

**MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in a regular meeting at 7:17 p.m. on October 26, 2004, in Council Chambers.

**ROLL CALL**

Present: Councilmembers Lieu, McIntyre, Nowatka, Mauno, 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 Lieu.

The invocation was given by Councilmember Witkowsky.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Lieu 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 Mauno and a voice vote reflected unanimous approval.

**MOTION:** Councilmember Lieu 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 Mauno and a roll call vote reflected unanimous approval.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Scotto reported a meeting of the Finance and Governmental Operations Committee on Tuesday, October 26, at 5:30 p.m. in Council Chambers at City Hall and noted that recommendations would be forwarded to Council shortly.

City Clerk Herbers reminded everyone that October 27 is the last day to apply for an absent voter ballot for the November 2 election and ballots must be received by 8:00 p.m. on November 2, 2004. Polling locations can be found on the back of the sample ballot and information on absent voter ballots and early electronic voting can be found on the city's website or on [www.lavote.net](http://www.lavote.net). The City Clerk's office will stay open until the polls close on election night to assist any one who needs help finding their polling location.

City Clerk Herbers announced that the Northwest Torrance Homeowner's Association would be hosting a panel discussion/debate on Measure T at the North High School library on Thursday, October 28 at 7:00 p.m. and the Southwood Homeowner's Association would have a meeting on Measure T at 7:00 p.m. on Monday, November 1 at Anza School.

Mayor Walker asked that the meeting be adjourned in memory Cecilia Laxton who was active in the community and who had received recognition for her work with global organizations through numerous awards.

Mayor Walker reported that residents had expressed concern about the Star View treatment facility and he read a letter he received last week from the County of Los Angeles Probation Department:

“As a result of our conversation on October 6, 2004, the Probation Department is prepared to take some immediate and interim actions in response to the recent breach of security at Star View placement. Thank you for inviting us to your meeting and please be assured that we fully respect and appreciate your concerns, the concerns of the citizens of Torrance and those issues expressed by the staff of the Torrance Police Department. The Probation Department is committed to the following actions:

As of September 28, 2004 the Probation Department shall have a moratorium on any new Probation intake at Star View; the moratorium will last 120 days.

The Probation Department currently has 13 youth remaining at Star View and it is our intent to review their cases with Star View to see if they meet the appropriate profile.

The Probation Department shall also summarize the arrest profiles of the current 13 residents and forward them to Torrance Police Department staff for their review. This was completed on October 8, 2004.

It is the Probation Department’s intent to develop appropriate treatment plans that will result in the 13 leaving Star View within 90 days. It is our goal is to move 6 out in 60 days and the remaining 7 residents in 90 days.

At the conclusion of the 120 day intake moratorium period, if there is a need to consider opening intake, the Probation Department will convene a meeting with all relevant parties to discuss the concerns prior to considering any new intake.

On October 4, 2004, staff from the Probation Department completed a brief security review of the facility and recommends: 1) better enforcement of current supervision policies and practices to ensure staff positioning, 2) re-training staff toward more effective supervision practices, and 3) considering physical plant alterations toward improving security.

I believe this correctly summarizes our commitment to you and provides some degree of resolution to the concerns. Please feel free to call if I can be of any further assistance.”

Mayor Walker indicated that the Torrance Police Department had reviewed the cases of the 13 in Star View from Los Angeles County Probation and found that several violate the criteria established for admission. He stated that the screening process for both Star View and the County has been unacceptable. He reported meeting with representatives of County Supervisor Don Knabe’s office and was told that any youth unacceptable to the Torrance Police Department would be immediately removed from Star View. Mayor Walker indicated that had already taken place and he noted that this was the beginning of the process and the community would be updated with further details.

**6. COMMUNITY MATTERS**

**6a. RESOLUTION NO. 2004-136 RE MONTY CHAMNESS**

**RESOLUTION NO. 2004-136**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA HONORING MONTY CHAMNESS UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-TWO YEARS OF SERVICE.

**MOTION:** Councilmember Witkowsky moved to adopt Resolution No. 2004-136. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

To be presented at a later date.

**7. CONSENT CALENDAR**

Councilmember Witkowsky asked to pull item 7b for separate consideration.

**7a. MONTHLY INVESTMENT REPORT – SEPTEMBER 2004**

**Recommendation**

Recommendation of the **City Treasurer** that City Council adopt and file the monthly investment report for September 2004.

**7b. COMMISSION ON AGING 2003-2004 ANNUAL REPORT**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **Commission on Aging** that City Council accept and file the Commission on Aging 2003-2004 Annual Report.

**7c. GRANT FUNDS APPROPRIATION RE 2004-2005 METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA COMMUNITY PARTNERING PROGRAM**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **City Librarian** that City Council accept and appropriate grant funding from the 2004-2005 Metropolitan Water District of Southern California Community Partnering Program in the amount of \$10,000 for enhancement of the Madrona Marsh Native Plant Garden and \$3,000 for the purchase of water efficient landscaping and water resource educational materials and a related Library public event.

**7d. DATA COMMUNICATIONS REPLACEMENT FUND APPROPRIATION**

**Recommendation**

Recommendation of the **Communications and Information Technology Director** that City Council appropriate \$46,000 from the Data Communications Replacement Fund and authorize staff to purchase ten (10) Cisco 2950 switches and one (1) Cisco 6509 "Supervisor 2" switch module.

**7e. LIBRARY SERVICES AND TECHNOLOGY ACT GRANT APPROPRIATION**

**Recommendation**

Recommendation of the **City Librarian** that City Council accept and appropriate a Library Services and Technology Act (LSTA) grant from the California State Library in the amount of \$25,000 to be used to purchase global language materials.

