

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

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular meeting at 6:02 p.m. on December 14, 2004, in Council Chambers.

**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.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.a) Conference with Labor Negotiator and 17.b) Real Property – Conference with Real Property Negotiator pursuant to California Government Code Sections 54957.6 and 54956.8.

Mayor Walker reported that the negotiating parties for item 17.b.1 regarding the negotiation of a new lease at 24751 Crenshaw Boulevard, are LeRoy Jackson for the City and Bill Adkins for South Bay Lexus. The negotiating parties for Item 17.b.3 regarding 2365 Plaza Del Amo, are LeRoy Jackson for the City and Gary Gunderson for the Torrance Scout Center.

The City Council reconvened at 7:12 p.m.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember McIntyre.

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 WITHDRAWN OR DEFERRED ITEMS**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**

Mayor Walker asked that the meeting be adjourned in memory of distinguished citizen and lifelong resident of Torrance, George W. Post.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2004-156 RE GEORGE NAKANO**

**RESOLUTION 2004-156**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING STATE ASSEMBLYMAN GEORGE NAKANO FOR HIS YEARS OF DEDICATED SERVICE TO THE CALIFORNIA STATE LEGISLATURE**

**MOTION:** Councilmember Witkowsky moved to adopt Resolution No. 2004-156. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Lieu read the resolution and Mayor Walker presented it to George Nakano remarking on his career and loyalty to the City.

Mr. Nakano thanked the City and community for their support and he related that he had worked closely with the City, staff and homeowners associations with regards to AB 2702 noting that letters written by people in the community had prompted the Governor to veto the bill.

**6B. RESOLUTION NO. 2004-157 RE MICHAEL G. BIHN**

**RESOLUTION NO. 2004-157**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING MICHAEL G. BIHN UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-SIX YEARS OF SERVICE**

**MOTION:** Councilmember Witkowsky moved to adopt Resolution No. 2004-157. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Mauno read the resolution, Mayor Walker presented it, and Mr. Bihn thanked the Council noting that it was a privilege to work for the City.

**6C. RESOLUTION NO. 2004-158 RE POLICE LIEUTENANT EDWARD CLINTON LALONDE**

**RESOLUTION NO. 2004-158**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE LIEUTENANT EDWARD CLINTON LALONDE UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-SIX YEARS OF SERVICE**

**MOTION:** Councilmember McIntyre moved to adopt Resolution No. 2004-158. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

To be presented at a later date.

**6D. RESOLUTION NO. 2004-159 RE ALBERTO "BERT" PAGDANGANAN**

**RESOLUTION NO. 2004-159**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA HONORING ALBERTO "BERT" PAGDANGANAN UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-FIVE YEARS OF SERVICE**

**MOTION:** Councilmember McIntyre moved to adopt Resolution No. 2004-159. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

To be presented at a later date.

**6E. RESOLUTION NO. 2004-160 RE SUE B. BARRINGER**

**RESOLUTION NO. 2004-160**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING SUE B. BARRINGER UPON HER RETIREMENT FROM THE CITY AFTER TWENTY-FOUR YEARS OF SERVICE**

**MOTION:** Councilmember McIntyre moved to adopt Resolution No. 2004-160. 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 requested that item 7J be pulled for separate consideration as she will have to abstain from voting on the matter since she is employed by one of the agencies involved.

Councilmember Nowatka asked that item 7N be pulled for separate consideration.

Councilmember McIntyre disclosed that she is the Contract Administrator of the Salvation Army which is under consideration in item 7J.

Councilmember Lieu indicated that he serves on the Board of the Torrance YMCA and the Switzer Center.

Assistant City Attorney Pohl clarified that compensated employees must abstain from voting on City Council matters but a non-compensated participant on a board simply needs to disclose their relationship with the non-profit organization and, once the disclosure is made, they may participate if they are not a paid employee.

Councilmember Lieu indicated that he would not abstain from voting on item 7J.

Councilmember Mauno disclosed that he serves on the Board of the YMCA and would be participating in consideration of the item.

An audience member asked that item 7H be held for separate consideration.

**7A. FINAL TRACT MAP NO. 54148**

**Recommendation**

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

- 1) Approve Final Tract Map No. 54148 creating ten lots with Lots 1, 2, and 8 containing four industrial condominium units and Lots 3, 4, 5, and 6 containing two industrial condominium units, and Lots 7, 9, and 10 as restricted use area, subdivided by 190th Street Industrial LLC, and located at the northwest corner of Van Ness Avenue and 190th Street, which substantially conforms to and meets all conditions of approval of the Tentative Map;
- 2) Accept a 10' wide street easement for deceleration lanes on 190th Street and Van Ness Avenue with 25' corner radius; and
- 3) Accept the right to restrict structures on Lots 7, 9, and 10.

