

February 5, 2002

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:32 p.m. on Tuesday, February 5, 2002, in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

Agenda Item 16 was considered out of order at this time.

16. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 16a) Conference with Labor Negotiator; 16b) Conference with Legal Counsel – Existing Litigation; 3c) Real Property – Conference with Real Property Negotiator pursuant to California Government Code § 54947.6, 54956.9(a), and 54956.8. Councilmember Messerlian left City Hall at 6:37 p.m.

The Council reconvened in Council Chambers at 7:22 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Walker.

Pastor Rich Wenda, Abundant Life Church of God, gave the invocation for the meeting.

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 objections, Mayor Hardison so ordered (absent Councilmember Messerlian).

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 objections, Mayor Hardison so ordered (absent Councilmember Messerlian).

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Hardison asked that the meeting be adjourned in memory of Elaine Hansen Hertel.

City Clerk Herbers announced the following Candidate Forums: Candidates for Mayor – Wednesday, February 13, sponsored by Riviera Homeowners Association, 7:00 p.m., at Richardson Middle School, 23751 Nancy Lee Lane; and Wednesday, February 20, sponsored by Southwood Riviera Homeowners Association, 7:00 p.m., at Calle Mayor Middle School, 4800 Calle Mayor. For all Candidates – Thursday, February 21, sponsored by League of Women Voters, AAUW, Torrance Council of PTAs, 7:00 p.m., at the Katy Geissert Library (to be televised on CitiCable). She noted that the last day to register to vote in the March 5, 2002 Municipal Election is Tuesday, February 19.

City Clerk Herbers invited the public to stop by the City Clerk's office to see Art on View featuring Torrance Artist Guild member photographer Diane Reeves.

Councilmember Scotto announced a meeting of the Veteran's Memorial Committee on Wednesday, February 13, at 4:00 p.m. in the Third Floor Assembly Room, City Hall.

Fire Chief Bongard reminded the public that the monthly warning system for Mobil and the Radio Alert Network would be tested on Wednesday February 6.

Mayor Hardison announced that the Legislative Committee had met at 4:00 p.m. this evening in the West Annex Commission Room and that an item would be brought forward at the next Council meeting.

7. CONSENT CALENDAR

7a. AWARD OF CONTRACTS TO XCEL MECHANICAL SYSTEMS, INC.

Recommendation

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

- 1) Award a total of \$55,550 in contract to Xcel Mechanical Systems, Inc. of Gardena for the following projects:
 - a) Replacement of the West Annex Chiller Barrel FEAP #49;
 - b) Replacement of the West Annex Heat Pump FEAP #50;
 - c) Replacement of the Human Resources Boiler FEAP #59; and
- 2) Approve a 10% project management fee of \$5,555.

7b. APPROPRIATION FOR SECURITY IMPROVEMENTS TO CITY FACILITIES

Recommendation

Recommendation of the **Human Resources Director** that City Council approve an appropriation of \$6,000 from the General Fund Reserve for Security Improvements to City Facilities for the purchase a digital photo ID system.

7c. ACCEPTANCE AND APPROPRIATION OF DONATIONS

Recommendation

Recommendation of the **City Librarian** that City Council accept and appropriate two \$100 donations recently made to the El Retiro branch library.

7d. CONSULTING SERVICES AGREEMENT AMENDMENT RE ARTESIA BLVD. IMPROVEMENT PROJECT

Recommendation

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

- 1) Approve an Amendment to Consulting Services Agreement C2000-209 in the amount of \$44,140 with RBF Consulting, Inc. to provide additional design services in conjunction with the Artesia Boulevard Improvement Project (CIP Projects A-15/T-26);
- 2) Extend the term of the Agreement until August 30, 2002; and
- 3) Authorize the Mayor to execute and the City Clerk to attest to said Amendment.

7e. CONTRACT RE THE ACTIVE NETWORK, INC.

Recommendation

Recommendation of the **Information Technology Director** and **Parks and Recreation Director** that City Council authorize a contract with The Active Network, Inc. to purchase and implement the e-government RecWare Safari class registration, facility booking, and league scheduling software for \$40,420.55 including sales tax.

