

**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 7:08 p.m. on Tuesday, April 27, 2004, in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Lieu, McIntyre, Mauno, Nowatka, Scotto, Witkowsky, and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Pohl, City Clerk Herbers, and other staff representatives.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember McIntyre.

Councilmember Mauno gave the non-sectarian invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu, and passed by unanimous roll call vote.

MOTION: Councilmember Scotto 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 Lieu and passed by unanimous roll call vote.

4. ANNOUNCEMENT OF WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

None.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – FEBRUARY 24, 2004

7B. CONTRACT RE ANNUAL REQUIREMENT OF IRRIGATION PVC AND SPRINKLER PARTS

Recommendation

Recommendation of the **General Services Director** that City Council authorize a one-year vendor contract to Aqua-Flo of Torrance, CA in an amount not to exceed \$35,000 for the purchase of the City's annual requirement of irrigation PVC and sprinkler parts. The vendor contract will begin April 28, 2004 and end April 27, 2005.

7C. INVESTMENT REPORT FOR MARCH 2004

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of March 2004.

7D. CONTRACT EXTENSION FOR MAPPING OF ZAMPERINI FIELD

Recommendation

Recommendation of the **Community Development Director** that City Council approve an amendment to the contract with DCA Civil Engineering Group (C2002-163) that extends the term of the contract to December 31, 2004, for Zamperini Field (Torrance Airport) Mapping.

7E. ACCEPTANCE OF TORRANCE ROSE FLOAT ASSOCIATION'S ANNUAL REPORT FOR 2003-2004

Recommendation

Recommendation of the Parks and Recreation Director that City Council accept and file the Torrance Rose Float Association's Annual Report for 2003-2004 (2004 Float).

7F. EXTENSION OF AGREEMENTS WITH TRAINING VENDORS

Recommendation

Recommendation of the **Human Resources Director** that City Council approve an extension of time for six (6) training vendor agreements: Brem Industries, Inc. dba California Career Schools (C2000-223), California Education Institute (C2000-171), California State University, Long Beach Extension Services (C2000-269), CMC Vocational School (C2000-233), Right Way Computer Training Center (C2002-073), and Smart Digital Technology (C2002-120). All extensions will run through June 30, 2005.

7G. AGREEMENT WITH RUTAN AND TUCKER FOR LEGAL SERVICES

Recommendation

Recommendation of the **City Attorney** that City Council approve the fee agreement with the law firm of Rutan & Tucker to provide legal services in the Francis lawsuit in an amount not to exceed \$150,000.

7H. AUTHORIZATION TO NEGOTIATE AND EXECUTE SUBLEASES

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the execution of subleases of available space at the Carson WorkSource Center at One Civic Plaza, Suite 500.

7I. SUBSIDY OF RENTAL FEES FOR TORRANCE CULTURAL ARTS CENTER FOUNDATION GALA

Recommendation

Recommendation of the **City Manager** that City Council consider a request to subsidize the Torrance Cultural Arts Center room rental fees in the amount of \$5,490 for the Torrance Cultural Arts Center Foundation's 2004 Gala.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Items 7A through 7I. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. STATE OF LOCAL EMERGENCY RE CAROLWOOD LANE AND SINGINGWOOD DRIVE

Recommendation

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11B. MINDORA STORM DRAIN PROJECT

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Adopt a Resolution approving the project in concept for the Mindora Storm Drain Project prepared by the Los Angeles County Department of Public Works;
- 2) Grant the County use of and rights to City streets along the alignment of the drain located within the City of Torrance;
- 3) Upon the request of the County, assign rights over utilities from the City to the County; and;
- 4) Appropriate \$50,000 of Water Enterprise Fund balance into the Mindora Storm drain Project (I-80) and authorize an expenditure of a not to exceed amount of \$50,000.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2004-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE MINDORA DRAIN PROJECT IN CONCEPT AND GRANTING LOS ANGELES COUNTY USE OF CITY STREETS AND ASSIGNING RIGHTS OVER UTILITIES

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-44. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Agenda Item 11G was considered out of order at this time.

11G. RESURFACING OF NEWTON STREET

Recommendation

Recommendation of the **Community Development Director** and the **Acting Public Works Director** that City Council authorize the overlay of Newton Street from Vista Montana to Hawthorne Boulevard utilizing funds from the Residential Streets Rehabilitation Program, I-5.

