

January 8, 2002

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

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 5:33 p.m. on Tuesday, January 8, 2002, in Council Chambers.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian, Nowatka, Scotto, Walker, Witkowsky and Mayor Hardison.

Absent: None.

Also Present: City Manager Jackson, Deputy City Attorney Whitham, City Clerk Herbers and other staff representatives.

The Redevelopment Agency convened at 5:33 p.m. for the purposes of an Executive Session.

16. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matter listed under 16.a) Conference with Labor Negotiator; 16.b) Conference with Legal Counsel – Existing Litigation; and 16.c) Real Property – Conference with Real Property Negotiator and Redevelopment Agency pursuant to California Government Code Sections 54957.6; 54956.9 (a); and 54956.8.

The Council reconvened at 7:23 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Boy Scout Kevin Becker of Boy Scout Troop #310.

The invocation was given by Dr. Hashmi, Momin Lodge.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs 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 Nowatka and hearing no objection, Mayor Hardison so ordered.

MOTION: Councilmember Cribbs 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 Nowatka and hearing no objection, Mayor Hardison so ordered.

4. **WITHDRAWN OR DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Hardison read the following statement:

“It is with sadness that I request that the Torrance City Council adjourn this evening’s proceedings in the memory of Jim Armstrong, former Mayor of the City of Torrance.

Former Mayor Jim passed away on January 4th of complications from a long-standing heart ailment. He is survived by his wife Anne, two sons, Jim and Jeff and his daughter Julie.

Jim was elected to the Torrance City Council in 1972. After 6 years, he was elected Mayor in 1978 and served until 1986.

Former Mayor Jim was instrumental in the development of our current police headquarters and lobbying for the Navy Land, which is now Wilson Park. He helped secure funding for the City’s Cultural Arts Center and in 1991, the James Armstrong Theatre at the Cultural Arts Center was named for him.

Jim Armstrong was totally committed to the Torrance Community and was affectionately know as “Mr. Torrance.” While he had been out of public office for nearly 16 years, he never missed a City event or a chance for lunch “to catch up on things” as he would phrase it. He consistently watched the Council meetings on cable and regularly would leave me an appropriate voice message, especially if it had been somewhat of a heated session.

While Jim was committed to the City, he was absolutely dedicated to education. He was a teacher always and was at his best as a high school government teacher. He loved to hear what his former students were now doing – he had both our sons and would regularly check on them and their friends.

Former Mayor Jim Armstrong was a wonderful mayor and fellow teacher but most of all he was a friend and I will miss him. We have flown our flags at half-mast in his honor from last Friday through this evening. A public memorial service will be held at the James Armstrong Theatre with the date and time to be announced soon.”

Mayor Hardison asked that the meeting be adjourned in memory of former Mayor Jim Armstrong.

7. **CONSENT CALENDAR**

7a. **MONTHLY INVESTMENT REPORT FOR NOVEMBER 2001**

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the month of November 2001.

7b. SOUTH BAY WATER COLOR SOCIETY DONATION RE JOSLYN GALLERY

Recommendation

Recommendation of the Parks and Recreation Director that City Council accept a \$300 donation by the South Bay Watercolor Society to be used for Joslyn Gallery renovation.

7c. PURCHASE ORDER RE SOUTH BAY TOYOTA

Recommendation

Recommendation of the General Services Director that City Council authorize the award of a purchase order to South Bay Toyota of Gardena, California, in the amount of \$72,188.16 including sales tax, for the purchase of three (3) year 2002 Toyota Camry LE sedans. (B2001-43)

7d. SALE OF SURPLUS/OBSOLETE VEHICLES TO NATIONWIDE AUCTION COMPANY

Recommendation

Recommendation of the General Services Director and Street Services Director that City Council authorize the sale of fifteen (15) surplus/obsolete vehicles to Nationwide Auction Company for public sale in conjunction with Consignor Asset Management Intranet (CAMI).

7e. PARKS AND RECREATION COMMISSION 2000-2001 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Director and the Parks and Recreation Commission that City Council accept and file the Parks and Recreation Commission 2000-2001 Annual Report.