7f. EXPENDITURE RE FINANCIAL SOFTWARE MAINTENANCE AND SUPPORT

Recommendation

Recommendation of the **Information Technology Director** that City Council approve the expenditure for one year of financial software maintenance and support from Peoplesoft for an amount not-to-exceed \$83,142.15.

7g. CONTRACT RE HANGAR REPAIRS AT TORRANCE MUNICIPAL AIRPORT

Recommendation

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

- 1) Award a contract to Universal Construction and Maintenance in the amount of \$625,000 and authorize a 5% contingency in the amount of \$31,250; and
- 2) Appropriate \$65,162 from the Airport Aeronautical Fund Balance for the renovation and repair of 80 aircraft hangars at the Torrance Municipal Airport - Zamperini Field. (RFP B2002-01)

7h. CHANGE ORDER FOR ASPHALT MATERIALS RE ABSOLUTE ASPHALT

Recommendation

Recommendation of the **Street Services Director** that City Council approve a change order with Absolute Asphalt (purchase order #8441) in the amount of \$15,000, for a total not to exceed amount of \$39,000.

7i. AGREEMENT WITH SOCAL COMPUTER RECYCLERS

Recommendation

Recommendation of the **Street Services Director** that City Council approve:

- 1) An Agreement between the City and SoCal Computer Recyclers to operate an electronics recycling drop-off event for Earth Day on Saturday, April 20, 2002 on City property with an expenditure not-to-exceed \$10,000; and
- 2) An expenditure of \$10,000 for promotion, advertising, City staffing and use of equipment for the event.

7j. PUBLIC WORKS AGREEMENT WITH ALL AMERICAN ASPHALT

Recommendation

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

- 1) Approve the Plans and Specifications for the Residential Streets Rehabilitation Program, I-5 (Phase 1 – Downtown Torrance);
- 2) Award a Public Works Agreement to All American Asphalt in the amount of \$977,561.60 and authorize a 5% contingency in the amount of \$48,878.40 for this project;
- 3) Authorize the Mayor to execute and the City Clerk to attest to said Agreement; and
- 4) Appropriate Assembly Bill 2928 funds in the amount of \$549,581.60 to the Residential Streets Rehabilitation Program, I-5. (B2002-02)

MOTION: Councilmember Witkowsky moved for the approval of Consent Calendar Items 7a through 7j. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

9. PLANNING AND ECONOMIC DEVELOPMENT

9a. RESOLUTION FOR APPROVAL OF PRE01-00022:TOMARO ARCHITECTURE

Recommendation

Recommendation of the **Planning Director** that City Council 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

Planning Director Gibson reported that findings and actions taken by the Council in approving a Precise Plan of Development for 143 Via La Circula January 8, 2002 were incorporated in Resolution No. 2002-01.

RESOLUTION NO. 2002-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A FIRST AND SECOND STORY ADDITION TO AN EXISTING RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 143 VIA LA CIRCULA

MOTION: Councilmember Scotto moved for the approval of Resolution No. 2002-01. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote, with Councilman Nowatka dissenting (absent Councilmember Messerlian).

11. ADMINISTRATIVE MATTERS

11a. CONTINUATION OF STATE OF LOCAL EMERGENCY

Recommendation

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

Building and Safety Director Isomoto reported that there was minor movement of the easterly portion of the slope following a recent storm.

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

11b. ASSEMBLY BILL 680

Recommendation

Recommendation of the **City Manager** that City Council adopt a Resolution that opposes Assembly Bill 680 (Land use: sales tax and property tax revenue allocation).

Assistant to the City Manager Keane reported that Assembly Bill 680 would require the reallocation of sales tax revenue among cities and counties in the Sacramento area, and while it does not directly affect the City of Torrance, staff was concerned about the precedent that would be set should this bill be passed. She advised that the bill was passed by the State Assembly and was now moving on to the Senate.

Mayor Hardison noted that Assemblyman Nakano strongly opposed the bill because he realized the ramifications it could have to the City of Torrance.

RESOLUTION NO. 2002-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
OPPOSING AB 680 – REALLOCATING SALES TAX AND STATE REVENUES

MOTION: Councilmember Nowatka moved for the approval of Resolution No. 2002-05. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Messerlian).