With the aid of slides, Project Manager Finton reviewed the options for the resurfacing of Newton Street. He stated that in accordance with the Council's direction at the March 16, 2004 Council meeting, staff conducted a neighborhood meeting to discuss the following options: **Option 1** – Overlay of asphalt, Cost \$175,000, Schedule – 3 months from direction to proceed; **Option 2** – Pavement reconstruction, Cost \$1.85 million, Schedule – 3 years from appropriation of funds; and **Discussion Item** – Street widening; pavement reconstruction; curb, gutter and sidewalk construction; right-of-way acquisition; and formation of assessment district, Cost of \$4.1 to 7.6 million, Schedule – 6 years from appropriation of funds. He reported that advisory ballots were delivered to the 81 affected properties on Newton Street and of the 28 households that responded, 6 favored Option 1 and 22 favored Option 2, with only 3 respondents indicating an interest in the creation of an assessment district. He advised that staff was recommending Option 1 because it can be implemented quickly and will resolve pavement issues in a cost-effective manner for 10-20 years.

In response to Councilmember Scotto's inquiry, Project Manager Finton reported that Option 2 does not include widening the street or asphalt curbing.

Councilmember Scotto noted that Option 2 would actually cost \$525,000, if the cost of sewers and water mains, for which funds have been set aside, are deducted along with the \$175,000 that would be spent on Option 1, and questioned how quickly staff could report back on potential sources of funding.

City Manager Jackson advised that action on the Capital Budget would have to be postponed because projects would have to be reprioritized and it would take a significant amount of juggling in order to squeeze \$525,000 out of the budget. He noted that funding for the rehabilitation of all other neighborhood streets has been deferred and funding for major streets cannot be reduced because the City would lose special funds available only for those projects, therefore, staff would have to look into other elements of the budget. He indicated that funds could not be allocated for the project until the third or fourth year of the budget and it would be another three years before the project would be completed.

Councilmember Lieu asked about using reserves, City Manager Jackson stated that reserves are already being used to fund a portion of the Capital Budget and that he would not recommend increasing this amount given the condition of the State budget and its effect on the City's stream of revenue.

Noting that action on this matter was delayed to obtain input from residents, Councilmember Witkowsky expressed dismay that the majority of residents on Newton did not respond to the survey.

In response to Councilmember Mauno's inquiry, Project Manager Finton estimated that the life of the pavement would be 25 years plus should the street be reconstructed as called for in Option 2. He confirmed that the pavement could be overlaid with asphalt a second or third time because the underlying soil is very good, as evidenced by the fact that the street has deteriorated but has not been displaced in the 40 years since it was paved.

Councilmember Mauno pointed out that Option 1 could be done twice for substantially less than Option 2 and the end result could be the same.

Councilmember Nowatka questioned the increase in the estimated cost of the overlay since the March 16 Council meeting. Project Manager Finton explained that the project was expanded to include the length of the street from Vista Montana to Hawthorne Boulevard and it will require additional staff time to put together the plans/specifications and manage the project.

In response to Councilmember McIntyre's inquiry, Transportation Planner Semaan provided information regarding traffic counts, reporting that 4,000 to 5,000 vehicles travel this portion of Newton Street per day.

Voicing support for Option 1, Mayor Walker stated that he believed it was the only practical option as it could be done right away and it would serve the needs of residents at an affordable price without jeopardizing future funding for other residential streets that are also in need of resurfacing.

Steve Nardell, 3874 Newton Street, clarified that 37 people submitted advisory ballots, however, staff counted only one vote per household. He stated that roughly 40% of residents submitted ballots, of which 80% favored Option 2, and maintained that this was a strong indication of what residents prefer. He noted that at the March 16 meeting, staff indicated that the overlay would last 5 to 10 years as opposed to the 10 to 20 years now being claimed and questioned this discrepancy. He disagreed with Councilmember Mauno's contention that it would be more cost effective to do an overlay of asphalt twice instead of doing the street reconstruction proposed in Option 2, pointing out that costs of doing the overlay will increase in future years. He requested that the Council consider vacating right-of-way easements along this street no matter which option they select.

City Manager Jackson noted that survey results on page 4 of the staff report include results of individual ballots as well as by household.

Mertz Maher, Newton Street resident, reported that she was out of town when the advisory ballots were distributed and only recently returned. She expressed support for the reconstruction of the street, stating that she did not believe any street in Torrance was in worst condition.

Project Manager Finton reported that there are a number of streets in North Torrance with clay subsoil that are very deteriorated, even more so than Newton. City Manager Jackson noted that the condition of City streets is evaluated on a regular basis and several streets would rank higher than Newton in terms of priority.

In response to Mayor Walker's inquiry, City Manager Jackson confirmed that should the Council approve Option 2, there is no guarantee that funds will be available in the third or fourth year of the budget. He explained that there is no way of knowing exactly what the City's resources will be at that time, but the project would be identified as a priority to be done if funds are available.