7f. PUBLIC WORKS AGREEMENT RE MINCO CONSTRUCTION

Recommendation

Recommendation of the Parks and Recreation Director that City Council:

- 1) Accept the bid and award a standard Public Works Agreement, approved as to form by the City Attorney, to Minco Construction, Sole Proprietorship of Torrance, California, for the installation of a Parking Lot Lighting System at Charles H. Wilson Park in the amount of \$165,000; (B2001-39)
- 2) Approve a 5% contingency in the amount of \$8,250; and
- 3) Authorize the Mayor to execute and the City Clerk to attest to said Agreement

7g. CHANGES TO HANGAR RENTAL AGREEMENT AT TORRANCE MUNICIPAL AIRPORT – ZAMPERINI FIELD

Recommendation

Recommendation of the Airport Commission with the concurrence of the General Services Director that City Council approve changes made to the current Hangar Rental Agreement at Torrance Municipal Airport - Zamperini Field.

MOTION: Councilmember Witkowsky moved to approve Consent Calendar items 7a through 7g as written. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

9. PLANNING AND ECONOMIC DEVELOPMENT

9a. POSSIBLE AMENDMENT RE HAWTHORNE BOULEVARD SPECIFIC PLAN ZONE

Recommendation by the Planning Director for City Council consideration of options for the possible amendment of the Hawthorne Boulevard Corridor Specific Plan zone for properties located within the Del Amo Business District and for direction with respect to future action.

- Maintain the existing land use
- Disallowing all residential uses for the Del Amo Business District
- Creating special development standards for residential uses within the district
- Realigning the boundaries of the districts

Planning Manager Tate provided a brief presentation noting that the Southwood Homeowners Association had requested that all residential uses be disallowed in the Del Amo Business District. She stated that the Hawthorne Boulevard Corridor Specific Plan was adopted in 1996 after a long process of public consensus building and suggested that an open public workshop process would provide an opportunity to work together with the public. Planning Manager Tate recommended considering the amendment and providing direction to staff with respect to further action.

In response to an inquiry from Councilmember Messerlian, Planning Manager Tate explained that investigation would be necessary to determine any impact on the Housing Element and she noted that reference was made to the business district but it was not site specific.

Mayor Hardison observed that there was a sense that the City has very little open land for traditional housing and she noted that it would take a long time to meet the state-approved Housing Element requirement of 1300 units. She reported that in the past the state had been permissive about meeting those needs but noted that a serious attempt has been made in the legislature (SB910 Dunn) to impose punitive penalties and fines to take away gas tax money and other monies due to the cities statewide if a housing element is not adopted.

Mayor Hardison expressed hope that locally-elected assembly members who are aware of the issue's complexities could find a fairer, better method other than penalties to ensure the housing needs are met. She noted that that every community statewide is being required to build more housing. While acknowledging letters from the public that no more housing should be allowed, she stated that Torrance will have to meet some mandates but where and how we build is up to us and we cannot walk away from that responsibility. She expressed hope that the City would be able to build on its own terms and not wait to be dictated to or given additional mandates by other agencies. She stressed the need for education on the process.

Mayor Hardison suggested looking only at the residential issue in that part of the plan that has Del Amo District 1 and 2 with a focus on the appropriateness of residential uses in the Del Amo Business District and not the rest of the corridor.

In response to an inquiry from Mayor Hardison, Planning Manager Tate noted that while a public workshop process would require notification, it would be more expedient than appointing a variety of committee members as it would not require the additional outreach necessary to make appointments. Ms. Tate noted that previous experience indicated a consistent degree of participation with a workshop process. She estimated that the entire process would take about 4-6 months.

In response to an inquiry from Mayor Hardison, Planning Manager Tate explained that when the original specific plan was done 5-6 years ago there was a need for additional housing but it did not appear to be as critical as it currently is statewide. At the time of the original plan, an economic assessment company was retained and they indicated that Torrance is a major importer of sales tax with more commercial property than it can support with a comparable shortage of residential properties. In order to maintain that advantage the consultants suggested introducing mixed use in certain areas which could add value to the commercial properties and allow for redevelopment of older sites thus allowing for residential in commercial areas.