11c. PRESERVATION OF MURAL AT 1220 ENGRACIA

Recommendation

Recommendation of the **City Manager** that City Council take the following actions regarding to the mural on the EDD Building at 1220 Engracia, Torrance:

- 1) Continue on course to raise funds to preserve the mural;
- 2) Apply for a grant through Getty trust to preserve the mural; and
- 3) Inform the public of the mural and the need to restore it.

Assistant to the City Manager Keane updated the Council on efforts to preserve the mural 1220 Engracia. She noted that there had been a concern that the current tenants would be moving out and the building would soon be sold, however, it now appears that the tenants will not be moving for two to three years.

Mayor Hardison stated that to ensure continuity after the election, she had appointed Councilmember Nowatka and Cultural Arts Commissioner Ritas Smith to join the committee formed to explore options to restore and preserve the mural, with former Cultural Arts Commissioner Tom Tanza to remain.

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

11d. TORRANCE MUNICIPAL EMPLOYEES MEMORANDUM OF UNDERSTANDING

Recommendation

Recommendation of the **City Manager** that City Council adopt a supplemental Memorandum of Understanding for the AFSCME Local 1117 – Torrance Municipal Employees adding a premium for custodians working in the Library on scheduled Sundays.

Mayor Hardison noted supplemental material consisting of an amended Resolution.

Assistant to the City Manager Keane reported that this Memorandum of Understanding provides for custodians working on Sunday to receive the same premium as librarians and senior librarians.

RESOLUTION NO. 2002-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2000-142 SETTING FORTH HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE AFSCME LOCAL 1117 TORRANCE MUNICIPAL EMPLOYEES

MOTION: Councilmember Scotto moved for the approval of Resolution No. 2002-06. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Messerlian).

12. HEARINGS

12a. VAR01-00003, DVP01-00002: NAGY BAKHOUM

Recommendation

Recommendation of the **Planning Commission** and **Planning Director** that City Council approve, as conditioned, a Variance to allow less than the Code required number of parking spaces and a Development Permit to allow the remodel of an existing commercial building on property located in the Hawthorne Boulevard Corridor Specific Plan Zone, Hawthorne Boulevard/Pacific Coast Highway Intersection Sub-district located at 3800 Pacific Coast Highway.
VAR01-00003, DVP01-00002: NAGY BAKHOUM

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

With the aid of slides, Planning Manager Isomoto briefly described the project, noting that the existing building on the site will be renovated for use as an architectural office, removing part of the structure to provide three parking spaces. She reported that on December 19, 2001, the Planning Commission unanimously approved the project and advised that the Planning Director was also recommending approval.

Mayor Hardison noted that while this project does not meet parking requirements, it is a significant improvement over the restaurant that was previously located on this site which had no parking.

Noting that the previous operation had parking agreements with adjacent businesses, Councilmember Nowatka asked if those agreements were still in effect, and Planning Manager Isomoto indicated that they were not.

Councilmember Scotto questioned whether, if the parking variance was granted, the City could prohibit another type of business from taking over this site should this venture not be successful. Planning Manager Isomoto advised that any use that would require more parking, such as retail or a medical office, would not be allowed.

Mayor Hardison suggested the possibility of including a condition prohibiting the subleasing of this property. Planning Manager Isomoto advised that staff considered adding such a condition, but as the size of the building is under 2000 square feet and the architect's office will take up the entire building, it was felt that it was not necessary. She noted that if a business did sublease a portion of the building, a business license would have to be obtained and staff would have an opportunity to review it at that time.

As there were no requests to speak, the public hearing was closed.

MOTION: Councilmember Walker moved to close the public hearing. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Messerlian).

RESOLUTION NO. 2002-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, GRANTING A VARIANCE FROM THE PROVISIONS OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO ALLOW LESS THAN THE REQUIRED NUMBER OF PARKING SPACES LOCATED IN THE HBCSP ZONE, HAWTHORNE/ PACIFIC COAST HIGHWAY INTERSECTION SUBDISTRICT, AT 3800 PACIFIC COAST HIGHWAY

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-07. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote (absent Councilmember Messerlian).

RESOLUTION NO. 2002-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A DEVELOPMENT PERMIT TO ALLOW THE REMODELING OF AN EXISTING COMMERCIAL BUILDING ON PROPERTY LOCATED IN THE HBCSP ZONE, HAWTHORNE/ PACIFIC COAST HIGHWAY INTERSECTION SUBDISTRICT AT 3800 PACIFIC COAST HIGHWAY.