**7f. ASSET FORFEITURE VEHICLE TRAINING PROGRAM APPROPRIATION**

**Recommendation**

Recommendation of the **Chief of Police** that City Council appropriate and allocate \$25,000 in earned interest from the Asset Forfeiture Vehicle Training Program account to fund the ongoing operation of the account.

**7g. APPROPRIATION RE SEPULVEDA BOULEVARD REHABILITATION AND WATER MAIN REPLACEMENT PROJECT**

**Recommendation**

Recommendation of the **Acting Public Works Director** that City Council:

- 1) Appropriate \$2,100,000 from bond proceeds to the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48;
- 2) Appropriate \$300,000 from unallocated Prop C funds to the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48;
- 3) Appropriate \$1,100,000 from the Water Enterprise Fund to the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48;
- 4) Approve a contract services agreement in the amount of \$16,750 with Labelle-Marvin, Inc. to provide a pavement structural evaluation and analysis in conjunction with the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48; and
- 5) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

**7h. PURCHASE ORDER RE ROTARY MODEL MOD30 TRUCK HOIST**

**Recommendation**

Recommendation of the **Transit Director** that City Council:

- 1) Authorize the issuance of a purchase order to Peterson Hydraulics of Gardena, CA in an amount not to exceed \$131,000 for the purchase and installation of one (1) Rotary Model MOD30 truck hoist; and
- 2) Appropriate \$131,000 from the Transit Capital Grant CA90-Y263-00 into the Garage Hoist Replacement project (FEAP #262).

**MOTION:** Councilmember McIntyre moved to approve item 7a and items 7c through 7h as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Witkowsky commended the Commission on Aging, comprised of 11 volunteers, many of whom are in their 80s, work 5 days a week, and have provided guidance and referrals for 1,630 calls in the last year from seniors or their families. She reported that 45.8% of the documented calls were about affordable housing and rentals for seniors and she thanked Parks and Recreation Director Barnett who expressed appreciation for the service provided to the community by the hard working group.

**MOTION:** Councilmember Witkowsky moved to approve item 7b as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker thanked the Metropolitan Water District (MWD) for the generous grants to fund enhancements for the native plant garden at the Madrona Marsh Nature

Center and to purchase resource materials to promote water wise gardening in the community by the library.

Metropolitan Water District (MWD) Director Bill Wright indicated that he represented Torrance on the MWD Board of Directors and he presented two grants: one \$10,000 grant to the Parks and Recreation Department for signage enhancements and panel displays for the native plant garden at the Madrona Marsh Nature Center, and \$3,000 to the Library for the purchase educational and resource materials to promote water wise gardening. He noted that the purpose of the community partnering grant program is to provide local government agencies and community based groups with funding for water related educational and demonstration projects to promote water conservation.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9a. CONSULTING SERVICES AGREEMENT RE ROLLING HILLS WAY AREA TRAFFIC CALMING EFFORT**

Recommendation of the **Community Development Director** that City Council approve a not to exceed expenditure of \$42,945 and authorize the Mayor to execute a consulting services agreement with Katz, Okitsu & Associates, Inc. of Monterey Park for \$40,900 and a 5% contingency of \$2,045, for design services for the two proposed traffic signals at the intersection of Fallen Leaf Drive and Whiffletree Lane with Rolling Hills Road, and a raised landscape median island on Rolling Hills Way, as part of the Rolling Hills Way Area Traffic Calming efforts.

**MOTION:** Councilmember Scotto moved to approve the staff recommendation. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

**9b. CONTRACT RE THE UPDATE OF THE 1992 GENERAL PLAN**

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

- 1) Award a contract to Cotton/Bridges/Associates to update the 1992 General Plan for the amount of \$330,710; plus a 5% contingency of \$16,535 should there be a need for additional public participation or other work, for a total contract amount of \$347,245, and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

Planning Manager Bihn indicated that the process had been underway for some time and Cotton/Bridges/Associates have 18 months to complete their work which is less time than other proposals required. He indicated that although the company is substantially less expensive than the others, they have proposed a thorough program of work to get the City through the process with much public input.

Councilmember Scotto received clarification that the Council could not add consideration of the Mills Act and the Historical Preservation Overlay Zone (HPOZ) until hearing the Committee recommendation, but that could be added to the plan later.

Councilmember Witkowsky indicated that the Committee would meet for the third time during the first week of December and recommendations would be brought forward at that time. She congratulated Planning Manager Bihn on a thorough project overview.

Councilmember McIntyre reported much concern from the community about the number of planning commission workshops and Planning Manager Bihn indicated that 15 different kinds of events were planned plus community festivals to get the community

together informally to gather information. Formal settings with workshops are also planned and there is a contingency in case more input is needed.

Councilmember Scotto asked that a schedule of those meetings be posted on cable television and Planning Manager Bihn agreed noting that a webpage would also be established.

Councilmember Nowatka clarified that the Mills Act is a voluntary historical preservation program and related issues will be coming before the committee on December 2.

**MOTION:** Councilmember Scotto moved to approve the staff recommendation. Councilmember Lieu seconded the motion and a roll call vote reflected unanimous approval.

## **11. ADMINISTRATIVE MATTERS**

### **11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE**

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.

Responding to rainfall concerns from Councilmember Witkowsky, Building and Safety Director Isomoto indicated that they were also concerned about the rain but repair on the top and bottom of the hill is 90% done and is in a safer condition than it was last year. He reported that they were currently working on landscaping, the hill performed very well with last week's rain and they were hopeful that would continue through the current storm as well.