Responding to Councilmember Messerlian, Planning Manager Tate confirmed that allowing residential uses in commercial zones did not originate with the Hawthorne Blvd. study and that residential has been allowed in commercial zones with a CUP for a long time – a philosophy reaffirmed in 1992 general plan and implemented in the specific plan. Councilmember Messerlian stated that the heart of the discussion is basically the compatibility between residential and commercial uses.

Andrea Reilly, 21505 Talisman Street, representing the Southwood Project Committee, agreed that further studies needed to be done and issues identified and she asserted that residential uses should be disallowed. Ms. Reilly asked the Council to initiate the amendment process.

Joe Aro, Executive Director of the South Bay Economic Partnership, indicated that the South Bay economy is stronger than most of Los Angeles County but housing is a serious impediment to recruiting at all levels for businesses and schools. He stated that people born and educated in the South Bay can not afford to buy houses here. He pointed out that housing challenges were being met effectively in other parts of the United States. He reviewed the positive outlook for the South Bay economy and indicated that housing would be factor in improving our economy.

Frank Wolf, 2409 West 180th Place, applauded the members of the Southwood Homeowners Association for their interest in the community noting he had spent many hours working on the Hawthorne Corridor Specific Plan and had worked on the Housing Element to the General Plan last year. He recommended maintaining the existing land use standards and examining each request for modification as it comes up.

Charles Deemer, 21225 Talisman Street, commented that the issue had to be dealt with every 10-12 years and felt it should be considered when it comes through the Council.

Doug Maupin, 2531 W. 237th Street, asserted that the current CUP process worked well in determining what kind of projects are brought before the Council and

provided the necessary safeguards. He added that many communities put a clamp on housing elements and did not provide homes for future generations. He distributed a newspaper article indicating that California ranks last in providing housing for their population.

John Mirassou, 22301 Susana Avenue, Anastasi Development Company, reported that he had learned more about housing issues in the past year in the South Bay and California and felt the current plan is a good plan. He recommended maintaining existing land use standards which he felt provided a positive vision for Torrance.

Sandi Monda, member of the Southwood Project Committee, 21506 Talisman Street, stated that it was her understanding the agenda item dealt solely with whether or not the Council felt there was a need to re-visit the Hawthorne Boulevard Specific Plan and the two Del Amo Business Districts and that the issue was not housing in the South Bay or Torrance as a whole.

Ms. Monda asked the Council to initiate the process noting that when the Specific Plan was adopted no one had any idea that there would be 300 units proposed for the Del Amo Business District, or that there was a potential project of 80 units on one acre. She asserted that both districts needed to be considered separately from the corridor and if the option is looked at and an amendment can be considered, then further details will come in a workshop process.

Ms. Monda submitted a communication from Mr. Carreras of SCAG stating that 1384 units must be identified by 2005 but not built. She noted a difference between numbers in the General Plan and the number in the correspondence and possible consequences for a difference. She requested a fair process to consider an amendment and noted that as homeowners the Southwood Project Committee collectively opposed any residential development in the districts.

Mayor Hardison noted that she chaired the SCAG Economic Housing Development Committee and is involved with State Department of Housing and Development (HCD), which is the agency that approves the housing elements from cities. She noted that any changes to the city's already approved Housing Element may affect that current approval. She stated that she has spoken with legislators and that while the legislature was not willing to go along with the punitive bill, they realize that some cities have not approved housing elements and she indicated that there might be incentive money available for those who have approved plans. They have told her that cities must move forward and build it especially if the legislature provides incentives. She acknowledged that while the 1300 units did not have to be built by a specific date, the zoning needed to be there and if housing is not built, firmer measures could be taken, as there is a strong demand for housing. Mayor Hardison stated that the population in Torrance has increased, so housing needs exist but where and how we build is an issue that needs to stay at the local level.

Ms. Monda asserted that the 1992 General Plan was adopted but mixed use development was never included in the figure that the City came up with for identified sites. She added that they were only looking at two small districts within the Hawthorne Boulevard Corridor.