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-08. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote (absent Councilmember Messerlian).

Councilmember Walker commended the applicant for the creative design of this project.

12b. PRE01-00003: KRISTI K. SKELTON

Recommendation

Recommendation of the **Planning Commission** and **Planning Director** that City Council deny the appeal and approve as conditioned a Precise Plan of Development to allow first- and second-story additions to an existing one-story single-family residence on property located in the Hillside Overlay District in the R-1 zone at 664 Calle Miramar. PRE01-00003: KRISTI SKELTON

Mayor Hardison announced that this was the time and place for a public hearing on this matter and noted supplemental material available at the meeting. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Jane Isomoto briefly described the proposed project and explained that setback waivers were being requested to allow the retention of the existing home and garage with their current setbacks. She reported that the Planning Commission originally considered the plans on May 2, 2001, and determined that because the project would adversely impact neighbors, they could not support it as designed; that revised plans were brought before the Commission on October 3, 2001; and that the majority of the Commission felt that the revised project would not have a significant impact on surrounding properties and approved it by a vote of 4 to 2. She advised that the Planning Director and the Planning Commission were recommending denial of the appeal and approval of the project.

Mayor Hardison noted that there was some question as to whether the structure of the existing house was capable of supporting the addition and asked when a determination would be made.

Building and Safety Director Jim Isomoto advised that plans showing the retention of the existing walls will have to be submitted to the Building Department to obtain permits and that once the construction phase begins, if inspection staff determine that the existing walls and foundation are inadequate and have to be removed, the applicant will be required to stop work and begin the approval process for a new house.

Councilmember Witkowsky stated that she was informed when she visited the site that fences on either side of the subject property were not constructed on the true property line and need to be shifted almost five feet to the east. She questioned whether the Council should be concerned about this issue.

Building and Safety Director Isomoto related his understanding that the plans reflect the true property lines and indicated that he did not believe the location of the fences was an issue.

Noting that the plans show a new six-foot high wall to be constructed to the east of the existing fence, Planning Manager Isomoto advised that the proposed project would not change property lines or the location of existing building walls and that it was merely a matter of constructing a fence on the correct property line.

In a PowerPoint presentation, Ms. Anna Bui Calderan, 664 Calle Miramar, owner of the subject property, detailed the changes that were made to the original plans to address neighbors' concerns. She explained the following:

- That the turret connecting the garage to the house, the office over the garage and the wine cellar were eliminated;
- That the second floor was recessed on both sides to mitigate the impact on sunlight to neighbors' properties and to minimize the sheer wall effect;
- That the height of the structure was reduced to 23 feet, 6 inches; and
- That windows impacting neighbors' privacy were either eliminated, relocated or changed to opaque glass.

Ms. Calderan noted that a lateral survey was done which shows that the highest point of the proposed structure is 6 inches lower than the house to the rear, therefore, it would have no impact on this neighbor's privacy. She reported that the neighbor across the street also expressed concerns about privacy, however, a survey revealed that the distance from her front door to the neighbor's front door was 115 feet and 80 feet from her front door to the neighbor's garage which is used as a studio.

Ms. Calderan discussed the shadow study, prepared by her architect and verified by Dr. Wakita, Chairman of the Architecture Department at Harbor College, which demonstrates that the proposed project would have no impact on sunlight to the adjacent home to the east and minimal impact on the home to the west. Responding to claims that the proposed home was out of character with the neighborhood, she displayed a color-coded map showing homes in the immediate vicinity which are two-story and/or over 2900 square feet. Using photographs to illustrate, she noted dense foliage in the area; pointed out that the silhouette is lower than the surrounding trees; and maintained that the project would not take away anyone's view.

Mr. Joe Galliani, 668 Calle Miramar, appellant, offered a video tour of the neighborhood to demonstrate the harmony that currently exists with regard to rooflines and the scale of the homes. He disputed the Calderans' claim that they must build up instead of down into the slope because of the uniqueness of their property and stated that he was not aware of any hardship that would prevent them from complying with limitations on interior floor space. He pointed out examples in the neighborhood, including the adjacent residence at 660 Calle Miramar, where homes were enlarged in an unobtrusive way with garages built into the slope at street level maintaining roofline harmony. He contended that the proposed residence would tower over the neighborhood and adversely impact his view and privacy. He asserted that the project does not meet the requirements of the Hillside Overlay District and urged that it be denied.