**MOTION:** Councilmember Witkowsky moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

### **11b. LEASE AMENDMENT RE TORRANCE FLITE PARK, LLC**

Recommendation of the Land Management Team that City Council authorize the Mayor to execute and the City Clerk to attest to a First Amendment to Amended and Restated Lease ("Amendment") by and between the CITY OF TORRANCE, a California municipal corporation ("City"), and TORRANCE FLITE PARK, LLC, a California limited liability company ("Lessee").

Land Management Chair Sunshine summarized the material of record noting that the Airport Commission had concerns about the process by which the matter was brought before them as well as concerns regarding restaurant parking which is proposed for the east parcel and he noted that parking requirements would be the same as with any restaurant.

**MOTION:** Councilmember Witkowsky moved to concur with the staff recommendation. Councilmember Mauno seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Nowatka shared the concerns of the Airport Commission noting that they should be allowed to examine the project formally rather than be notified about it.

## **12. HEARINGS**

**12a. PRE04-00001 DENIAL RE PROPERTY LOCATED AT 22508 SUSANA AVENUE**

Recommendation of the **Planning Commission** that City Council deny the appeal and deny a Precise Plan of Development (PRE04-00001) for the construction of a new two-story single-family residence on property located in the Hillside Overlay District, in the R-1 zone at 22508 Susana Avenue.

The **Community Development Director** recommends that City Council approve the appeal and approve a **RESOLUTION** to allow the construction of a new two-story single-family residence on property located in the Hillside Overlay District, in the R-1 zone at 22508 Susana Avenue.

Mayor Walker opened the public hearing at 7:47 p.m.

Planning Manager Isomoto summarized the material of record.

Beate Baltés, Shadycroft Avenue, indicated that her residence is located behind the project and she objects to the plan and the recommendation of the Community Development Director which disregards the Planning Commission decision, Hillside Overlay Ordinance requirements regarding view, light and air, and the requirement that the Floor Area Ratio (FAR) not exceed 50%.

Ms. Baltés reported that before buying her home just over a year ago, she received assurances from the Planning Department that she did not need to worry about additional two-story buildings in the neighborhood because the Hillside Overlay Ordinance is strictly enforced. She pointed out that the two-story buildings in the neighborhood are on streets that have a large difference in elevation, but the elevation gain between Shadycroft Avenue and Susana Avenue is so minimal that there are no two-story houses on the street.

Ms. Baltés noted that although the plans have been revised, 62% of her view will be destroyed. She questioned the finding of hardship noting that the argument of social circumstances had been repeatedly rejected and she pointed out inconsistencies in the written material and statements made by the Malafrontes.

Gregory Waligorski, Shadycroft Avenue, indicated that he was not opposed to his neighbor remodeling his home, but he opposed the particular plans proposed as they are insensitive and harmful to the neighbors and violate the Hillside Overlay Ordinance. He objected to the mansionization of their neighborhood and pointed out that the applicant had not notified any of the neighbors of his plans which the Planning Commission identified as "building to the max."

Mr. Waligorski noted that there had been no significant concession in the overall size of the new house and although Mr. Malafrente consistently maintained that his family situation entitled him to be exempt from the Hillside Overlay limitation of a .5 FAR, the Planning Commission disagreed.

Cleve Hildebrand, Shadycroft Avenue, declared his objection to mansionization noting that the block they are on has one two-story building which is not obvious because of the lay of the land. He reported seeing his view, air and light reduced due to a modification in the house south of him, he asked that the tone of the Hillside Overlay district be adhered to and he asked for support of the Planning Commission's refusal.

Bruce Carter, Shadycroft Avenue, objected to the addition citing issues of reduced light, air, view and privacy. He pointed out that in the two previous meetings there had

been no mention of hardship and indicated that he had made his wishes that there not be a second story addition known when Mr. Malafronte first bought his property and was told that those wishes would be taken into consideration.

Judy Carter, Shadycroft Avenue, agreed with previous statements and regretted that the people who would be impacted the most by the addition had been assured by the Planning Department that they would be protected by the Hillside Overlay.

Thane Call, Shadycroft Avenue, expressed support for the project and Mr. Malafronte's fight as he hoped it would make things easier on him in the future when he enlarges his home.

Ralph Malafronte, Susana Avenue, reported that he had been recently married and is not living in Torrance until the project is completed but he and his wife want a four-bedroom home that will accommodate their combined families of five kids. He reported that their plans were well within the code and that they had attempted to meet with the neighbors after erecting the silhouette. Mr. Malafronte reported that the Planning Commission had suggested that they work with the neighbors and they revised their plans. The Planning Commission expressed satisfaction with changes that were made but they began to focus on the 50% FAR with one of the Commissioners indicating that there was nothing unique about their lot and they could not prove hardship as family size was deemed too arbitrary. Another Commissioner supported the project asserting that the applicant had made every effort to work with the neighbors and had taken suggestions and made compromises, reducing the impact and addressing privacy issues.

Mr. Malafronte reported that the Deputy City Attorney indicated that there was no definition of hardship set forth in the ordinance so it was subject to interpretation and can include issues other than just the topography of the lot. He objected to the focus on .50 vs. .56 noting that although there was no perceptible difference to the size of the house on the outside it would mean a dramatic difference to them and the strict application of .50 would deprive them of privileges that others in the vicinity enjoy. He pointed out the other two story homes in the area and asserted that to not support the plan would result in an unreasonable hardship because of the difficulty of accommodating their family, the cost and time of developing a third set of plans, and the fact that they have to maintain a front yard setback further than normal to preserve the neighbor to the north's view.