In response to an inquiry from Mayor Hardison regarding the differences between potential housing in General Plan and housing as part of Regional Housing Needs

Assessment Process (RHNA) zoning process, Planning Manager Tate stated that the 1992 General Plan looked at a forecast buildout to 2010 based on existing zoning and a series of assumptions and forecast potential housing development numbers and did not account the potentials for mixed use development as they were uncertain of how to best estimate that given the conditions at the time.

She noted that the Housing element is different in that state requires the city support the numbers laid out. The 1384 housing units must provide opportunities for construction must be substantiated – done by citing trends of development, applications for certain types of development and had built so many types of units in certain building classifications. She noted it was an incremental based on housing law requirements within a much more specified time frame (2005). State requirement for our housing needs will probably exceed what it is our projections are in the 1992 General Plan as the next five year increment from 2005-2010 will be a different number.

Mayor Hardison asked that the concept be stressed and expanded upon in any future actions.

Scott Douglas, South Bay Partners, asked the Council not to take action to jeopardize mixed use and asserted that the Housing Element and General Plan should be kept in place as they create opportunity for quality high-end housing. He commented that the housing crunch forces teachers, police and fire fighters to live outside the City they serve and noted that it is difficult to attract businesses to the City due to the lack of housing for employees.

Joan Pacina, 21701 Ocean Avenue, indicated that when the change was made to the Hawthorne Boulevard Corridor, 2500 Southwood residents had no idea they would be faced with proposed developments for 360 apartment units or 80 condominium units. She asserted that the City Council was elected by the people, not the developers, and noted that the Council should be well aware how 1100 residents feel about high density. Ms. Pacina disputed a letter from Dean Manners dated November 13 indicating that the Southwood Project Committee planned a surprise request to the City, noting that the Committee had previously made the request in August and October. Ms. Pacina asked the Council to consider the options and think of the people of Torrance, not the developers.

Mayor Hardison noted for the record that there was supplemental information available in the back of the auditorium.

MOTION: Councilmember Scotto moved to begin a review process on the appropriateness of residential uses in the Hawthorne Boulevard by way of public workshops. Councilmember Messerlian seconded the motion and the discussion continued.

Councilmember Messerlian asserted that the original creators did not believe the plan would be static noting that sometimes it takes an incident like the Fairfield project to trigger the process. He indicated that the issue was not mixed use housing or no housing but rather the issue is where to provide housing and under what conditions.

Councilmember Messerlian cited the need to consider compatibility issues as well as retain the integrity of a commercial area of the subregions. He stated that he is

a strong advocate of retaining the integrity of residential neighborhoods and pointed out that the area in question is the commercial core of the City, suggesting that be one of the considerations during the review process.

Councilmember Messerlian expressed hope that the process would be worked on and the right decision would be made for the City adding that realistically, new housing would not be affordable to police officers, fire fighters or college graduates.

Mayor Hardison commented that she would support the motion not because she is in favor of disallowing residential use, but for the process to receive information on creating special development standards that could be used in other areas. Other areas with commercial and residential nearby have required more sensitive reconsideration as to how residential to commercial and industrial usage interface.

Mayor Hardison clarified that the motion only included Del Amo District 1 and 2 and noted that 5-10 years ago there was not as much of this type of development and more sensitivity is now required.

Councilmember Scotto clarified that the motion was specifically for Del Amo District 1 and 2.

A roll call vote was taken on the motion which reflected unanimous approval.

11. ADMINISTRATIVE MATTERS

11a. CONTINUED STATE OF EMERGENCY FOR CAROLWOOD DRIVE AND SINGINGWOOD DRIVE

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

Building and Safety Manager Isomoto reported that staff and the consultant had visited the site and the hillside had not changed during the recent light rainfalls.

MOTION: Councilmember Walker moved to continue the state of local emergency, proclaimed March 2, 2001, for properties located on Carolwood Drive and Singingwood Drive. Councilmember Witkowsky seconded the motion and, hearing no objection, Mayor Hardison so ordered.

11b. FUNDING AND CONSTRUCTION OPTIONS RE VETERAN'S MEMORIAL

Recommendation of the Veteran's Memorial Committee that City Council review and concur in the following:

- 1) Funding options for the proposed Veteran's Memorial; and
- 2) Construction options for the proposed Veteran's Memorial.