In response to Councilmember Scotto's inquiry, Mr. Galliani indicated that he has lived in his home for nine years and that it has not been remodeled.

Councilmember Witkowsky questioned whether it was preferable to build without cutting into the hillside due to concerns about moisture/mold and the stability of the hillside.

Building and Safety Director Isomoto advised that building into the hillside is a very common method of construction and that moisture barriers are very effective. He related his understanding that there have been no problems with hillside stability in this area.

Ms. Debra Galliani, 668 Calle Miramar, appellant, reported that she is one of four surrounding neighbors bordering the subject property, all of whom are opposed to this project due its out-of-proportion height and mass which would adversely impact their homes. She contended that the project does not comply with provisions of the Hillside Overlay Ordinance, Torrance Municipal Code (TMC) §91.41.6 (a) and (b) because it was not designed to cause the least intrusion and because it would have an adverse impact on other properties. She maintained that the impact on her property would be devastating as the project would take away the view, light and privacy of every western window of her home as well as the west portion of her yard. She stated that the changes proposed by the applicant were merely cosmetic and did nothing to address her objections. She asserted that instead of offering relief to neighbors, the Planning Department offered waivers of setback requirements to the applicant, which would bring the massive structure even closer than the law allows.

Ms. Galliani stated that the Planning Commission discounted the importance of her sunset and blue sky views, however, those views were a selling point used to market the property and their loss can only reduce its value. She maintained that it was evident from viewing the silhouette that the project would deprive her home of afternoon sunlight, but the Planning Commission chose to believe an unsupported study presented by the applicant instead of requiring the height of the roof to be lowered. Noting that the applicant has the option of building into the hillside, she requested that the Council uphold the law and require the applicant to gain square footage in a way that will cause the least intrusion and not have an adverse impact on properties in the vicinity.

Ms. Kristi Skelton, 24 Buckskin Lane, Rolling Hills, project architect, pointed out that the Calderans' residence is located at the crown of a hill and has an 8-foot retaining wall to the rear of the home. She explained that sinking the first level into the hillside would result in a 16-foot retaining wall, which would not be desirable from an architectural standpoint. Noting that mold has become a serious issue, she maintained that submerging the first level of a home should only be done as a last resort.

In response to Councilmember Nowatka's inquiry, Ms. Skelton advised that square footage would be seriously limited if the first level was subterranean because the living space would have to be kept toward the front of the property for purposes of lighting and ventilation. She noted that the existing home would have to be razed.

Mayor Hardison asked if the overall height of the roof could be lowered, and Ms. Skelton explained that she had kept the ridge of the roof as low as possible by using short spans and a 3 and 12 pitch, which is the least recommended by roofing material manufacturers.

Councilmember Scotto questioned whether it would be possible to shift the house forward away from the hillside. Ms. Skelton advised that not much would be gained because of the required front yard setbacks and noted that the existing garage is much closer to the street than is normally allowed. Planning Manager Isomoto clarified that front facing garages are required to be set back 20 feet from the property line and that while the existing garage is set back 22 feet from the pavement, it is only 8 feet from the property line.

Mr. Leonard Duncan, 663 Calle Miramar, voiced support for the proposed project, stating that he thought that it would improve the view from his home.

Ms. Margaret Coulter, 656 Calle Miramar, stated that she was pleased that the Calderans were planning to remodel their home and believed that it would add to the value of her home and beautify the street. She commented on the inevitability of change.

Ms. Mildred Farnam, 648 Calle Miramar, pointed out that the Calderans' property is the highest point on the hill and maintained that it would be like living in a cave if the home was lowered into the hillside. Voicing support for the project, she noted that the Calderans intend to have their elderly parents live with them once the home is remodeled.