**7B. CASH BOND RELEASE RE TRACT MAP NO. 53900**

**Recommendation**

Recommendation of the **Community Development Director** that City Council approve the release of the \$15,000 cash bond for Tract Map No. 53900, located at 2145 Plaza Del Amo, which was subdivided by Ken Proctor.

**7C. PURCHASE OF STATE REPORTER SOFTWARE AND ELECTRONIC DATA INTERCHANGE MAINTENANCE**

**Recommendation**

Recommendation of the **Information Technology Director** and the **Human Resource Director** that City Council approve a not-to-exceed expenditure of \$41,240 to GenSource Corporation for:

- 1) Purchase of State Reporter software and GenComp System interface upgrade (\$10,000);
- 2) Electronic Data Interchange (EDI) annual transmission fees and maintenance (\$11,500); and
- 3) Additional GenComp System configuration and training (\$19,740).

**7D. SERVICE AGREEMENT EXTENSION RE DIGITAL SCANNING SERVICES**

**Recommendation**

Recommendation of the **City Clerk** that City Council approve an amendment to extend the Professional Services Agreement with BidAmerica (C2004-01) for digital scanning services through December 31, 2005.

**7E. PURCHASE ORDER RE ALTEC INDUSTRIES AT30-G AERIAL DEVICE**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize the award of a purchase order to Altec Industries Inc. of Dixon CA, in the amount

of \$38,576.12 including sales tax, to furnish and install one (1) Altec Industries AT30-G Aerial Device onto a City-owned 2004 Chevrolet 3500 Cab and Chassis.

**7F. PURCHASE ORDER RE DIESEL PARTICULATE FILTERS**

**Recommendation**

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

- 1) Authorize a purchase order to Filter Supply Company of Corona, CA, for the purchase and installation of Diesel Particulate Filters on ten (10) of the City's Refuse Collection Trucks, purchase of a Spare Filter Element and a Filter Cleaning Machine required to perform routine cleaning of the filters; and
- 2) Appropriate \$99,495.77 from the Sanitation Enterprise Fund Balance to fund these purchases. (B2004-53)

**7G. CONTRACT AMENDMENT RE SKYLIGHT REPLACEMENT AT ARMSTRONG THEATRE**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Approve a contract amendment with Dandoy Glass (C2004-188) to increase the contract by \$2,200 for a total contract amount of \$34,200 for the replacement of the skylights at the James Armstrong Theatre; and
- 2) Appropriate \$2,200 from the Cultural Arts Center Enterprise Fund to FEAP #377 James Armstrong Theatre Roof and Window Replacement.

**7H. CONTRACT RE FINANCE DEPARTMENT RENOVATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to Action Contractors, Inc. for \$635,200 with a 5% contingency of \$31,760 for the Finance Department Renovation (FEAP #398); and
- 2) Approve a 10% project management fee of \$63,520, \$25,000 data and telecommunication upgrade and \$27,000 professional services. (B2004-47)

Item considered separately.

**7I. BID REJECTIONS RE RECYCLED TIRE PATH RESURFACING AT DELTHORNE AND SUR LABREA PARKS**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **Acting Public Works Director** that City Council reject all bids received on October 21, 2004 (B2004-46) for the construction of recycled tire path resurfacing at Delthorne and Sur La Brea Parks.

**7J. 2005 GRANT FUNDING FOR NON-PROFIT SOCIAL SERVICE AGENCIES**

**Recommendation**

Recommendation of the **Community Services Commission** and the **Parks and Recreation Director** that City Council approve grant funding under the year 2005 Grant Program for Non-Profit Social Services Agencies to Behavioral Health Service (\$2,000), David Nathan Blanco (\$2,000), Healthcare and Elder Law Programs Corp. - H.E.L.P. (\$1,000), Homeownership for Personal Empowerment - H.O.P.E. (\$2,600), National Council on Alcoholism (\$2,000), New Life Advocacy

(\$3,000), Pediatric Therapy Network (\$2,300), Project Touch (\$1,500), R.S.V.P. of South Bay (\$2,000), South Bay Children's Health Center Association, Inc. (\$3,000), Switzer Center School and Clinical Services (\$3,000), The Salvation Army (\$5,000), Torrance South Bay YMCA (\$1,500), Torrance Lomita Meals on Wheels, Inc. (\$6,100), Trinity Care Hospice Foundation (\$1,000) and Westside Center for Independent Living, Inc. (\$2,000), for a total of \$40,000.

Item considered separately.

**7K. CONTRACT RE COLLECTION SERVICES**

**Recommendation**

Recommendation of the **Finance Director** that City Council approve a contract with Collection Bureau of America (B2004-36) to provide collection services with outstanding accounts receivable, on a contingency basis, for an initial five (5) year period beginning January 1, 2005 through December 31, 2010, with two five-year options. The contingency fee is fixed at 19% of any amounts collected for the life of the contract.