Councilmember Scotto reported that the Committee had met to discuss bids, but felt the bids received were out of line.

Senior Management Assistant Scharfman reported that the bids were approximately \$100,000 higher than anticipated and options included: rejecting the bids and rebidding the project; utilizing City forces; accepting the bids and appropriating more

funds; or modifying the project and send out to bid again. After discussion the Committee decided to reject the bids and go forward with the installation of the monument with staff to investigate how much it would cost City forces to construct the project.

Councilmember Scotto expressed hope that the City would expend the money to purchase the monument and direct staff to analyze whether City staff could do the project more economically or if not, re-bid the project. He cited a time constraint and the need to go ahead with the purchase of the monument and agreed to provide a detailed cost analysis next week.

Mayor Hardison received clarification from Senior Management Assistant Scharfman that the monument had been ordered and he indicated that a contractor would install the base and the monument company would place the monument on the base.

MOTION: Councilmember Scotto moved to reject all bids and direct staff to bring back additional costs on using City forces. Councilmember Witkowsky seconded the motion.

Councilmember Walker expressed doubt that new bids would be lower and asked about modifying and downsizing the design.

City Manager Jackson cited instances when the City had rejected bids and received lower bids the second time but noted that generally there was a different approach used the second time.

Councilmember Walker stated that he was inclined to accept the bid, appropriate the funds and move forward as he doubted there would be cost savings that would justify the delay.

In response to an inquiry from Mayor Hardison as to where the additional \$100,000 would come from, Councilmember Walker indicated that he would work to raise that money. Mayor Hardison noted that a fundraising effort could be an option as that would give the community a commitment to the project. She commented that George Nakano had obtained the original funding which the City thought would be sufficient.

Mayor Hardison stated that she would like to take the time to see what staff could come back with noting that in tough times she did not feel it prudent for the City to simply write a check for an additional \$100,000.

In response to an inquiry from Councilmember Messerlian, Senior Management Assistant Scharfman explained that the State had provided \$100,000 for the project and to date \$38,000 had been used for the monument, design and advertising. The architect had estimated that the remaining \$60,000 would cover the remaining expenses.

In response to an inquiry from Councilmember Messerlian, City Manager Jackson stated that the architect believed the project would come in within budget. He added that \$100,000 would cover construction of the pad and the installation of light fixtures, flag poles and benches.

City Manager Jackson explained that the City could install the pad and landscaping around it and Senior Management Assistant Scharfman stated that a

contractor would do the structural concrete and electrical work, with irrigation done in-house.

City Manager Jackson agreed to return next week with a cost estimate for staff to do the work and pointed out that the established deadline created a tight time frame to complete the project.

A roll call on the motion was taken which reflected unanimous approval with the exception of Councilmember Walker who dissented.

12. HEARINGS

12a. RESOLUTION NO. 2002-01 RE ADDITION TO 143 VIA LA CIRCULA

Recommendation of the Planning Director that City Council approve the appeal and adopt a Resolution to approve as conditioned a Precise Plan of Development (PRE01-00022) allowing the construction of a first and second story addition to an existing residence located in the R-1 Zone in the Hillside Overlay District at 143 Via La Circula.

PRE01-00022, TOMARO ARCHITECTURE

Mayor Hardison opened the public hearing at 8:48 p.m.

Mayor Hardison noted that there were two supplementals available.

Planning Manager Isomoto provided a summary of the item noting it was an appeal of a Planning Commission denial for a first and second story addition. The matter was originally scheduled to be heard on September 19, 2001, but was continued until October 17, 2001 to allow the applicant to redesign based on neighbors concerns. At that meeting, the applicant detailed the changes made to the plan including reducing height, providing additional 3' to 5' setbacks for the 2nd floor on east side, and the use of different glass in the master bath. Two neighbors expressed a preference for the addition to be limited to the first level. The Planning Commission discussed issues of view blockage and air circulation. The motion to approve failed by a 3-4 vote and a subsequent motion to deny without prejudice was approved by a 4-3 vote. Several commissioners commented that they would like to see more of the addition on the first floor. The Planning Director recommends approval of the appeal and approval of the project.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto explained that putting the addition in the back yard would not work unless the project were reduced by 600 square feet. She also noted that at the neighbors' request, height was reduced by 1 foot, 2 inches and the second floor was moved to the west by 3 feet at the front and by 5 feet at the rear.