Jana Shepard, Newton Street resident, noted that the timing of the survey during Easter break might have been the reason for the poor response and reminded the Council that she submitted a petition earlier with the signatures of 80 residents requesting that the street be reconstructed. She disputed the traffic data, relating her understanding that a traffic study done three to four years ago estimated that 8,000 to 9,000 vehicles travel the street on a daily basis. She stated that there is almost no support for the construction of sidewalks, curbs and gutters and urged the Council to approve the reconstruction of the street, moving the start date up to a maximum of three

years because the street will not hold up for another six years. She echoed the request that easements be vacated regardless of the outcome of tonight's meeting.

Betty Kohler, 3858 Newton Street, voiced support for Option 1, stating that she did not want to wait 5 to 7 years for the street to be repaved. She reported that she and her husband looked at other streets that were overlaid 10 years ago and they were satisfied it would suit the needs of residents.

MOTION: Councilmember Scotto moved to approve Option 2 and to delay action on the Capital Budget until staff returns with a funding strategy; discussion continued.

Responding to questions from the Council, staff provided clarification regarding restrictions on the use of gas tax and Proposition C funds; the availability of funding for sewer and water main projects; and the condition of sewers and water mains under Newton Street.

Councilmember Scotto asked staff to comment on the vacation of easements along Newton Street. Project Manager Finton advised that some areas of Newton have fairly wide right-of-ways and a good portion of these frontages could be vacated. Councilmember Scotto expressed an interest in moving forward with the vacation of these easements.

Assistant City Attorney Pohl cautioned that the vacation of easements was not on tonight's agenda and that vacations are subject to the public hearing process. He recommended, if the Council was interested in pursuing this matter, that staff be directed to return with a recommendation.

Councilmember Scotto amended his motion as follows:

MOTION: Councilmember Scotto moved to approve Option 2; to delay action on the Capital Budget until staff returns with a funding strategy; and to direct staff to return with a recommendation for the vacation of easements. The motion was seconded by Councilmember McIntyre, and discussion briefly continued.

Mayor Walker indicated that he would not support the motion, stating that while he would love to see the entire street reconstructed, the money was not available and he suspected that should Option 2 be approved, the Council would again be looking for more affordable options two or three years from now.

Councilmember Mauno asked if staff had any idea what projects would be cut to fund Option 2. City Manager Jackson advised that it would take some time to arrive at a funding strategy and staff would have to return with a list.

Mayor Walker called for a vote on the motion, and the motion failed to pass as reflected in the following roll call vote:

AYES: Commissioners Lieu, McIntyre and Scotto.

NOES: Commissioners Mauno, Nowatka, Witkowsky and Mayor Walker.

MOTION: Councilmember Witkowsky moved for the approval of Option 1. The motion was seconded by Councilmember Mauno and passed as reflected in the following roll call vote:

AYES: Commissioners Mauno, Nowatka, Witkowsky and Mayor Walker.

NOES: Commissioners Lieu, McIntyre and Scotto.

City Manager Jackson asked if the Council would like staff to return with a recommendation on the vacation of easements. Hearing no objection, Mayor Walker so ordered.

11C. 2005-2009 FIVE-YEAR CAPITAL BUDGET

Recommendation

Recommendation of the **City Manager** and the **Finance Director** that City Council approve modifications to the five-year Capital Budget and extend the Capital Budget to include the 2007-2008 and 2008-2009 Fiscal Years.

(Companion Items 11G [Newton Street] and 11D [Rose Float])

With the aid of slides, Finance Director Tsao provided background information about the Capital Budget, noting that it consists of two parts, Facilities, Equipment and Automation (FEAP), and Infrastructure (IAP), and that every other year the budget is extended by two years, with the last extension occurring in July of 2002. He discussed State budget concerns and the impact on City revenues. He provided an overview of the 2005-2009 Capital Budget; reviewed additions to the FEAP and IAP budgets; and highlighted accomplishments from the previous budget. Referring to the list of deferred projects, he noted that staff was researching alternate scenarios for funding residential street rehabilitation and storm drain projects.

In response to Councilmember Mauno's inquiry, City Manager Jackson provided clarification regarding restrictions on the use of ISTEPA and Proposition C funds and discussed how projects are prioritized.

Councilmember Scotto requested that a condensed version of prioritized items be provided in the future, as has been done in the past, to make the budget easier to read and understand. He requested that Sepulveda Boulevard between Hawthorne and Anza be placed on the list of future street projects.

City Manager Jackson advised that this section of Sepulveda Boulevard is on the list of future projects but it is beyond the horizon of the five-year budget.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11D. SELECTION OF DESIGN/ ALLOCATION OF FUNDS FOR 2005 ROSE FLOAT

Recommendation

Recommendation of the **City Council Ad Hoc Rose Float Committee** that City Council:

- 1) Approve the design entitled "FUN AT THE FAIR" for the City's float entry in the Pasadena Tournament of Roses Parade on January 1, 2005;
- 2) Approve an agreement between the City of Torrance and Fiesta Parade Floats for the design, construction, entry, display and operation of the Torrance Float in the 2005 Pasadena Tournament of Roses Parade; and
- 3) Approve the expenditure of \$100,000 for related costs.