Mr. Joe Buck, 433 Via Anita, expressed concerns about the cumulative effect of the approval of this application. He stated that land use regulations must be based on the character and location of the property and not on the identity and character of the owners because ownership changes but land does not. He reported that in 1984-85, the Hillside Ordinance was amended to include mandatory limitations on the size and height of houses for the benefit of the community and people living in the hillside area. He explained and that in order to build a house exceeding one story in height or 14 feet above finished grade, the Ordinance requires that the applicant show that denial of the application would constitute an unreasonable hardship. He noted that the Ordinance goes on to define "hardship" to mean "that because of special circumstances applicable to the property – including size, shape, topography, soil conditions, locations or surroundings – the strict application of this Article deprives such property of privileges enjoyed by other properties in the vicinity."

Mr. Buck advised that TMC § 91.41.10 (b)(1) currently prohibits the remodeling of a house that would exceed one story or 14 feet above grade unless the Planning Commission or the City Council determines that denial of the application would result in unreasonable hardship to the applicant. Referring to the application, he noted that Ms. Skelton states that denial would result in unreasonable hardship because "my clients will need more space in the future as their family grows and extended family needs increase." Noting that the claim of hardship was based purely on the personal desires of the owners, he contended that the application should be denied because the applicant offered no basis for a finding that this property suffers from special circumstances.

Ms. Lezley Saar, 667 Calle Miramar, expressed her opposition to the project, citing its mass and location on top of a hill. She noted that trees are not permanent and maintained that foliage should not be used as a determining factor when considering a project's impact. She reported that the front of the addition was moved closer to her residence, which is directly across the street, when the plans were revised. She stated that the neighbors who support the project and not the ones directly impacted. She suggested that the building pad could be lowered less than a full story, which would lower the roofline without necessitating such a high retaining wall in the back.

Mr. Angelo Calderan, 664 Calle Miramar, owner of the subject property, commented on efforts that were made to address his neighbors' concerns. He noted that most of the homes shown in Mr. Galliani's presentation had garages, but no living space, built into the hillside. He pointed out that his adjacent neighbor, Mr. Max Schwartz, 357 Calle Mayor, had expressed concerns in a letter to the Planning Department about the potential danger of undermining the stability of the hillside and the high retaining wall. He reiterated his desire to save as much of the existing home as possible and contended that due to the shallow depth of the lot, there was no other viable solution to add more space without building up.

Mr. Calderan explained that the only issue he was not able to address, was his neighbors' loss of blue sky view, however, he could find no legal standing that such views are protected. He reported that all of the information he submitted was verified by specialists and noted that, while the appellant has accused him of producing unsupported and false evidence, nothing was offered to refute it. He stated that he understood when he purchased his home that any remodel would have to conform to the Hillside Ordinance, but he also knew that the Ordinance would afford him rights and protect his interests and that he was now wondering where his rights begin.

Mr. Joe Galliani stated that it was simply a matter of following the law and there was no doubt that the proposed addition, which would triple the square footage and double the size of the existing house, was not in harmony with the rest of the neighborhood. He reported that the 20 homes cited by the Calderans as being similar in size were all built before the Hillside Ordinance was put in effect, therefore, the comparison was irrelevant. He asked the Council to consider the adverse impact that this project would have on the four adjacent neighbors, who have never wavered in their opposition.

MOTION: Councilmember Walker moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Messerlian).

Mayor Hardison requested that City Attorney Fellows provide clarification regarding the hardship provision of the Hillside Overlay Ordinance.

City Attorney Fellows stated that, during his tenure, the Council has never interpreted the "unreasonable hardship" requirement in a literalistic, inflexible manner that would result in practically no circumstances under which a Precise Plan would be approved. He advised that land value, the economics of housing construction, and reasonable investment expectations of the community were all legitimate factors for the Council to consider. Referring to the studies submitted by the applicant, he noted that no evidence was presented to counter the findings. He further noted that the Council had heard testimony about the property's location on the crown of the hill; the shallow depth of the lot; the existing retaining wall; and practical difficulties associated with lowering the structure into the hillside. He stated that, should the Council be so inclined, he thought adequate information had been presented to support a finding that denial of the application would constitute an unreasonable hardship and that he believed it was within Council's discretion in applying the Hillside Overlay Ordinance to make such a determination.

Indicating that she would be supporting the project, Councilmember Witkowsky commented that the existing two-bedroom, one-bath home on this site would be very difficult to sell in today's market except to someone wishing to remodel it and noted her experience as a realtor. She reported that she had visited the site and that her decision was based on the information presented and her personal observations, including the backyard retaining wall, the shadow lines from the silhouette, the surrounding trees, and the topography of the lot.