**7L. MODIFIED CONSULTING SERVICES AGREEMENT RE DESIGN SERVICES FOR TRAFFIC SIGNALS**

**Recommendation**

Recommendation of the **Community Development Director** that City Council approve the contract with the modified indemnification language and authorize the Mayor to execute the modified consulting services agreement with Katz, Okitsu & Associates, Inc., for design services for the traffic signals on Rolling Hills Road and a raised landscape median island on Rolling Hills Way, as part of the Rolling Hills Way Area Traffic Calming efforts.

**7M. CONTRACT RE MASTER CONTROL FACILITIES PROJECT**

**Recommendation**

Recommendation of the **City Manager** that City Council:

- 1) Award a contract to Ascent Media Systems & Technology Services, Palm Bay, FL; in the amount of \$1,084,547.80, plus 5% contingency (\$54,227.39) for the purchase of the Master Control Facilities Project for Office of Cable Communications (B2004-50);
- 2) Appropriate \$257,922.14 from Cable Communications Fund Balance to FEAP #190; and
- 3) Reject bids from bid B2004-11 received May 20, 2004 for same.

**7N. CONTRACT EXTENSION RE ENVIRONMENTAL IMPACT REPORT**

**Recommendation**

Recommendation of the **Community Development Director** that City Council extend the contract expiration date for contract service agreement with Gruen Associates (C2003-261) from December 16, 2004 to December 31, 2005 and to increase the contract agreement sum to \$258,712. Gruen Associates is in the process of preparing an Environmental Impact Report for a proposed residential development located at 2740 Lomita Boulevard.

Item considered separately.

**70. APPROPRIATION RE RELOCATION OF NORTH TORRANCE POLICE COMMUNITY SERVICE CENTER**

**Recommendation**

Recommendation of the **Chief of Police** and the **Parks and Recreation Director** that City Council appropriate \$75,000 for renovation of the North Torrance Community Center for the relocation of the North Torrance Police Community Service Center, also known as the Police Community Center (PCC), to McMaster Park.

**7P. PURCHASE ORDER RE MOTOROLA'S GOLD ELITE SOFTWARE UPGRADE**

**Recommendation**

Recommendation of the **Fire Chief** and the **Information Technology Director** that City Council authorize a purchase order be issued to Advanced Electronics in the amount not to exceed \$38,879.72 to purchase Motorola's Gold Elite software technology upgrades for three Fire communication dispatchers.

**7Q. CONTRACT AMENDMENT RE JOSLYN GALLERY RENOVATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve a second contract amendment with Abeam Construction (C2004-062) to reduce the contract amount by \$24,980.27 for a total contract amount of \$565,397.95 and to extend the contract term from December 31, 2004 to March 31, 2005.

**MOTION:** Councilmember Scotto moved to approve items 7A through 7G, 7I, 7L through 7M and 7O through 7Q as written. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

Item 7H was considered at this time.

**7H. CONTRACT RE FINANCE DEPARTMENT RENOVATION**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to Action Contractors, Inc. for \$635,200 with a 5% contingency of \$31,760 for the Finance Department Renovation (FEAP #398); and
- 2) Approve a 10% project management fee of \$63,520, \$25,000 data and telecommunication upgrade and \$27,000 professional services. (B2004-47)

James Leonard, Magnum Builders Incorporated, Narbonne Avenue, Lomita, reported that they were the low bidder for the Finance Department renovation project and they were rejected as a result of database problems which caused clerical errors and also because one of the subcontractors they have used for many years without incident, had a suspended license at the time of the bid, unbeknownst to them. He distributed letters to each Councilmember explaining what happened and clarifying that the subcontractor is obtaining workmen's compensation to get his license reinstated.

Ernest Magana, Magnum Builders Incorporated, explained that the wrong license number was noted for the insulation contractor, OJ Insulation doing business as ABCO Insulation and he provided the correct number. He indicated that Integrity Ceilings also holds a valid contractor's license but it was incorrectly noted in the paperwork and he added that Tesio Commercial Coatings was in the process of getting their paperwork



back in order. Mr. Magana reported that his firm had aggressively pursued the job as they are eager to work with the City and he requested that the City reconsider the contract as the price submitted with a bid bond is over \$75,000 lower than the others submitted.

Facility Services Manager Landis indicated that there were three clerical errors corrected by City staff. OJ Insulation doing business as ABCO Insulation was listed on the Contractors List but the license was expired and they had no bond, worker's compensation or corporate status. When staff requested information showing OJ Insulation doing business as ABCO, Magnum was not able provide that information. The second issue was that Integrity Ceilings provided a license number and address for Creative Ceilings which caused confusion and he clarified that contractors are not allowed to come back after the fact and change contractors.