Councilmember Witkowsky, Chair of the Ad Hoc Rose Float Committee, requested that the Council approve the design and funding for the City of Torrance's entry in the 2005 Pasadena Tournament of Roses Parade, noting that the City's floats have won numerous awards and they have the distinction of being one of the few floats decorated entirely by volunteers.

Parks and Recreation Director Barnett outlined the budget for the float, explaining that a budget of \$125,000 has been established, with the City contributing \$80,000 from the General Fund and \$20,000 from the Capital Budget on a one-time basis and the Torrance Rose Float Association providing the balance of \$25,000. He noted that the Rose Float Association and the Ad Hoc Rose Float Committee will be working to develop a vigorous fundraising strategy to ensure funding for future floats.

Mary Hoffman, President of Torrance Rose Float Association, presented a framed photograph of the City of Torrance's 2004 Rose Float entitled, "America the Beautiful," and introduced Tim Estes and Jim Hynd of Fiesta Parade Floats, who displayed a rendering of the City's 2005 entry entitled, "Fun at the Fair."

Mayor Walker commented on the tremendous amount of time and effort that goes into the float and voiced his opinion that the City's contribution is money well spent.

MOTION: Councilmember Witkowsky moved to concur with the Ad Hoc Rose Float Committee's recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11E. AMENDMENT OF MEXICO'S EXTRADITION POLICY

Recommendation

Recommendation of the **City Manager** and the **Chief of Police** that City Council adopt a Resolution urging the United States to persuade Mexico to amend its extradition policy toward individuals accused of committing capital crimes in the United States.

Police Chief Herren reported that the current extradition treaty between Mexico and the United States allows certain criminals to avoid prosecution by escaping to Mexico and that staff was recommending that the City join with the Attorneys General of all 50 states and the L.A. County District Attorney's Office in urging the President and Congress to modify the treaty so that these criminals can be extradited to the United States for prosecution.

MOTION: Councilmember Scotto moved to concur with the staff recommendation recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2004-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE URGING THE PRESIDENT AND CONGRESS TO UTILIZE ALL MEANS AVAILABLE TO PERSUADE MEXICO TO AMEND ITS CURRENT EXTRADITION POLICY TOWARD INDIVIDUALS ACCUSED OF COMMITTING CAPITAL CRIMES IN THE UNITED STATES

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-47. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11F. SB 1866 PEACE OFFICER MOTOR VEHICLE PURSUIT

Recommendation

Recommendation of the **City Manager** and the **Chief of Police** that City Council take a position to oppose SB 1866 which proposes requirements for engaging in police pursuits and direct staff to forward notice of said position to the state legislators.

Police Chief Herren stated that staff was requesting that the City take a position opposing SB 1866, which would place severe limitations on police pursuits by removing civil liability immunity for police officers and their employing agency.

Councilmember Nowatka voiced his strong opposition to this bill, stating that knowing that police officers could not chase them would encourage criminals to run.

MOTION: Councilmember Nowatka moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12. HEARINGS

12A. VACATION OF SOUTHEAST SIDE OF ZAMPERINI WAY

Recommendation

Recommendation of the **Community Development Director** that City Council conduct a Public Hearing to approve and adopt a Resolution ordering the vacation of the southeast side of Zamperini Way between Airport Drive and Pacific Coast Highway.

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

With the aid of slides, Transportation Planner Semaan reported on the proposal to vacate the southeast portion of Zamperini Way. He explained that the vacation would eliminate unnecessary street width and associated liability and maintenance; allow for the utilization of the vacated street area; and allow for the reconfiguration of the entryway to the control tower. Referring to traffic statistics, he noted that Zamperini Way currently has an "A" level of service (LOS) and that it is projected to remain at this level after the vacation even with the addition of a 20% growth factor to account for on-going projects at the airport.

Councilmember Witkowsky commented on traffic congestion on Airport Drive; expressed concerns that Robinson Helicopter's expansion would exacerbate the problem; and requested that staff look into possible remedies.

Transportation Planner Semaan reported that there are improvements underway that will help relieve the congestion, including the re-striping and change of signalization at the intersection of Robinson Way and Pacific Coast Highway, which will allow double left turns onto Pacific Coast Highway, and changes to the intersection of Crenshaw and Airport Drive to facilitate left turns onto Crenshaw.