MOTION: Councilmember Witkowsky moved to deny the appeal and approve the project. The motion was seconded by Councilmember Walker, and discussion briefly continued.

Expressing support for the motion, Mayor Hardison stated that it was unfortunate that the approval process has gone on so long and pitted neighbor against neighbor. She voiced her opinion that it was not feasible to enlarge the living space of the existing home without adding a second story. She indicated that she did not observe any impairment of views, noting that she has never considered a view of the sky to be protected by the Hillside Overlay Ordinance. She conceded that there were privacy issues with the original plans, but stated that she believed those issues had been addressed by the modifications to the windows. Commenting on the history of the Hillside Overlay Ordinance, she stated that while some of the residents would prefer to have only single-story homes in this neighborhood, it was never the intention of the ordinance to prohibit second stories. She noted that there are single-story homes next to two-story homes throughout the Hillside Overlay area and rejected the notion that the proposed house would not be in harmony with the neighborhood.

Noting that he was on the Planning Commission when the Hillside Overlay Ordinance was adopted in 1976 and on the City Council when it was refined in 1984, Councilmember Walker stated that it has always been an evolving concept which allows for the review of projects on a case-by-case basis and agreed that it was never intended to prohibit second stories. He voiced his opinion that there is harmony in the Hillside Overlay area because this Council and previous Councils have worked very hard to achieve it.

Councilmember Cribbs indicated that she was not in favor of the project because she believes that it would tower over everything and does not conform to the character of the neighborhood.

Mayor Hardison called for a vote on the motion, and the motion passed by a 5-1 majority roll call vote with Councilmember Cribbs dissenting (absent Councilmember Messerlian).

RESOLUTION NO. 2002-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41, OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING ONE-STORY, SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 664 CALLE MIRAMAR

PRE01-00003: KRISTI SKELTON

MOTION: Councilmember Witkowsky moved for the approval of Resolution No. 2002-09. The motion was seconded by Councilmember Walker and passed by a 5-1 majority roll call vote, with Councilmember Cribbs dissenting (absent Councilmember Messerlian).

*

The Redevelopment Agency met from 9:20 p.m. to 9:21 p.m.

15. ORAL COMMUNICATIONS

Councilmember Cribbs requested that the Council consider raising the income level above the current \$14,500 for the Utility Users Tax exemption, noting that it has not changed since July of 1991, and suggested that something be done to publicize that this exemption is available. City Manager Jackson advised that staff would prepare an information item on this issue.

Councilmember Cribbs announced that 3-star General Bryant Arnold, Commander of Space and Missile Systems Center, will serve as the Grand Marshal of this year's Armed Forces Day Parade.

Councilmember Scotto commented on employee groups using City facilities for political purposes and requested that the City Attorney circulate information clarifying what is permitted.

Mayor Hardison noted that she had received correspondence from an FBO (fixed-base operator) at the Airport requesting relief from rents due to restrictions imposed after the September 11 terrorist attacks and asked that information be brought back to the City Council for consideration.

Mayor Hardison also requested that information be brought back to Council regarding the use of City facilities, including what activities are allowed and the fees charged.

Mr. Martin Koebel, 5519 Rockview, raised issues regarding senior citizen exemptions with utility companies and asked for City Council consideration.

Mr. Koebel suggested that work on synchronizing signals may not be useful if pedestrians can change timing when crossing streets.

Mr. Koebel commended employees John Jones, Mike Wilson, Jim Osbourne, Craig Bilezerian and City Clerk Sue Herbers.

Mr. Joe Buck, 433 Via Anita, noted that he had sent a memo to the City Council last November expressing concerns about approving projects on a case-by-case basis rather than having a general rule and again asked that the Council consider reviewing the Hillside Overlay Ordinance taking into account present needs.

16. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

17. ADJOURNMENT

At 9:35 p.m., the meeting was adjourned to February 19, 2002, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in Council Chambers. Tuesday, February 12, 2002, will be a Council dark night.

***Adjourned in Memory of
Elaine Hansen Hertel***

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

Sue Sweet
Recording Secretary

City Council
February 5, 2002