Laura Malafronte reported that it had been a frustrating experience for everyone and she asserted that they had talked to all the neighbors they thought would be impacted. She indicated that her children were in college but still around and she felt that to stop the project at this point and require a redesign would entail much time and expense for a negligible difference.

**MOTION:** At 8:20 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Responding an inquiry from Mayor Walker as to why the project had been recommended for approval, Planning Manager Isomoto reported that they looked at view, light, air and privacy impacts to adjacent properties and in the Planner's opinion there was no significant view impairment. Recommendations were made for obscured glass in the bathroom and raised sill height for privacy and they agreed with Commissioners about



changing height and roof style. The home has been reduced and the bulk of the proposal has also changed with roofline changes.

Mayor Walker asked for suggestions on how to save 392 square feet in order to bring it to .5, and Planning Manager Isomoto proposed eliminating a bedroom or making the rooms smaller but she noted that the underlying zone allows for .6 citywide and if they feel they can make findings to allow for the .5 to .6 range, that is what they would recommend.

Mayor Walker suggested that no one would be able to see the difference without knowing.

Councilmember Witkowsky commented on the irregularity of housing placement in that area noting that the houses on Shadycroft are offset and approximately 10-12 feet above Susana Avenue.

Planning Manager Isomoto explained that code requirements for setbacks require 10% of the width of the lot, with the typical setback being 5-6 feet and she noted that this project had 8 and 10 foot setbacks.

Councilmember Lieu questioned what staff considered the hardship that allowed a FAR of over .5 and Planning Manager Isomoto explained that there were enough other homes in the general vicinity with FARs over .5 and to require .5 would deprive the Malafrontes from developing a home they felt they needed to accommodate the size of their family.

Councilmember Lieu felt this case highlighted the need to revise the FAR to make it clearer, and he noted that the owner and neighbors are dependent on the Council to make a decision which has to be made on a word called hardship which is ambiguous. He asserted that in this case he did not believe the hardship requirement had been met. He felt that the fact that other houses have larger FARs did not qualify as a hardship nor did college-age children qualify, he believed the FAR of .5 should be applied and supported a project in accordance with the Hillside Overlay.

Councilmember Scotto noted that there has been much confusion in the past about FAR and over the last year the Council may have misapplied the law. He felt that hardship is different than what is involved here and noted that if the family had lived in the house for 20 years, or if there were topography issues, or if they could not move somewhere else, that would be hardship. This family bought the home and wants to remodel at the expense of the neighbors.

Councilmember Scotto pointed out that one month ago the Council agreed to adhere to FARs, this is the first hearing since that time and if this passes everyone else on that street will have the right to build at .6. He expressed support for sticking to the Overlay and the FAR.

Responding to Councilmember McIntyre, Assistant City Attorney Pohl explained for the record, as was stated in the Planning Commission hearing, there has not been an exact definition of hardship so it is subjective. Over the years the undefined term has been used for flexibility so it is what the Council deems it to be. He suggested that since they were granting a land use entitlement it would be focused on the land, but in the past it has sometimes been interpreted that way and sometimes not.

Planning Manager Isomoto, responding to Councilmember Mauno explained that any area within the house, including staircases, that exceeds 17 feet from the floor to the roof is counted twice. Mr. Mauno suggested that if those areas were modified below the height limit that would save perhaps 100 feet of square footage.

Councilmember Mauno related that when he served on Planning Commission for 10 years, each Commissioner used their own guide, but if a yard was available for expanding into, that should be done rather than going up and taking someone's view. He noted that there is a retaining wall in this yard and that would limit the room available and he asserted that if Council suddenly started imposing an FAR of .5 they would be redefining the hillside. He expressed concern with neighbors' comments and found it hard to judge the impact without visiting the neighbors homes and seeing it from their point of view.

Councilmember Mauno cited the potential to make the project smaller while still accommodating the family and suggested going back and looking at the home from the neighbors home to see what the impact might be, keeping in mind that some impact is acceptable. He suggested holding the item for a month while Councilmembers have an opportunity to visit the homes rather than arbitrarily denying the project.

Councilmember Nowatka questioned what would be arbitrary about denying the project as it exceeds the FAR and he noted that Councilmember Mauno indicated the Council was rezoning the area to .5 FAR but it is .5 FAR because it is in the hillside overlay right now. Planning Manager Isomoto clarified that the underlying zone is .6 as it is city-wide, but the Hillside Overlay requires that says if you want to go over .5 you have to make findings to support that. Councilmember Nowatka pointed out that if it were not a variance from the .5, the matter would not be before the Council.

Community Development Director Gibson clarified that the fundamental base zoning for R-1 allows an FAR of .6. The Hillside Overlay District provides an additional layer of review placed upon hillside property which allows the creation of a process that gives the Planning Commission and City Council the discretion to make judgments on circumstances that might not fit specifically into a cookie cutter definition. The intent was a recognition that hillside lots are not sized and shaped consistently and different circumstances might require exercising discretion. The interpretation does not fix the FAR at .5, but rather allows the Council to use judgment to stay at .5 or, if circumstances direct them, they can exceed the FAR. He noted that the Hillside Overlay was not a limitation but rather a threshold for review.

Councilmember Nowatka questioned whether the Council would be violating the spirit of the decision of the Council three weeks ago to go over .5 and Community Development Director Gibson indicated that was subject to interpretation. In the R-1 zone there is no mechanism to exceed the .6 FAR. The Hillside Overlay District is unique, the intent is not to absolutely prohibit two-stories, view impairments or invasions of privacy, but the intent is to provide for the least intrusion of those circumstances as applied to different cases in the Hillside Overlay District. He acknowledged that it is not an easy call but he urged caution in defining the FAR as absolute.