Planning Manager Isomoto noted that at the first Planning Commission meeting a neighbor had indicated that moving the second floor over 5 feet would be sufficient but at the second meeting felt it should be moved more or more of the addition should be placed on the ground floor.

Councilmember Witkowsky reported that she had visited the site and suggested moving the second story addition toward the house at 139 Via La Circula to mitigate the impact to neighbors. Planning Manager Isomoto stated that any movement to the west

would improve the light on the east side indicating that the second floor on the east side is set back 9 feet from the front and 11 feet from the rear and the setback on the house at 147 would be a minimum of 5 feet with at least 16 feet of air and light space between the two houses.

Councilmember Scotto suggested moving the guestroom over open space in the entryway.

Mayor Hardison questioned the issues and possibilities of building on one level as opposed to two levels with lot coverage rules. Mayor Hardison also asked about hardship issues raised by the Commission with Mrs. Isomoto stating that the Commission noted in their denial that they could not approve a Finding of Fact as they felt the house could be redesigned to allow more on the first floor

Lewis Tomaro, the architect, provided a brief summary of how the project came forward and distributed a proposed change to the Council to bring the easterly portion of the building toward the street and provide the Neals (147 Via la Circula) with more light. He indicated that the yard was extremely valuable to the family and he believed the structure would enhance the neighborhood.

In response to an inquiry from Mayor Hardison, Mr. Tomaro explained that the plan he distributed was for the second story. He noted that plans had been shared with the neighbor to the west (139 Via la Circula), but not with the neighbor to the south (147 via la Circula) as they had indicated they were opposed to any second story addition.

Mayor Hardison observed that the applicant and neighbor had trimmed their trees since the Planning Commission hearing.

Craig Becker-Irvin, the applicant, noted that they had shared plans with the neighbor to the west as that was the only neighbor who had specific desires on how they wanted the house laid out. He reported that at the request of the Martins, his rear neighbors, he trimmed the large trees across the rear of the property on December 31, 2001 and he added that he did not want the silhouette obscured by the trees. He felt light issues could be addressed by keeping trees trimmed and wanted to illustrate that.

Patty de Ciutiis, 254 Via Linda Vista, pointed out that signatures approving the project are all at or below the level of Mr. Irvin's house, and there are no signatures for any streets above. Ms. De Ciutiis stated that she paid a lot of money for the privacy, country charm and exclusivity of the neighborhood and she felt the addition would devalue her house and be a invasion of privacy.

Mona Neal, 147 Via La Circula, was in favor of having the Irvins improve the property, but not to her detriment. She submitted photographs and expressed concerns that sunset views, direct light to her property and the onshore breeze would be eliminated. Ms. Neal explained that she was new to the process, assumed she would be shown the plans and was shocked when the silhouette was erected. She asserted that the Irvins have a large yard which they can develop without impacting their neighbors and lessening the charm of the area.

In response to an inquiry from Mayor Hardison, Ms. Neal stated that her trees had been trimmed in August and she noted that the trees trimmed by Mr. Irvin had no impact on her light in her house.

Jeff Neal, 147 Via La Circula, thanked the Mayor and Council for taking the time to come to their house to look at the issues. He expressed concerns that the proposed remodel would dramatically increase the height of the existing structure and increases the size of the home by more than 100% with 2/3 of the square footage gained placed on the second floor. He cited Torrance Municipal Code Section 94.41.10 (sic) that “no increases in height are permitted unless it is not feasible to expand the existing structure laterally.” He summarized the section noting that the burden of proof resides with the homeowner to show that it was not feasible to go up if they can go out. Mr. Neal indicated that the addition would be materially detrimental to his home by blocking light, onshore airflow and sunset views and negatively impact the value of his home. He pointed out that Planning Commissioners Botello and Rische had addressed the issue at the meeting of October 17, 2001 indicating that there was no reason to negatively impact the neighbors when there were feasible options. Mr. Neal stated that he was not opposed to additional height, but objected to the fact that most of the addition would be placed upstairs and on the eastern wall.