Facility Services Manager Landis noted that the most glaring error was Tesio Commercial Ceilings which has a suspended license for workers compensation issues and outstanding liabilities. He asserted that there were too many errors and problems with unlicensed contractors which caused staff to question if they did not take enough time to do an adequate job on the proposal, what kind of work would they do on the contract? He added that contractors who are not licensed are considered unresponsive.

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

Item 7N was considered at this time.

## **7N. CONTRACT EXTENSION RE ENVIRONMENTAL IMPACT REPORT**

### **Recommendation**

Recommendation of the **Community Development Director** that City Council extend the contract expiration date for contract service agreement with Gruen Associates (C2003-261) from December 16, 2004 to December 31, 2005 and to increase the contract agreement sum to \$258,712. Gruen Associates is in the process of preparing an Environmental Impact Report for a proposed residential development located at 2740 Lomita Boulevard.

At the request of Councilmember Nowatka, Planning Manager Isomoto provided a brief presentation noting that the item was a request to amend a contract to prepare an Environmental Impact Report (EIR) for proposed residential properties at 2740 Lomita Boulevard. The original project was for a 459 unit residential project with market rate units and senior condominiums, but the applicant is now proposing 409 senior condominiums and an 85-bed assisted living facility. An adjacent property owner raised concerns which prompted the City to ask the consultant for a bid to conduct a health risk assessment and make changes to the draft EIR that would accommodate the new proposal. The term of the contract was due to expire this month and the new bid would require an additional 8 months to do the work and \$109,000 with additional time included for public hearings.

Responding to Councilmember Nowatka, Planning Manager Isomoto explained that the developer submits the total dollar amount for the contract into an account with the City and funds are drawn down by the consultant as needed. Any money left at the end is refunded to the applicant who is responsible for EIR costs.

**MOTION:** Councilmember Nowatka moved to approve item 7N. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

Councilmembers McIntyre and Witkowsky left Council Chambers at 7:45 p.m.

**7J. 2005 GRANT FUNDING FOR NON-PROFIT SOCIAL SERVICE AGENCIES**

**Recommendation**

Recommendation of the **Community Services Commission** and the **Parks and Recreation Director** that City Council approve grant funding under the year 2005 Grant Program for Non-Profit Social Services Agencies to Behavioral Health Service (\$2,000), David Nathan Blanco (\$2,000), Healthcare and Elder Law Programs Corp. - H.E.L.P. (\$1,000), Homeownership for Personal Empowerment - H.O.P.E. (\$2,600), National Council on Alcoholism (\$2,000), New Life Advocacy (\$3,000), Pediatric Therapy Network (\$2,300), Project Touch (\$1,500), R.S.V.P. of South Bay (\$2,000), South Bay Children's Health Center Association, Inc. (\$3,000), Switzer Center School and Clinical Services (\$3,000), The Salvation Army (\$5,000), Torrance South Bay YMCA (\$1,500), Torrance Lomita Meals on Wheels, Inc. (\$6,100), Trinity Care Hospice Foundation (\$1,000) and Westside Center for Independent Living, Inc. (\$2,000), for a total of \$40,000.

Councilmember Nowatka announced that he serves on Board of Directors for the Salvation Army and would be participating in consideration of item 7J.

Councilmember Scotto commented that the grants were small but can be very helpful to the organizations who receive them.

**MOTION:** Councilmember Scotto moved to approve item 7J. Councilmember Lieu seconded the motion and a roll call vote reflected unanimous approval (absent Councilmembers McIntyre and Witkowsky).

Mayor Walker reported that the grant program had started over 20 years ago and Recreation Services Administrator Jones reported that the original grant fund was \$12,000 but has now grown \$40,000, and though the funding is insufficient, it still helps.

Responding to Councilmember Scotto, Recreation Services Administrator Jones reported that 13 organizations had been turned down, but many more were in need.

Councilmembers McIntyre and Witkowsky returned to Council Chambers at 7:47 p.m.

**11. ADMINISTRATIVE MATTERS**

**11A. OFFICE LEASE TERMINATION RE CARSON WiN OFFICE**

Recommendation of the **Land Management Team** that City Council authorize WiN to exercise the Termination Option in its office lease at One Civic Plaza, Suite 500 in Carson with C-Lease Inc. (C97-273, Amendment 2, paragraph 12, effective termination date June 30, 2005).

Land Management Chair Sunshine reported that that the City had been working on downsizing and the current lease has an out clause that must be exercised by December 31, 2004 or it will be extended 18 months. Staff is requesting exercising the clause while they continue to negotiate with a lease amendment expected to be brought back next Tuesday.