Barry Jay, President of Torrance Airport Association, voiced objections to the proposed vacation. He related his understanding that the primary reason for the vacation was to allow the Mercedes dealership to expand its showroom and contended that there are other options available. He noted that the dealership is owned by a conglomerate that owns other dealerships with vacant land in close proximity and suggested that the service department could be moved to another location to allow for the expansion of the showroom.

Mr. Jay stated that while the staff report characterizes Zamperini Way as underutilized, it is heavily used at certain times of the day and traffic in the area will only increase with the Robinson Helicopter expansion and the completion of the Flite Park

development, which will include dozens of hangars, fixed-base operators (FBOs), office buildings, and a restaurant. He suggested that the resulting traffic congestion could ultimately discourage other businesses from locating at the airport and reduce the variety of services available to its users.

Mr. Jay reported that the Planning Commission rejected the proposed vacation despite the claim that it would improve security at the airport and suggested that the City consider building the new key card gate 100 feet south of the control tower to enhance security for both the tower and the parking lot by putting them inside the fence. He noted that, in accordance with the Airport Master Plan, Zamperini Way was designed to provide a clear view of the general aviation center (GAC) and the airport from Pacific Coast Highway in order to promote interaction between the public and the pilot community and that narrowing it was contrary to this goal. He also noted that the airport would serve as a conduit for medical supplies in the event of a major disaster and the proposed vacation could inhibit access.

Assistant to the City Manager Sunshine clarified that the Planning Commission's action related to a lot line adjustment and not the vacation of Zamperini Way.

Nancy Clinton, Torrance, stated that she was disappointed that the City was proposing to constrict the entrance way to the airport instead of enhancing it, submitting photographs to illustrate that nothing has been done to promote a pleasing image of the airport. She expressed concerns that future traffic in the area had been underestimated, questioning whether City staff had consulted with Robinson Helicopter in arriving at traffic projections and noting the proposed multi-level parking structure to be built to the west of the GAC for the storage of vehicles by auto dealerships. She pointed out that the closure of Great American's gate at the airport will increase traffic in the vicinity of Airport Drive and Zamperini Way because tenants will have to use an alternate gate near the control tower. She suggested that constricting Zamperini Way could encourage cut-through traffic in the residential neighborhood to the south and the nearby shopping center and hinder emergency access of fire and police vehicles. She urged the Council to reject the proposal.

Jack Kenton, California Pilots Association, maintained that the City would lose an opportunity to showcase the airport by narrowing Zamperini Way and suggested that the airport could be a goldmine if it was developed as an executive airport.

Noting that he does quite a bit of business in the area, John King, Torrance, stated that it made no sense to constrict the only remaining street with free-flowing traffic and create a future choke point. He doubted that the extra land would significantly increase the Mercedes dealership's profits or affect sales tax revenues to the degree that the vacation would be worthwhile for the City. Maintaining that the traffic analysis was incomplete, he pointed out that there was no data for northbound lanes on Zamperini Way and expressed concerns about the narrow width of the lanes.

Ross Anderson, Rancho Palos Verdes, reported that he flies in and out of Torrance Airport on a regular basis; related his personal experience with traffic congestion in the area; and voiced his opinion that it was illogical to decrease the capacity of Zamperini Way at a time when the airport and surrounding businesses are expanding.

Carole Johnson, Torrance, stated that she occasionally uses Zamperini Way to avoid traffic on Crenshaw and suggested the possibility of doing a mock-up of the vacation and obtaining input from the public before making any permanent changes.

Don Ferrara, Rancho Palos Verdes, reported that he is a friend of Louis Zamperini and expressed concerns about narrowing the street that was named in his honor. He stated that he encouraged Mr. Zamperini to attend tonight's meeting, but he declined to do so because he did not want to unduly influence the Council. Submitting photographs to illustrate, he proposed that Zamperini Way be enhanced with landscaping, a flagpole and signage, offering to do all the work with minimal outlay by the City. He related a conversation he had with a Mercedes dealership employee who indicated that many people who purchase their autos avoid paying sales tax by taking delivery out of state. Submitting petitions in opposition to the vacation, he stated that he spent four days walking the neighborhood and speaking with residents and only 2 of the 65 people with whom he spoke chose not to sign the petition.

Hank Smith, Torrance, indicated that he was opposed to the vacation because it would increase traffic congestion and inconvenience those who frequent businesses in the vicinity and submitted a letter of opposition from Joseph Karamian, Vice President, California National Bank, 24020 Hawthorne Boulevard.

Christopher Joseph, Torrance, stated that he thought reducing the size of Zamperini Way was a bad idea, noting that his father is a pilot with an airplane housed at Torrance Airport.

Nancy Langdon, Torrance, stated that Zamperini Way should remain as it is because it makes a nice entrance to the airport and it was meant to honor Louis Zamperini and other World War II veterans.