Councilmember Lieu received clarification that if the Council chooses to go over .5 they may consider hardship and he commented that he supported flexibility but a word like hardship is very vague. He was not clear if college-age children qualified as a hardship and he questioned the need for a powder room.

Councilmember Lieu noted that privacy was a more easily defined term, but hardship is too vague which allows for total discretion and creates unpredictability and residents need some predictability.

Councilmember McIntyre pointed out that there were quite a few conditions that have to be met and she asked how the sloped rear yard related to the arrangement and design of house.

Planning Manager Isomoto explained that there is a retaining wall at the rear of the house and a sloped area which they felt limited the use of the back yard.

**MOTION:** Councilmember Lieu moved to deny the project. Councilmember Nowatka seconded the motion and the discussion continued.

**SUBSTITUTE MOTION:** Councilmember Mauno asked for a continuance to provide the applicant the opportunity to come back and address the issue of FAR and provide Councilmembers the chance to view the impact from the neighbors' point of view.

Councilmember Nowatka indicated that if the appeal were denied the proponents could still come back and resubmit at .5 which is the code.

Planning Manager Isomoto stated that if the project were denied without prejudice the proponents could come back immediately or a motion could be made with a condition limiting the project to a FAR of .5.

Councilmember Witkowsky indicated that she would support Councilmember Mauno's motion if he changed the FAR to .5.

Councilmember Mauno expressed concern with holding strictly to the FAR and Councilmember Witkowsky indicated that she did not want the applicant to have to wait 6 months.

**MOTION:** Councilmember Lieu moved to deny the appeal without prejudice. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

Planning Manager Isomoto indicated that the application had been denied without prejudice and staff would bring back a resolution of denial at a future meeting. The applicant is free to submit revised plans whenever they can and it appears that the direction of the Council would be to resubmit as close to .5 as possible or have hardship findings based on something concrete that a decision could be based on.

### **13. APPEALS**

#### **13a. PERMIT PARKING RE EL CAMINO COLLEGE VICINITY**

Recommendation of the **Community Development Director** and the **Traffic Commission** that City Council accept public input, discuss the matter and postpone the implementation of a new permit parking zone in the vicinity of El Camino College until the summary of the 6-month permit parking trial program for the south Torrance neighborhood has been presented to City Council.

Mayor Walker reported that he had a business in the area so he had to abstain from participation. Mayor Walker exited Council Chambers and Councilmember McIntyre acting as Mayor pro tem conducted the hearing.

Transportation Manager Semaan provided a summary of the material of record.

Responding to Councilmember Witkowsky, Transportation Manager Semaan reported that results of the survey were part of the agenda on page 11 and he noted that there were 79 responses to 140 questionnaires mailed out and results were outlined on page 12.

Councilmember Witkowsky pointed out that because of the proximity to El Camino College, the problem would not go away and she noted that the survey was inconclusive. Transportation Manager Semaan reported that initially staff did not want to consider permit parking so it was not included as an option on the survey. Residents subsequently indicated that they wanted permit parking so the Traffic Commission directed staff to conduct a feasibility study to determine costs and impacts. Prior to that occurring, the south neighborhood came before the Council with a similar concern and the Council suggested a 6-month trial program. When staff brought the item taken back to the Traffic Commission they were asked to bring a summary of the six-month trial period back to the Council.

Councilmember Lieu questioned why the northeast neighborhood was being compared with south Torrance and he suggested implementing permit parking for a six-month trial period in the northeast Torrance neighborhood as they have different circumstances, different problems, and different residents.

Transportation Manager Semaan indicated that if the Council directed them to do that, they would and he noted that the trial program in one neighborhood would provide data with regard to costs, effectiveness, administration, etc.

City Manager Jackson pointed out that as additional permit parking areas are added, parking personnel are being stretched. If they continue to have a need for strict enforcement in the permit areas, enforcement for non permit areas is reduced and then complaints will start around West High and North High and they will want permits too. He indicated they were trying to obtain feedback from residents, determine how much enforcement the south area would require and whether they could cover that without expanding the current resources.

Councilmember Scotto observed that parking in the area was a real problem that needed to be addressed as people are not able to park in front of their homes. He suggested a permit program that would expire in 2006 when the new parking structure is completed noting that to implement the program would require a bit of work, but timed parking is harder to enforce than permit parking.

Councilmember Nowatka agreed that permit parking was easier to enforce and he questioned the appropriateness of using a study of the south neighborhood to evaluate the problem in the north noting that the problem with the south was mitigated at the same time by creating parking spaces for people who have been violating and that can not be done in the north.

Councilmember Mauno concurred and City Manager Jackson indicated that they would have to see what fine revenues were generated.

Steve Romo, Atkinson, pointed out that at the March 3, 2004 City Council meeting when staff was instructed to conduct a 6-month permit parking program for the south neighborhood, staff neglected to inform the City Council that they had already been instructed by the Traffic Commission to conduct a feasibility study for permit parking for the North Torrance neighborhood. He described the parking situation and problems associated with it including accessibility issues, trash, crime, and decreased property values.

Mr. Romo provided colored copies of an area map indicating residents who have requested permit parking noting that there are four homes that don't want it at the far end of the area. He pointed out that two hour enforcement on 164<sup>th</sup> Street is rarely enforced and he questioned the need for a feasibility study when Torrance has had permit parking program in operation for years and the City should therefore already know the cost, impacts, administration, maintenance, enforcement and effectiveness. He also questioned how studying a different area with a different parking concern would have any bearing on their area and he questioned why their area was not given the same opportunity for study if it was needed. He added that El Camino College is considering building a stadium and if that goes forward parking will be lost during construction and the problem will be exacerbated.