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

**12. PUBLIC HEARINGS**

**12A. STREET EASEMENT RE MADISON STREET BETWEEN SENEFELD DRIVE AND CANDLEWOOD ROAD**

Recommendation of the **Community Development Director** that City Council conduct a Public Hearing and adopt a **RESOLUTION** ordering the vacation of the future street easement and a portion of the street easement on Madison Street between Senefeld Drive and Candlewood Road.

Mayor Walker opened the public hearing at 7:49 p.m. No members of the public came forward to speak on the item.

**MOTION:** At 7:50 p.m. Councilmember Scotto moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

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

**RESOLUTION NO. 2004-161**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE VACATION OF A FUTURE STREET EASEMENT AND A PORTION OF A STREET EASEMENT ON MADISON STREET BETWEEN SENEFELD DRIVE AND CANDLEWOOD ROAD**

**MOTION:** Councilmember McIntyre moved to adopt Resolution No. 2004-161. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**12B. EAS04-00007, GPA04-00003, ZON04-00005, CUP04-00030, TTM061511, AND MOD04-00015 RE PROPERTY LOCATED AT 4343 190<sup>TH</sup> STREET**

Recommendation of the **Planning Commission** and the **Community Development Director** that City Council deny the appeal and take the following actions on property located at 4343 190th Street:

- 1) Adopt a Mitigated Negative Declaration (EAS04-00007);
- 2) Deny a Zone Change and a Zone Change (ZON04-00005) from Hawthorne Boulevard Corridor Specific Plan, North Torrance Sub-District to R-3 Limited Multiple-Family Residential; and
- 3) Adopt **RESOLUTIONS** denying a General Plan Amendment (GPA04-00003) from General Commercial to Low-Medium Density Residential, a Conditional Use Permit (CUP04-00030) to allow the construction of a 24-unit condominium development, a Tentative Tract Map (TTM061511) for condominium purposes, and a Modification (MOD04-00015) of a previously approved Conditional Use Permit (CUP02-00013).

**EAS04-00007, GPA04-00003, ZON04-00005, CUP04-00030, TTM061511, MOD04-00015,  
JCC Homes (Richard Gould)**

Mayor Walker opened the public hearing at 7:52 p.m.

Planning Manager Isomoto reviewed the material of record noting that the item is before the Council on appeal of a Planning Commission denial. She added that a completed application for the project was submitted prior to August 10, 2004 and is therefore not subject to the moratorium on General Plan Amendments and zone changes.

Councilmember Mauno questioned whether the plan before the Council was different than the site plan that the Planning Commission had considered and Planning Manager Isomoto indicated that the applicant came forward at the meeting with a sketch of how the project could be revised to eliminate the two units and provide additional parking spaces.

Councilmember Lieu questioned who owned the land and Planning Manager Isomoto suggested asking the applicant for that information.

Councilmember Nowatka asked for verification that the Council would not be violating the moratorium if they approved the project and Deputy City Attorney Whitham indicated that the application on file was completed prior to implementation of the moratorium and would not be subject to the resolution as it was on the existing list.

Kurt Nelson, JCC Homes, 3480 Torrance Boulevard, thanked staff for the report and related that two years ago he was before the Council in phase 1 of 31 units approved for development, at which time similar concerns were voiced about differing land uses. He reported that they had been asked to include a deceleration lane to address concerns about traffic flow and if the project is approved the auto body repair shop curb cut will be eliminated which will further smooth traffic flow on 190<sup>th</sup> Street.

With regard to the zone change, Mr. Nelson pointed out previous concerns with the proximity to the auto body repair and paint shop, which no longer exist as they have acquired that property and removed the only potentially adverse use that there was. He pointed out a letter from Pat Furey representing the North Torrance Homeowners Association indicating that they would not oppose the project and he indicated out that existing zoning would allow for a higher intensity of use noting that although mixed use is allowed, their goal is to get product that as close to R-1 as possible with detached units and small yards.

Mr. Nelson felt that the project was consistent with the ordinance which seeks to ensure that the City does not go forward with a project with a higher intensity than is wise.

Alex Wong, W. 190th Street, expressed support for the second phase of the project.

Matthew Kadowaki, W. 190<sup>th</sup> Street, supported the project noting that he had not had any problems with noise or traffic since he moved in six months ago and he appreciated the close proximity to the park. He felt that the 15 additional parking spaces would help everyone and the project would benefit people in the neighborhood and those moving in.

Doug Austin, 190<sup>th</sup> Street, President of the Homeowners Association, indicated that this was a one-time chance to have a compatible neighbor to the west and an

opportunity to pick up additional parking which would be helpful to everyone. He added that they view the project as a down-zone with less use than could be at that location.

Emmy Wong, 190<sup>th</sup> Street, expressed support for the development noting that adding the new housing would remove the auto body shop next door which, if it remained would generate noise pollution and paint fumes. She appreciated the proximity to the part and the fact that JCC eliminated two units to accommodate extra parking.