Bonnie Mae Barnard, Torrance, voiced her opinion that the proposed vacation was another example of inappropriate development in Torrance. She suggested that approving the narrowing of a City street was inconsistent with the Council's recent action to allow the widening of Del Amo Boulevard and contended that Zamperini Way would not stay at an "A" level of service for very long after one of the lanes is taken away. She stated that the amount of money the City would receive for leasing the land was minimal and that Torrance Airport is a treasure which has the potential of bringing in a lot more money than the Mercedes dealership. Noting the strong opposition to the proposal, she urged the Council to listen to residents and reject the vacation.

Robert Mason, Torrance, contended that vacation was already a "done deal," stating that it was a shame that the City is beholden to auto dealers.

The Council recessed from 9:42 p.m. to 9:56 p.m.

Councilmember Nowatka stated that he had been inclined to support the vacation but found the argument that Zamperini Way is the entranceway to the airport and should be used to draw attention to it compelling, therefore, he had decided to vote against the vacation.

Councilmember Witkowsky suggested the possibility of slightly decreasing the land to be vacated to allow for a landscaped median and appropriate signage.

City Manager Jackson advised that the sidewalk on one side of Zamperini Way could be eliminated thereby allowing room for a small median and a vertical sign, and offered to follow up on this idea and return with a plan next week.

Councilmember Scotto indicated that he favored leaving the street the way it is so that it can accommodate future growth and possibly beautifying the existing median.

Councilmember Mauno stated that he was not convinced that a reduction in the number of lanes on Zamperini Way would have any adverse impacts; noted that no one has complained of traffic back-ups on this street; and pointed out that traffic data supports staff's conclusion that the reduction would not cause traffic problems.

In response to Councilmember Lieu's inquiry, Fire Chief Bongard advised that the Fire Department occasionally uses Zamperini Way from Fire Station No. 2, but usually uses Airport Drive or Pacific Coast Highway.

Councilmember Lieu stated that he had not heard compelling reasons why the Mercedes dealership needs this land and that the proposed vacation did not seem entirely necessary.

Assistant to the City Manager Sunshine explained that the Mercedes dealership was not invited to tonight's hearing because the lease was not before the Council. He noted that the lease would be considered at a later date at a public hearing, if negotiations are successful, should the vacation be approved.

Councilmember McIntyre questioned why there was no data for northbound lanes on Zamperini Way. Transportation Planner Semaan explained that there is no opposing traffic entering the intersection of Pacific Coast Highway and Zamperini Way from the south because Zamperini Way ends at Pacific Coast Highway.

Indicating that she was inclined to vote against to the vacation, Councilmember McIntyre noted that it would be impossible to regain the land once it has been vacated without going through the condemnation process, which was highly unlikely. She stated that she had heard several compelling arguments from residents who are personally impacted by traffic in this area and believed there was also an aesthetic issue with regard to the entranceway to the airport. She thanked Mr. Ferrara for taking the time to canvass the neighborhood.

Mayor Walker stated that he viewed the proposed vacation as an opportunity to provide much needed space for the Mercedes dealership, which is a major generator of revenue for the City, at no detriment to the community. He noted that almost no one uses Zamperini Way except for customers of the dealership and sufficient capacity would remain for present and future needs. He suggested that a median could be included of sufficient size to install appropriate signage identifying Zamperini Way as the entryway to the airport. He conceded that there is traffic congestion on streets on either of Zamperini Way at certain times of day, but noted that the City is working to resolve these problems through re-striping and changes to signalization.

MOTION: Councilmember Witkowsky moved to approve the vacation of the southeast side of Zamperini Way and to direct staff to return with a plan to broaden the median to accommodate appropriate signage for the airport. The motion was seconded by Councilmember Mauno and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Mauno, Witkowsky and Mayor Walker.

NOES: Councilmembers Lieu, McIntyre, Nowatka and Scotto.

12B. PRE03-00017: BRUNO BONDANELLI

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and adopt a Resolution to approve as conditioned a Precise Plan of Development (PRE03-00017) for the construction of first and second floor additions to an existing single family residence on property located in the Hillside Overlay District, in the R-1 zone at 131 Camino de las Colinas.

PRE03-00017: BRUNO BONDANELLI (EUGENE ALLEN)

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

With the aid of slides, Planning Manager Isomoto reviewed the site plan and elevations of the proposed project. She discussed the Planning Commission's action, noting the commission voted to approve the project by a vote of 6-0, with one commissioner abstaining.

Bruno Bondanelli, project architect, detailed the many revisions the project has undergone in response to neighbors' concerns about view, light and privacy, noting that there have been 5 variations and the silhouette has been re-staked 4 times since he was hired to design the project in June of 2003. He stated that the appellants are now asking that the Floor Area Ratio (FAR) be reduced from .52 to .50, however, this would require tearing into the existing house and relocating load-bearing posts at considerable expense. Noting Dr. Allen's numerous attempts to accommodate to his neighbors, he asked that the Council take into account the patience he has shown and his willingness to compromise.

