Springs and 53-foot cabin cruiser.

Phillip Toomey, legal counsel for John Ernst, applicant, voiced his opinion that this case was more about the appellant's objection to the rooftop air conditioner as opposed to view impairment, noting that there has been a rooftop air conditioner on this residence since 1971. He related his understanding that there was a miscommunication when the contractor applied for the permit and stated that it was a like-for-like replacement because the contractor was referring to the tonnage/capacity of the unit and not its size. He reported on his efforts to try to resolve this matter, noting that he mentioned the possibility of an amortization period, but nothing came of it. He expressed frustration with the Planning Commission process, explaining that the application was originally considered on January 20, 2016 and unanimously approved; that there was a rehearing of the matter in April 2016, long after the appeal period had expired and the application was denied; that he subsequently filed a motion for reconsideration, which was granted; and that the matter was reconsidered on August 3, 2016 and the application was approved. He emphasized that the exact same evidence was presented at each of the hearings.

Councilmember Rizzo requested clarification regarding Mr. Toomey's suggestion about an amortization period.

Mr. Toomey explained that he proposed that the air conditioning unit be relocated to the ground after a certain number of years or immediately upon the sale or transfer of the property,

but there were concerns that adjacent neighbors might object to the relocation of the unit due to noise, so the idea was rejected.

In response to Councilmember Griffiths' inquiry, Planning Manager Lodan reported that the permit for the installation of the air conditioning unit was issued over-the-counter and there was no verification of the claim that the unit was like-for-like.

Mr. Toomey reported that air conditioning units are generally larger as compared to when the original unit was installed due to energy efficiency and noise issues.

Councilmember Griffiths related his observation that the unit is substantially larger than the one it replaced as evidenced by photographs submitted by the appellant and therefore has a greater impact on the view.

Councilmember Goodrich suggested that it would have been helpful if the applicant was present at this hearing to provide clarification, and Mr. Toomey explained that Mr. Ernst's wife has health issues so they have been out of state for several months.

In response to Councilmember Rizzo's inquiry, Planning Manager Lodan reported that staff has not verified the tonnage of the new unit.

Responding to Councilmember Weideman's inquiry, City Attorney Fellows explained that the matter was reheard because staff allowed an untimely appeal based on the appellant's concern that he was not notified of the January 20, 2016 hearing. He reported that the City Attorney's office subsequently became involved and offered advice to the Planning Commission in closed session.

Councilmember Goodrich requested clarification regarding the notification issue.

City Attorney Fellows related his understanding that while the appellant Maro Matthews did not receive written notice of the January 20, 2016 hearing, he had a telephone conversation with Planning staff a day or two before the hearing during which he was told that the hearing was going to take place. He advised that if this is true, Mr. Matthews did have notice of hearing, missed the hearing, and failed to file a timely appeal and this creates a legal issue which suggests that the Council should affirm the Planning Commission's approval of the application based on that fact alone.

Mr. Matthews stated that he called the Planning Department on January 20, 2016 at approximately 4:30 p.m. to inquire about the hearing and was told that it was going to be that night, which allowed him no time to prepare. He explained that he had his grandson represent him at an earlier hearing because he has spasmodic dysphonia that causes him to completely lose his voice at times.

City Attorney Fellows noted that Mr. Matthews acknowledged that he received notice prior to the January 20, 2016 hearing and he could have sent an email or dropped off a letter requesting a continuance, but did not do so.

In response to Councilmember Goodrich's inquiry, Planning Manager Lodan reported that written notice of the January 20, 2016 hearing was not sent out due to an error, however he recalled that the Planner for the case had a phone conversation with Mr. Matthews on January 18

or 19 during which the hearing was mentioned. He indicated that he could not verify this because Planning staff does not log phone calls because there are so many.

**MOTION:** Councilmember Ashcraft moved to close the public hearing. The motion was seconded by Councilmember Griffiths and passed by 6-0 vote, with Councilmember Herring absent (recused).

**MOTION:** Councilmember Ashcraft moved to deny the appeal and approve MHE15-00071. The motion was seconded by Councilmember Goodrich and passed by a 5-1 vote, with Councilmember Griffiths voting no and Councilmember Herring absent (recused).

**MOTION:** Councilmember Weideman moved to adopt Resolution No. 2016-91. The motion was seconded by Councilmember Ashcraft and passed by a 5-1 vote, with Councilmember Griffiths voting no and Councilmember Herring absent (recused).

Councilmember Herring returned to the dais at this time.

11. **APPEALS** – None scheduled.

12. **SECOND READING ORDINANCES** – None scheduled.

13. **ORAL COMMUNICATIONS #2**

Councilmember Weideman spoke.

Councilmember Herring spoke.

Mayor Furey spoke.

14. **CLOSED SESSION**

Considered earlier, see page 1.

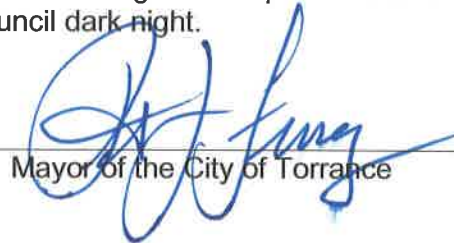
15. **ADJOURNMENT**

At 9:01 p.m., the City Council adjourned to Tuesday, November 15, 2016 at 5:30 p.m. for a closed session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. Tuesday, November 8, 2016 will be a City Council dark night.

Attest:



Rebecca Poirier  
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on November 22, 2016