Brian Kerber, W. 190<sup>th</sup> Street, supported the development and indicated that he lives right next to Torrance Auto Collision and has noticed lots of paint fumes. He reported that the builder has been responsive and cooperative, and he has found Torrance a nice community to live in. He expressed opposition to a mixed use development which would generate more traffic.

Malay Chatterji, 4265 W. 190<sup>th</sup> Street, emphasized previous comments noting that he would like to see a residential complex on the west side by the same builder.

Cindy Do, W. 190<sup>th</sup> Street, expressed support for the project as it would solve parking problems and she added that if the project is not approved she did not want the auto body shop next door.

Robert Yoshida, 19936 Mildred Avenue, expressed support for the project and reported that he is on the waiting list for Phase 2. A Torrance resident for over 30 years, he hoped to continue to live in the City and he felt the development would be complimentary to the neighborhood.

Barbara Hong Li, W. 190<sup>th</sup> Street supported the development and reported that her family had been very happy with their home and Phase 2 would only make Phase 1 look better and enhance the area.

Scott Vuong, W. 190<sup>th</sup> Street, supported Phase 2 as he felt it would be a positive addition to the City.

Doug Rank, 190<sup>th</sup> Street, supported the development because he thinks Torrance is in need of these homes.

Robert Chan, 190<sup>th</sup> Street, supported the project and reported that JCC Homes had been responsive to concerns.

Garfield Lee, 4299 190<sup>th</sup> Street, supported the project noting that he had been looking for a home for five years that was close to work and he chose this place because it was nice and quiet and peaceful. He related that the homes had brightened up the formerly industrial area and new construction will enhance it further.

Newt Young, Hickory Avenue, spoke on behalf of a coalition of Torrance Homeowners Associations representing Southwood, Old Torrance, Seaside, West Torrance, Southwood Riviera, Hillside, Madrona and Southwood Sunray. He pointed out that the Planning Commission and the Community Development Director had recommended denying the zone change to the Hawthorne Boulevard Specific Plan and the General Plan Amendment and he reported that the Coalition supported denial because approving the request would violate the spirit and intent of the Council's resolution on zone changes and General Plan Amendments unanimously adopted on October 5, 2004.

Mr. Young expressed concern that approval of the project would give the other vested properties the right to demand equal treatment and set a bad precedent as the project does not comply with current the General Plan and zoning designation which does not allow for stand alone residential development. The proposed development is an inappropriate use for the location and inconsistent with the prevailing development pattern in the area, it borders one of the largest industrial districts in the City and is adjacent to incompatible land uses which could adversely impact future residents. Environmental concerns include the high volume of speeding traffic on 190<sup>th</sup> Street, the safety of children walking to school, noise, adequate parking, and the cumulative affects of overburdening the infrastructure and not maintaining the balance between commercial, industrial and residential land use in the City. He indicated that the Coalition supported the Community Development Department and Planning Commission denial and requests that the Council and honor the resolution adopted in October which stated that more study is required before approving any zone changes or General Plan Amendments.

Linda Gottshall-Sayed, Donora Avenue, pointed out that the vast majority of Phase 1 residents who expressed support for Phase 2 are doing so to get more parking which they did not get in Phase 1. She noted that they bought homes in close proximity to the preexisting body shop and now want Phase 2 because they don't like the industrial use, which highlights the problem of zone changes with no buffer zone. She also indicated that although he did not disclose it, Mr. Austin is a principal of JCC Homes.

Kurt Nelson, JCC Homes, asserted that the General Plan and zoning were not set in stone and adjustments have to be made as conditions change over time. He felt that the project did follow the spirit and intent of the moratorium and indicated that the project should not be denied just because it is a change. He asserted that selective approvals of developments where there are specific circumstances that make it logical are the only way additional development in the City can be provided as Torrance has a dearth of property that has a potential for residential development. When the General Plan is finished and there is a decision on how to go forward, some adjustments will have to be made unless there is to be no more significant residential development in the City. In the meantime there are some projects that are exempt and this is one of them and it is also within the spirit of the stated intents. Mr. Nelson pointed out that the two homeowner associations that are going to be actually affected by the development are Park Place and North Torrance and they support the project.

Responding to an inquiry from Councilmember Lieu, Mr. Nelson indicated that there had been no opposition from those living in close proximity of the project.

Councilmember Lieu observed that they were essentially asking for a downzoning and Mr. Nelson stated that without the zone change, approximately twice what they are proposing would fit in the space with a commercial component which would generate additional traffic.

Gerald Marcil, Paseo Del Mar, representing the applicant, questioned whether a project with a commercial element that met minimum requirements of 22,500 square feet with 63 units would be exempt from the moratorium.