Eugene Allen, 141 Camino de las Colinas, applicant, disputed claims outlined in the appeal that the Planning Department failed to accurately apply Section 91.41.11 of the Hillside Overlay; that the Planning Commission's decisions were inconsistent; and that he had presented non-valid documents. He voiced his opinion that the project would be in harmony with the neighborhood and suggested that neighbors do not need to be concerned that he will try to look into their properties from his front deck. He reported that he has spent a lot of time and money on this project, accumulating a debt of \$41,000, and that he has tried his best to make his neighbors happy.

Steve Sucher, 127 Camino de las Colinas, stated that the appeal was not racially motivated as suggested in one of the letters in support of the project; expressed regret that the process had caused so much animosity among neighbors; and indicated that he was prepared to accept tonight's decision and move forward. He stated that the appellants' goal was to bring attention to the subjective liberties taken by the Planning Department, which have placed the burden on residents to research and attempt to apply the Code to defend their rights, and to ensure that a precedent is not set for the future.

Mr. Sucher maintained that the applicant did not satisfy the hardship provision of TMC Section 91.41.11, which allows an applicant to exceed an FAR of .50 only if it can be demonstrated that 1) denial of the application would constitute an unreasonable hardship and 2) granting the application would not be materially detrimental to the public welfare and other properties in the vicinity, therefore, the Planning Department erred in recommending approval of the project. He related his understanding that according to the Torrance Municipal Code and California zoning practices, the hardship provision relates to the physical circumstances of the property only. He suggested that much of the controversy could have been avoided if Planning staff had enforced this provision

because a smaller addition would not have had so great an impact on neighboring properties. He pointed out that much of the Hillside Ordinance relies on subjective judgments, which makes the enforcement of objective standards all the more important.

Mr. Sucher contended that there is a trend being fostered by the Planning Department whereby applicants ask for much more than the Code permits without demonstrating hardship and the Planning Commission tries to forge a compromise, which pits neighbor against neighbor and results in the granting of unwarranted variances for projects that should have never been brought before the Commission in the first place. He stated that these exceptions are now being cited by applicants such as Dr. Allen as rationale for approving projects with an FAR greater than .50. He urged the Council to deny the project because it does not comply with TMC Section 91.41.11 and to demand that the Planning Department and the Planning Commission apply provisions of the Torrance Municipal Code as written.

Asked by Councilmember Nowatka how he would be harmed by the project, Mr. Sucher stated that it would cause shadowing on his property.

Councilmember Scotto expressed surprise that this street was included in the Hillside Overlay. Planning Manager Isomoto advised that while the lots are flatter than most in the Hillside Overlay, there are others with similar topography.

Councilmember Witkowsky questioned the procedure should an applicant submit a project with an FAR in excess of .50. Planning Manager Isomoto explained that the underlying R-1 Zone allows a maximum FAR of .60; that there is a provision in the Hillside Overlay establishing a threshold of .50; and that if someone wishes to build a project with an FAR between .50 and .60, staff evaluates the impact in terms of view, light, air and privacy and makes a recommendation to the Planning Commission. She noted that a number of projects with an FAR over .50 have been approved after it was determined that they would not have a significant impact on neighbors.

Robert Keller, 139 Camino de las Colinas, disputed the Planning Department's interpretation of the Code, stating that an FAR over .50 is allowed only if hardship is demonstrated and it is not a matter of whether or not anyone is adversely impacted. He voiced objections to the proposed project due to the impact on his view and privacy and requested the following: 1) that the front deck be eliminated because patio furniture could interfere with his view, and 2) that the applicant be required to reduce the size of the home by 180 square feet to bring the FAR down to .50 in compliance with the Code.

Doug Gore, 126 Camino de las Colinas, expressed concerns that approval of the project could produce a domino effect and encourage others to build large homes that extend out to their lot lines. He urged that the Council strictly enforce the Hillside Ordinance, which has very clear limits to protect property values and the charm of the neighborhood.

Dorothy Karfs, 338 Camino de las Colinas, commented on changes that have taken place in the 50 years she has lived on Camino de las Colinas and expressed support for the proposed project.

Gary Alzona, 136 Camino de las Colinas, noted his background as an architect and indicated that the project has his complete support.

Returning to the podium, Dr. Allen commented on the difficulty of trying to reach a compromise with his neighbors, explaining the efforts to satisfy one neighbor often brought new complaints from another. He stated that the Planning Commission recognized the compromises he had made and felt a balance had been reached.