Angelina Babick, W. 163<sup>rd</sup> Street, supported permit parking and reported parking problems from 6:30 a.m. to 9:30 p.m. daily. She reported speeding, illegal parking, trash, noise pollution, blocked driveways and problems with trash cans being moved, adding that they are unable to enjoy their home by inviting guests over. Ms. Babick observed that because of the high foot traffic on Redondo Beach Boulevard, the sidewalks and gutters have become garbage dumps and she asked that businesses take responsibility for keeping the area clean as they benefit from the foot traffic.

Ron Babick, W. 163<sup>rd</sup> Street, pointed out that other areas have permit parking and their area needs it as well.

Caroline Rauser, W. 163<sup>rd</sup> Street, reported that the problem began once El Camino College began charging parking fees and she expressed concern with increasing crime in the neighborhood with the high volume of people going in and out. She asserted that residents should not be charged permit fees as they did not create the problem and she related details of the Gardena permit program.

Nick Zebeljan, Chanera Avenue, reported turning in petitions he had circulated requesting permit parking on October 16 noting that the City sent out their questionnaire which did not offer permit parking as an option, on October 24 and 1/3 of the residents who responded asked that permit parking be considered. He observed that the bulk of the neighborhood wanted permit parking and noted that there has been permit parking in the City for over five years which should provide information about the costs of implementation and maintenance.

Robert Thompson, President Madrona Homeowners Association, expressed sympathy for the residents noting that permit parking had solved the problem in their area although enforcement is by demand only.

Jeff Ferrari, Chanera Avenue, expressed support for permit parking, thanked Councilmember Scotto and agreed with previous comments, asserting that Mr. Semaan had ignored the residents and tried to dodge the problem. He indicated that Channel 4

News had documented the situation and would be airing a Troubleshooter story in January.

Rupert De Leon, W. 164th Street, concurred with previous comments and added that he parks his car in front of his house the night before trash day to make sure there is room for his trash cans.

Pamela Romo, Atkinson Avenue, reported that many residents had to take their cars to work and can not monitor their trash.

Councilmember Scotto questioned how permit parking would work on Redondo Beach Boulevard to accommodate businesses.

Kyung C. Shin, Redondo Beach Boulevard, expressed support for permit parking and reported problems created for her beauty salon by the current parking situation.

Transportation Manager Semaan reported that the other permit parking programs in the City did not include businesses but suggested that in this situation permit parking could be included for businesses.

Councilmember Scotto proposed implementing permit parking up to Wilkie and on Redondo Beach Boulevard with the caveat that if businesses do not want it or if their businesses are harmed, Redondo Beach Boulevard can be removed from the program.

Transportation Manager Semaan indicated that the fronting streets could have permit parking with time specific restrictions.

Councilmember Scotto pointed out that residents have indicated that students do not respect the time specific restrictions.

Police Chief Herren acknowledged the problem in the area and that permit parking is more enforcement friendly, but he noted that parking enforcement was already covering the other permit area and it would be a drain on resources to properly cover the area over a 15 hour period to gain compliance. Compliance may be gained after a few weeks, but once enforcement is lessened, people will begin violating again. He indicated that there are currently six parking enforcement officers in the City and if another officer is not added to cover the test area and El Camino College, permit parking areas can still be covered, but other areas in the City will suffer.

Elizabeth Mageen, Wilkie Avenue, pointed out that her area was not covered by the permit request because they do not currently have a problem, but if permit parking is enacted, the problem will move to her area.

Councilmember Scotto commented that he had not included her area as it had not been included in the survey.

Ms. Babick requested visitor permits be available and she indicated that she would call traffic enforcement if she saw violations.

**MOTION:** Councilmember Witkowsky moved to implement permit parking for the proposed area including Wilkie, until the end of 2006 with reevaluation when the El Camino College parking structure is completed. Councilmember Scotto seconded the motion and the discussion continued. **No vote was taken.**

Councilmember Nowatka pointed out that the northern portion of Wilkie was not part of the study and residents had not come forward with input so he suggested restricting Wilkie to between 164<sup>th</sup> and 166<sup>th</sup> streets. Councilmember Witkowsky agreed.

Responding to Councilmember Mauno, City Manager Jackson explained the procedure for implementation and he indicated that as a follow up to the action, staff would return with information on necessary manpower to continue the operation and priorities would be resorted to see if areas can be covered with necessary enforcement personnel offset by a revenue estimate.

Responding to Councilmember McIntyre, Transportation Manager Semaan explained that staff would return with an item to amend the code for the streets as stated and at that time they can be amended or changed. A second reading and 30 day trial period are required before permit parking is fully enforceable which could be the education period used by the police department. He indicated that staff could go into full implementation so that once approved it would go into effect before the end of the year.

**MOTION:** Councilmember Witkowsky restated her the motion for the implementation of a new permit parking zone in the vicinity of El Camino College including Wilkie Avenue between 164<sup>th</sup> and 166<sup>th</sup> Streets. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Mayor Walker.)

Mayor Walker returned to Council Chambers at 9:39 p.m.

\*

The Torrance Redevelopment Agency met from 9:40 p.m. to 9:43 p.m.

## **16. ORAL COMMUNICATIONS**

**16a.** Fire Chief Bongard reported a series of dumpster fires throughout the City during the past week and he asked the public to be alert to suspicious activity around dumpsters, to keep the lids on the dumpsters, keep trash from overflowing, and keep areas around dumpsters picked up so as not to invite anyone to light them off. He noted that sometimes while the fire department is putting out the fires, traffic and other issues are created.