Deputy City Attorney Whitham indicated that a project that fit the existing zone would be exempt from the resolution as it is only a moratorium on zone changes or General Plan Amendments.

Mr. Marcil did not agree that supporting the current project would undermine the moratorium and he felt the project would accomplish the coalition goals and the goals of the neighborhood as the project is a permanent downzoning which will provide a 600% reduction in traffic and increased traffic safety with the elimination of curb cuts closer to Hawthorne Boulevard. He cited positive aspects of the development including increased safety on the street, additional parking, and an increase in property values and aesthetics. He added that if the project were submitted today an exemption would be required, but that is not needed as the application was on file before the moratorium.

Councilmember Lieu clarified that the choice was not between 22 units and nothing but the choice could be between a 22 unit project or a 63 unit project with commercial space.

Mr. Marcil noted that in order to meet the code, the development would have to have 22,500 square feet of commercial space and apartments or apartment style condos and a development like that could be done with no zone change at all.

**MOTION:** At 8:41 p.m. Councilmember McIntyre moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Witkowsky expressed support for the project, asserted that Phase 1 would not have been approved without adequate parking and noted that she had lived in the project area for many years, her children went to area schools, it was a great location to grow up in, and the bridge across Prairie ensured that no child needs to walk in the street. She indicated that in the past the area had been an eyesore but the many recent improvements had turned it into a jewel and she felt that it would be unfair to deny such a well-planned out project that would complete 190<sup>th</sup> Street. She added that the project would positively affect those living there now and she reiterated that the plans had been approved before the moratorium and were therefore exempt.

Councilmember McIntyre supported the project noting that it was within the spirit of the moratorium as it meets FAR, height and all of the R-3 zone requirements with yards for each unit. She remembered that numerous concerns were raised when Phase 1 was considered and it has proven to be an outstanding project. The neighborhood which vehemently opposed the project first time around has come to recognize the positive attributes of the first phase with Mr. Furey writing a letter, though not quite in support, not opposing the project and she expressed concern that without this project there might be a much larger project instead.

Councilmember Mauno asserted that each project stands on its own merits and he disagreed with the concern that if the project is approved the flood gates will be opened for other projects in the pipeline. People in the community have indicated that the project does fit and it does work and he supports going ahead as the project is reasonable and fits the area. He added that although the commercial element would fit the General Plan, this development is reasonable for the parcel.

Councilmember Lieu expressed support for the moratorium and the coalition but felt the development was a unique situation as the parcel is being downsized and he indicated that if the project were to be denied, a commercial plus residential development would come forward in its place. He pointed out that two homeowner associations in

close proximity supported the development and noted that he would have a different view if the current zone did not allow for residential units but it does.

Councilmember Nowatka commented that several people who spoke on behalf of the project cited the need for more homes and housing in Torrance but he observed that depended on your point of view adding that it was clear when Phase 1 was approved that the intent was to develop the property to the west. He related that when considering the moratorium he had concerns that there were some worthy projects that would suffer and commented that the intent of the moratorium may be different to each person who signed on to the promise.

Councilmember Nowatka asserted that the vested development was fine at 24 but is even better at 22 and noted that though they have been referred to as units; they are in fact individual homes. He agreed that the issue of paint fumes is not a reason to approve the project but he disagreed with a comment made that the reason that people from Park Place came was because they would be getting more parking places.

Councilmember Nowatka supported the project noting that this is a different project than what was denied by the Planning Commission and he felt it is a good project in the right place that is vested and is really in the spirit of the moratorium. He indicated that there were other vested projects that he did not like at all and he disagreed with concerns that approving the project would start chipping away at the moratorium.

Councilmember Scotto expressed disappointment that threatening that something larger would be put in was being used to get the project approved. He observed that those who came forward did not talk about how good the project was, but rather they wanted additional parking as adequate parking had not been originally furnished. He indicated that he had proposed the moratorium to combat the tendency of the Council to overturn decisions made by the Planning Commission and staff and he was displeased to see it happening again.

Councilmember Lieu commented that the Planning Commission had approved many projects that the Council never saw because they fit the zone and he did not view it as a threat, but rather a certainty that someone else would come back with a project that would fit the zone which currently allows a lot more.

Mayor Walker commented that he had heard many people living in Phase 1 indicate how much they love living there and love living next to a park and he commented that additional parking would benefit everyone. He added that 24 units was a good design but the proposal for 22 units was even better and he questioned how commercial zoning with 40-60 units on top of it would be better than 22 well designed compatible homes to complete a project. The decision to approve Phase 1 was verified by the people this evening who came up and said they loved their homes.

**MOTION:** Councilmember Witkowsky moved to deny the staff recommendation and approve the project.

Responding to Mayor Walker, Community Development Director Gibson explained that resolutions would be brought back next week.

Deputy City Attorney Whitham indicated that the recommendation should be to approve a mitigated negative declaration.