Councilmember Lieu questioned why it would be a hardship to bring the FAR down to .50. Dr. Allen explained that it would require the relocation of part of the support system for the structure and add another \$50,000 to the project's cost.

MOTION: Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Mayor Walker stated that he thought this project was a clear-cut example of how the system works, with the end result being a project acceptable to staff and approved unanimously by the Planning Commission. He further stated that he saw no reason to make any changes to the project and that he did not expect patio furniture on the deck to have any impact.

Councilmember Mauno asked legal staff to comment on the inference that Planning staff was not following the Code.

Assistant City Attorney Pohl stated that he understood why someone could find TMC Section 91.41.11 confusing because there is a strict limit (.50 FAR), which is followed by subjective findings that allow this limit to be exceeded. He indicated that he was present at some of the Planning Commissions when this matter was considered and he could recall no irregularities, but noted that it would take a thorough examination of the voluminous record to determine if those findings are supported.

Noting that she visited the site and met with neighbors and Dr. Allen, Councilmember Witkowsky voiced her opinion that Dr. Allen had made every effort to comply with the Hillside Ordinance and stated that she did not believe he should have to bear the burden of reducing the FAR to .50.

Councilmember Scotto reiterated that he was surprised that the subject lot was included in the Hillside Overlay District and pointed out that had it not been included, an FAR of .60 would be permitted. He stated that he thought the project would be good for the area and that this was one of the few occasions that he would support a project with an FAR that exceeds guidelines.

Voicing support for the project, Councilmember Lieu stated that he would take Dr. Allen at his word that he would incur additional costs and suffer undue hardship if required to reduce the FAR to .50.

Commissioner McIntyre reported that she visited the site and believes the project will be a major improvement. She noted that she has been very cautious about supporting projects in excess of FAR guidelines but felt in this case that Dr. Allen demonstrated patience and perseverance and came up with unique solutions for a vexing problem. She commended staff for their efforts on this project.

MOTION: Councilmember Witkowsky moved to deny the appeal and approve the project as submitted. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

RESOLUTION NO. 2004-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF FIRST AND SECOND STORY ADDITIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 131 CAMINO DE LAS COLINAS PRE03-00017: BRUNO BONDANELLI (EUGENE ALLEN)

MOTION: Councilmember Mauno moved for the adoption of Resolution No. 2004-48. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 11:30 p.m. to 11:33 p.m.

16. ORAL COMMUNICATIONS

16A. City Manager Jackson commended the CPOC and Budget Review Committees along with Central Services staff teams for their efforts in putting together the capital budget.

16B. Councilmember Lieu reported on his attendance at the Torrance Education Foundation dinner, noting that the proceeds were for a very worth cause.

16C. Councilmember Lieu noted that he attended the Excellence in Arts Awards ceremony and congratulated the awardees and Cultural Arts Chair Ritas Smith for promoting the arts.

16D. Councilmember Lieu stated he and his wife enjoyed the lecture by Edward James Olmos, part of the speaker series by the Torrance Cultural Arts Center Foundation.

16E. Councilmember Lieu announced that tickets for the Switzer Center Woman of the Year luncheon were still available, interested parties to contact 310-328-3611.

16F. Councilmember Mauno echoed comments regarding the Education Foundation dinner, noting that 33 scholarships were presented.

16G. Councilmember Mauno announced that the Area Agency of Aging election would be held May 4, between 9:00 a.m. and 12:30 p.m. at the Bartlett Center.

16H. Councilmember McIntyre strongly encouraged residents over 60 to vote on May 4 and added there would be a total of 10 items presented to the state legislature regarding seniors.

16I. Councilmember McIntyre encouraged those who oppose the building of second units on R-1 properties to send letters to Senator Debra Bowen and Assemblyman George Nakano opposing AB 2702.

16J. Councilmember McIntyre wished Management Associate Laura Wren a happy birthday.

16K. Councilmember Nowatka congratulated the police department on participation in a 120-mile relay run from Baker to Las Vegas.

16L. Councilmember Scotto congratulated Janet Payne for receiving the Katy Geissert award.

16M. Councilmember Scotto reported that he attended Sergeant Brian Wood's funeral, expressed condolences to his parents, and noted that Sergeant Wood was honored with a Bronze Star and Purple Heart, which was presented to his family.

16N. Don Barnard, Torrance resident, invited the Council to view his presentation on Citicable entitled "Committee of Choice" regarding choices local city governments have made. Show to air at 6:00 p.m. through May 4.

17. EXECUTIVE SESSION

None.

18. ADJOURNMENT

At 11:40 p.m., the meeting was adjourned to Tuesday, May 4, 2004, for the regular meeting commencing at 6:00 p.m. in the Council Chambers.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on June 8, 2004