**16b.** Councilmember Lieu commended Michael Smith and his staff for their work to facilitate teleconferencing at the Torrance Marriott for Congresswoman Harmon's State of the Region Address at the last minute. He also provided a schedule for the cablecast of the speech on Channel 28.

**16c.** Councilmember Lieu thanked Michael Cotton and the Board of the Riviera Homeowners Association for conducting a forum on development which provided a good opportunity for residents to learn more about issues and share and exchange views.

**16d.** Councilmember Lieu urged everyone to vote and noted that the League of Women Voter's newsletter encourages people to bring a friend to vote.

**16e.** Councilmember Lieu commented on an op ed piece in the Daily Breeze regarding Measure T written by Mona Charen suggesting that if you are uninformed or uneducated stay home. He pointed out that those same arguments had been used to deny women and minorities the right to vote and he asserted that Americans should cherish the right to vote as people have died to protect that right.

**16f.** Councilmember Mauno agreed with the comments of Councilmember Lieu and encouraged anyone registered to vote to do so, noting that those who exercise the right to vote become more connected.

**16g.** Councilmember Mauno reported attending a memorial for former Torrance High School teacher Pat Wright who recently passed away. He felt she deserved additional recognition for her enthusiasm which inspired students to get involved noting that he was a student of hers and her legacy will continue for decades to come.

**16h.** Councilmember McIntyre announced that 17-year old student Shakti Bahar from West High School achieved a perfect score on the SATs.

**16i.** Councilmember Scotto reminded people to drive safely, especially on Halloween night.

**16j.** Councilmember Scotto encouraged everyone to vote in this important election for Torrance.

**16k.** Councilmember Scotto asked to agendaize a discussion on the pros and cons of 4896 for the Fire Department's schedule and City Manager Jackson indicated that it could be done as an Executive Session

**16l.** Councilmember Witkowsky wished everyone a happy Halloween noting that there would be a Halloween Fair at Wilson Park for a safe and sane Halloween.



**16m.** Councilmember Witkowsky reported that the City of Torrance and the League of California Cities had endorsed Proposition 1A to keep local money local and stop the state from raiding local coffers. She noted that the state was attempting to take more local taxes to balance the state budget.

**16n.** Nina McCoy, Torrance, expressed gratitude to Councilmember Lieu for looking after her and her family while her husband has been deployed and also to the Planning Department for contacting Fire Captain Otto Stiefel who rescued a damsel in distress today.

**16o.** Mark Allen, Torrance, reported a plan to house severely emotionally disturbed students up to age 21 on the Arlington Elementary School campus and that despite assurances from the principal, parents are concerned with lack of security and the level of control required for the students. Mr. Allen asked whether there were zoning issues and asked the City Council for help.

**16p.** Steve Yokomiso, Torrance, acknowledged that the Arlington School matter was not within the Council's jurisdiction and noted that it could become an issue for the City of Torrance. He pointed out that many parents were present at the meeting to persuade the City Council to use any influence that they have with their relationships as members of the community to see if anything could be done to put the facility in a more appropriate location and encouraged Councilmembers to visit the facility.

**16q.** Councilmember Lieu asked whether the emotionally disturbed students were Torrance residents, and Mr. Yokomiso indicated that some were Torrance students and some were from other South Bay school districts. He acknowledged that the program is a very good program, but they would like to see it on a more appropriate site.

Councilmember Lieu questioned whether there would be a public safety nexus if most of the students are not Torrance based and City Manager Jackson responding that the school district has the control and the City can ask, but can not impose conditions upon them.

**16r.** Sarah Guyan, Gramercy Avenue, thanked the Council for their action to stick to the FAR on item 12a, questioned why the City bothered with the different commissions when their recommendations are constantly overturned by the Council and noted that it would save everyone a lot of money if there were set rules that were followed.

**16s.** Tom Brewer, Evelyn Avenue, reported that 10 homeowner association presidents endorsed a no vote on Measure T.

**16t.** Alan Lee, AFSCME Local 1117, pointed out that parking problems at El Camino College would be exacerbated by transit department recommendations to cut service to the area.

He reported good progress on the insurance issue and he thanked Kathy Keane for her help coming to some agreement for the recruitment and retention of air-conditioning employees.

Mr. Lee expressed displeasure with comments made by Mr. Brewer against the Torrance Police services officer who made phone calls and sent emails expressing his views on Measure T and he wanted to file a formal complaint with the Council censuring Mr. Brewer for such conduct and directing him not to call a single member of the union for

expressing their views. Mr. Lee reported that union members strongly supported Measure T and noted that a few years ago the voters approved Measure H to consolidate the elections.

**16u.** Debbie Hayes, Post Avenue, President of Old Torrance Neighborhood Association, expressed opposition to Measure T.

**16x.** Bonnie Mae Barnard, Gramercy, founder of Save Historical Old Torrance thanked City Clerk Herbers for keeping the office open on election night to assist voters and she thanked the City Council for hiring a consultant for the update of the General Plan although it appears that there is still no recognition of historic preservation in the Plan and nothing has been put in place for an HPOZ in the Plan.

Ms. Barnard stated that she lives on two of the oldest residential streets in the City which is also part of an overlay with an FAR of .5 and the Council consistently approves projects over that .5 FAR. She commented that Planning Director Isomoto felt it would be a hardship to impose the FAR because it has not been adhered to before and expressed appreciation that the Council did not exceed the .5 FAR for item 12a.

Mr. Barnard reported that on June 17, 2003 she had asked the Council not to exceed the FAR, not to divide a small lot, and not to destroy a historic neighborhood but the Council had allowed it anyway. At the hearing, the proponent told the Council that they just wanted to retire there and their daughters would live there, but they have now sold the property with the approved plans to a builder and a fence has gone around that property.