The motion was restated:

**MOTION:** Councilmember Witkowsky moved to adopt a mitigated negative declaration to approve a zone change from the Hawthorne Boulevard Corridor Specific Plan North Torrance Subdistrict to R-3 limited multiple family residential and to adopt resolutions approving a General Plan Amendment with resolutions to come back next week.

Planning Manager Isomoto indicated that the motion should include approval of the Conditional Use Permit, Tentative Map and modifications with resolutions to come back next week. She also suggested if they were including the recommended list of conditions that are included as attachment C on page 13, that they be incorporated into the resolutions next week which deal with a standard variety of conditions on the project itself.

Councilmember Nowatka received clarification that soil contamination was included within those conditions.

Councilmember Witkowsky indicated that Planning Manager Isomoto's addition of the approval of the Conditional Use Permit, Tentative Map and recommended list of modifications **would be included in the motion** and Councilmember McIntyre seconded the motion with a roll call vote reflecting unanimous approval with the exception of Councilmember Scotto who voted no.

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The Torrance Redevelopment Agency met from 9:02 p.m. to 9:03 p.m.

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## **16. ORAL COMMUNICATIONS**

**16A.** Fire Chief Bongard indicated that as part of the City's ongoing emergency preparedness ExxonMobil would be conducting a test of the street closure barriers from 9:30 a.m. to 10:30 a.m. on Wednesday, December 15 at Crenshaw and Del Amo Boulevards. The barriers will be tested to ensure proper function and to coordinate specific maintenance activities with officers stationed appropriately to redirect traffic during the test.

**16B.** City Clerk Herbers reminded the public that applications were being accepted for appointment to the various City Commissions and information is available on the website, or by calling 310-618-2870. She indicated that interested parties were welcome to attend commission meetings noting that appointments would be made at the City Council meeting of January 11, 2005.

**16C.** Councilmember Lieu reported that the Los Angeles Air Force Base Regional Alliance is fighting to save the Los Angeles Air Force Base in the South Bay from closure or relocation as it provides billions dollars worth of contracts to the South Bay and California. He noted a previous donation from the City and requested that staff bring back an agenda item to allocate \$35,000 to support the Alliance and without objection, Mayor Walker so ordered.

**16D.** Councilmember Mauno reminded everyone to be careful and drive safely during this extra busy season.

**16E.** Councilmember Scotto congratulated Kim Wang from the Cultural Arts Commission on being appointed by President Bush to the National Museum and Library Services Board.

**16F.** Councilmember Witkowsky requested that the Community Planning and Design Committee meeting be scheduled for January 27, 2005 in City Council Chambers with mailers sent to the same 2,000 residents as were notified of the previous meeting. She indicated that all committee members were available and she questioned when the letters would go out. Community Development Director Gibson indicated that they would be sent out a couple of weeks prior to the meeting to provide adequate notice and Councilmember Witkowsky explained that the Committee would respond to all of the comments made at the last meeting with detailed information.

**16G.** Councilmember Nowatka announced a meeting at 7:00 p.m. on December 15 at Howard Wood School regarding Caltrans' intent to install a protected left turn signal at 235<sup>th</sup> and Western. Community Development Director Gibson stated that the meeting would be primarily staffed by Caltrans with the City taking a position in opposition and Mayor Walker reported that although the City objected strenuously, someone had found a way around it.

**16H.** Mayor Walker expressed sadness and loss at the passing of George Post adding that hearts and prayers were going out to his family.

**16I.** Robert Thompson, Cranbrook Avenue, reported the he had voted for Councilmembers Lieu, Mauno, McIntyre and Witkowsky because they ran an ad which indicated they would listen to residents instead of the developers but he felt that they had not heard the residents this evening. Mayor Walker asserted that there were many people who live in close proximity to the project and spoke in support of the new development.

**16J.** Bonnie Mae Barnard, Gramercy, Save Historic Old Torrance (SHOT), wished a Merry Christmas to all, thanked the Councilmembers for serving the community, distributed homemade pumpkin bread and invited everyone to the SHOT fundraiser dinner on March 6, 2005 at the Depot.

**16K.** Alan Lee, AFSCME, Local 1117, welcomed Councilmember Mauno back and expressed happy holiday wishes to everyone. He also invited the Mayor and Council to the Torrance Municipal Employees Holiday Celebration at 6:00 p.m. on Thursday, December 16 at Bowl-a-Drome.

**17. EXECUTIVE SESSION**

Considered previously.

**18. ADJOURNMENT**

At 9:17 p.m., the meeting was adjourned to Tuesday, December 21, 2004, at 5:30 p.m. for the regular meeting in the Council Chambers.

***\*\*\* Adjourned in memory of George W. Post \*\*\****

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 March 1, 2005