Al DeLuccio, 260 Via Linda Vista, expressed opposition to the project as it would block his view. He added that four of his neighbors also opposed the addition and he asked the Council to abide by the Hillside Ordinance.

Mr. Becker-Irvin submitted materials to the Council citing previous projects reviewed by the Planning Commission in 2001 that had received approval with similar lot coverage. He stated that he found no findings of fact for hardship in the ten cases. Commenting on his home environment, he indicated that he had large windows which take advantage of the yard and views of the trees and open area and he wanted to maintain the outside living space.

Mr. Becker-Irvin submitted additional documents to support his assertion that neither sunset views nor prevailing winds would be blocked by the structure and he indicated that separation between the houses was significantly greater than the required 10 feet. He disputed Mrs. Neal’s statement regarding the direction her windows faced. He recognized that there may have been a mistake made in the first planning Commission hearing involving the Neals but after the second meeting they still did not like the [plans but that they had tried to be responsive neighbors. He submitted photographs indicating that Ms. Neal had trimmed her trees on January first or second of this year.

Mr. Becker-Irvin disputed Mr. DeLuccio’s claim that his mountain views would be impacted and submitted additional material including photographs and a map to substantiate the comments.

Mr. DeLuccio asserted that he does in fact have a view of the mountains and he noted that 139 Via La Circula had been denied an addition by the Planning Commission and City Council.

In response to an inquiry from Mayor Hardison, Planning Manager Isomoto indicated that a check of precise plans indicated a proposed one-story addition approved for 139 Via La Circula in December 1991 but the matter did not go before the City Council.

Mayor Hardison indicated that there was no record of any application for a two-story home on that property.

MOTION: At 9:59 p.m. Councilmember Walker moved to close the public hearing. Councilmember Witkowsky seconded the motion and a voice vote reflected unanimous approval.

In response to an inquiry from Councilmember Scotto, Deputy City Attorney Whitham read TMC 91.41.10: LIMITATION ON INCREASES IN HEIGHT.

No enlargement in any building or structure, or any remodeling of any building or structure, shall be permitted which causes the height of such building or structure or any part thereof, to be higher than before the remodeling or enlargement, unless the Planning Commission (or City Council on appeal) shall find that:

- a) It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height;
- b) If such lack of feasibility is proved:
 - 1) Denial of such application would result in an unreasonable hardship to the applicant; and
 - 2) Granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity.

She noted that she had not been able to examine the ten similar planning cases mentioned by Mr. Becker-Irvin that were approved in 2001 and could not comment without reviewing his research.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto did not feel the project had light, air, view or privacy impacts and felt it reasonable for the applicant to retain the rear yard.

In response to an inquiry from Councilmember Witkowsky, Planning Manager Isomoto explained reasons when the TMC 91.41.10 might not be required and indicated that she would have to examine the research.

Mayor Hardison noted that there had been cases in the past before the Council when the neighbors asked for more of the development on the first level and City Council has found it not to be feasible.

Councilmember Walker commented that it was an evolving situation and if there was a strict interpretation of using every square foot of the first floor there would be no additions, and improvements to the entire area would come to a halt which is why City Council looks at on a house by house basis.

Mayor Hardison suggested some flexibility and perhaps moving the guest bedroom away from 147 Via La Circula that would still be meeting the neighbor's needs and would maintain the integrity of the second floor. She indicated that she was not in favor of eliminating the entire second floor but was suggesting movement to provide a bit more of a corridor for light and air.

MOTION: Councilmember Scotto moved to approve the appeal with the following conditions: move the second story to the west 7-10 feet where the guest bedroom is located, eliminate the back office by relocating it to the first floor and. Councilmember Witkowsky seconded the motion.

Councilmember Messerlian questioned whether that was architecturally feasible.

Mayor Hardison noted that the Council should not try to design on the spot and suggested the architect bring plans back.

Councilmember Cribbs suggested a substitute motion that would give a wider corridor for air and light to the neighbors, upon approval of the Planning Director rather than having the Council try to design the project. Councilmember Scotto asked about moving the easterly second story wall 8 feet to the west.