Ms. Barnard emphasized the importance and irreplaceable nature of the homes and she questioned whether the Conditional Use Permit (CUP) had been extended as it is her understanding that they expire after a year unless extended.

Mayor Walker assured Ms. Barnard that staff would investigate the matter and provide the information to her and Ms. Barnard indicated that the information was needed immediately as the building will be demolished soon. Community Development Director Gibson stated that staff would advise her of the status tomorrow and he explained that land use entitlements run with the land, not the particular owner and new owners are subject to whatever was previously established.

Assistant City Attorney Pohl confirmed that the entitlements go with the land not with the owner. He referred to the earlier discussion of hardship applying to a specific family noting that the result attaches to the land and the person can do with it what they choose.

Councilmember Lieu questioned whether there would be a way to reverse a decision made by the Council if it is based on hardship and ownership changes and there is clearly no hardship. Assistant City Attorney Pohl indicated that they could do a taking of the property and he noted that when proponents made a presentation to the Council they are not under oath. He stated that they could investigate the matter but he didn't think there were many options as once the land is entitled the remedies are pretty limited.

Councilmember Lieu requested further investigation and asked what it would cost to reverse the permit. City Manager Jackson asked if he was referring to condemnation.

Councilmember Witkowsky left Council Chambers at 10:25 p.m.

Councilmember Lieu pointed out that the Council had been misled and City Manager Jackson indicated that to condemn property took quite a few steps which would take time and the property owner would have their rights at that time. Councilmember Lieu asked about notifying the property owner to stop demolition as the matter is being examined and City Manager Jackson indicated that the City could review the demolition permit and evaluate whether it should be issued or not.

Councilmember Scotto suggested that if the City grants the right to build, but threatens that the project can not be built if the land is sold, projects will simply be built and then sold. He added that after the matter is voted upon the City is in a position of limited response.

Councilmember Witkowsky returned to Council Chambers at 10:28 p.m.

Ms. Barnard indicated that one reason that 2103 Gramercy passed was because there was an Environment Impact Review (EIR) that indicated no impact because staff did not recognize that those were the two oldest streets in the City and decisions were made based on an outdated plan.

**16y. Councilmember Scotto** encouraged everyone to read an unsolicited viewpoint expressed in a letter to the editor in the Daily Breeze written by a professor, Dr. Blischke, who indicated that an uninformed voter might not do as good a job as informed individuals do. He asked residents to attend the debates on Monday or Thursday and asserted that if the unions and the Mayor are spending thousands of dollars to encourage a yes vote on a measure, there has got to be a reason it is a problem.

**16z.** Councilmember Nowatka noted that during the past few months while there has been debate on Measure T, there has been inference that the opponents are trying to do something to Torrance. He pointed out that the people of Torrance did not initiate the process, it was initiated by the City Council. He pointed out a second inference that opponents are trying to stop people from voting noting that Homeowners Associations have been actively encouraging people to vote. He stated that the measure ties the elections together so that people who don't care enough to vote otherwise will now vote, but the fact is, as Dr. Blischke's article said, there is concern that people who do not normally vote on that part of the ballot will simply vote for the incumbent. Councilmember Nowatka expressed opposition to Measure T because he believes it is wrong for the City and he has concerns about what is really behind the measure.

**16aa.** Councilmember Lieu asserted that it was undisputed that in 1999 Torrance voters voted to consolidate the elections. The state then moved elections from March to June which would make the elections no longer consolidated and Measure T allows voters to choose again whether or not to consolidate elections as many would not have been aware that state elections had changed. He expressed support for Measure T, noted that there were thoughtful arguments on both sides and asserted that the Daily Breeze, which is an impartial entity without an agenda, has endorsed Measure T.

**16bb.** Councilmember Witkowsky expressed support for Measure T noting that people who are against it say it has an advantage for incumbents but she felt that was a non issue because of term limits. She voiced respect for Dr. Blischke but was surprised that any teacher would tell students that low voter turn out is good. She referenced comments from Councilmember Lieu who pointed out that people had died for the right to vote and quoted the Daily Breeze endorsement: "Some might argue that participation in local

contests be left to the most engaged or interested voters. However, political equality and enhanced citizen participation in City politics are important goals in an increasingly diverse state with powerful and local government.”

**16cc.** Mayor Walker reported that Daily Breeze editorial staff had spoken with people on all sides of the issue and he quoted an editorial dated Friday, October 22, 2004: "Torrance voters next month will decide whether they should align their municipal elections with the state primary which will be moved to June of even numbered years or allow them to revert to stand alone elections in March. Our view is that after voters sift through all the evidence they will find the advantages of Measure T outweigh the criticism. A look at the consolidated elections of 2000 and 2002 shows the average cost of Torrance elections was \$60,750. By comparison the stand alone elections of 1994 and 1996 cost an average of \$156,500. In the 2000 and 2002 consolidated elections in Torrance the average voter turnout was 44%. In 1994 and 1996 stand alone elections the average voter turnout was 21%. Such an increase in participation furthers democracy. Such elections should encourage those who previously were not involved in local government to take part and perhaps run for office one day. Consolidated elections, simply put, promote inclusion."

City Manager Jackson indicated that the Executive Session could be held over until the next regular meeting.

**17. EXECUTIVE SESSION**

None.

**18. ADJOURNMENT**

At 10:40 p.m., the meeting was adjourned to **Tuesday, November 9, 2004**, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. **Tuesday, November 2, 2004 will be a Council dark night.**

**\*\*\* Adjourned in memory of Cecilia Laxton \*\*\***

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 January 25, 2005