Planning Manager Isomoto restated Councilmember Scotto's original motion to was to move the guest bedroom and bathroom further to the west away from the Neal's property and relocate the office to the ground floor, to the satisfaction of the Planning Director. She noted that she was not sure how the changes would function and added that she was not comfortable with moving the wall exactly 8 feet as it might not be feasible but was comfortable moving as far to the west as feasible.

Councilmembers Scotto and Witkowsky agreed to the amendment.

Councilmember Walker agreed with Councilmember Messerlian that the Council should not try to design someone's house and felt a simple requirement that the entire second floor on the east side have a 5 foot setback would take care of any issues with Mayor Hardison commenting that that was not the motion on the floor.

The motion was restated:

MOTION: Councilmember Scotto moved to modify the conditions: that the guest bedroom and bathroom be moved as far west as possible and the office be relocated to the first floor to the satisfaction of the Planning Director. A roll call vote indicated **unanimous approval with the exception of Councilmember Nowatka who dissented.**

MOTION: Councilmember Scotto moved to approve the appeal and approve the projects as conditioned. Councilmember Cribbs seconded the motion and a roll call vote was carried with all members voting yes except for Councilmember Nowatka who dissented.

Deputy City Attorney Whitham noted that findings needed to be added to the Resolution and the Council requested that the Resolution be brought back to the City Council for final approval.

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The Torrance Redevelopment Agency reconvened from 10:17 p.m. to 10:18 p.m.

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15. ORAL COMMUNICATIONS

15a. City Manager Jackson expressed sadness at the passing of James Armstrong noting that he had been mentored by Mr. Armstrong who was mayor of the Council that appointed him.

15b. City Clerk Herbers invited the public to submit applications for appointment to various advisory commissions by January 9 with appointments on January 22, 2002.

15c. Councilmember Cribbs congratulated the Rose Float Association for winning an award once again.

15d. Councilmember Messerlian stated that Neece between 242nd Street and Pacific Coast Highway had potholes and was very dangerous.

15e. Councilmember Messerlian also cited a concern with traffic backing up on Crenshaw, North of Lomita all the way to Skypark. Planning Director Gibson indicated that he would follow up.

15f. Councilmember Nowatka congratulated the Rose Float Association on winning the Princess trophy.

15g. Councilmember Nowatka shared his grief in the passing of Jim Armstrong noting that 5 of his 6 children went through Mr. Armstrong's classes.

15h. Councilmember Scotto expressed sorrow at the passing of James Armstrong.

15i. Councilmember Scotto noted his pleasure for the Rose Float Association winning the Princess Trophy.

15j. In response to Councilmember Scotto's inquiry, City Manager Jackson explained that the trees on Plaza Del Amo from Lomita to Carson. would be replaced as they were dying out.

15k. Councilmember Walker commented that James Armstrong was the personification of the old time elected official who knew and cared for everyone.

15l. Councilmember Witkowsky observed that the City had recently lost Jim Armstrong and Mayor Katy who were two icons, and part of the reason she got into politics and she was grateful for the fact that they were alive to be honored with buildings named after them.

15m. Councilmember Witkowsky complimented the Rose Float Association for their countless hours of work and felt it was a great service for the world to see Torrance be part of the parade in a float built by volunteers.

15n. Mayor Hardison stated that the Council would be dark on January 29th, as it is a fifth Tuesday.

15o. Mayor Hardison reported that the Council had received letters about how flight schools work and she asked City Manager Jackson for an update about working with the airport and FAA security issues.

15p. Mayor Hardison stated that she had also been pleased to find out that the Rose Float Association had received the Princess Trophy for the second year in a row, adding that she had worked on the float for 26 consecutive years.

16. EXECUTIVE SESSION

Items under the Executive Session were considered earlier in the meeting. Further detail on these items is contained in the agenda.

17. ADJOURNMENT

At 10:32 p.m., the meeting was adjourned to Tuesday, January 15, 2002 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

***Adjourned in memory of
former Mayor James Armstrong***

Attest:

/s/ Dee Hardison

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

Approved on March 26, 2002