

February 29, 2000

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 7:08 p.m. on Tuesday, February 29, 2000, in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Horwich, Lee, Messerlian, O'Donnell, and Mayor Hardison.

Absent: Councilmember Walker.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by former Mayor Jim Armstrong.

City Clerk Herbers gave the invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Cribbs announced that the Finance & Governmental Operations Committee had met prior to the meeting and that a full report would come to the City Council on March 14.

City Clerk Herbers announced the following:

Any registered voter who has not yet received a sample ballot pamphlet for the March 7 Election should call the Los Angeles County Registrar at 800/815-2666.

It is too late to request Absent Voter Ballots by mail. By law, requests cannot be made over the phone; however, under special circumstances, a voter may request an emergency absentee voter ballot in person beginning March 1 through Election Day, March 7, at the Los Angeles County Registrar Office in Norwalk. To be counted, absentee ballots must be mailed in time to be received by the Registrar's office by March 7, or returned by the voter personally to any polling place in the county no later than 8 p.m. on Election Day. Any authorized family member may be designated to return the voted ballot to any polling place in the county or to the Registrar's office in accordance with instructions on the return envelope.

The last Candidate Forum will be held by Riviera Homeowners Assn. at Richardson Middle School, 23751 Nancy Lee Lane on Wednesday, March 1 at 7:00 p.m.

The City Clerk's office is not conducting this election but will be open from 7:00 a.m. to 8:00 p.m. to provide assistance to voters in locating their polling place or to give phone numbers for the County Registrar's office. Complete contact information will be on the Torrance website with links to Los Angeles County.

Semi-official results will be found on the L.A. County website and will be mirrored on the Torrance website. The official canvass of votes will not begin until Thursday, March 9 and updates will be made by the County when necessary. The official results will be transmitted to the City by March 28. The new council is scheduled to be seated on Tuesday, April 4.

In closing, City Clerk Herbers encouraged each registered voter to vote on Tuesday, March 7.

7. CONSENT CALENDAR

7a. ACCEPTANCE AND APPROPRIATION OF CENSUS OUTREACH FUNDS

Recommendation

Recommendation of the City Manager that City Council accept and appropriate \$12,793 from the County of Los Angeles for Census 2000 outreach.

7b. JOB TRAINING PARTNERSHIP ACT AGREEMENT WITH PLATT COLLEGE

Recommendation

Recommendation of the Human Resources Director that City Council execute an agreement for employment and training services with Platt College for \$150,000.

MOTION: Councilmember O'Donnell moved for the approval of the Consent Calendar as written. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Walker).

11. ADMINISTRATIVE MATTERS

11a. TORRANCE POLICE OFFICERS' ASSOCIATION SUPPLEMENTAL MOU

Recommendation

Recommendation of the City Manager that City Council concur in the attached supplemental MOU and adopt a Resolution adding and modifying four premiums for the Torrance Police Officers' Association.

**RESOLUTION NO. 2000-17
MEMORANDUM OF UNDERSTANDING
TORRANCE POLICE OFFICERS' ASSOCIATION
SUPPLEMENTAL #1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE AMENDING RESOLUTION NO. 98-102 SETTING
FORTH CERTAIN CHANGES REGARDING HOURS, WAGES,
AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED
BY THE TORRANCE POLICE OFFICERS ASSOCIATION**

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-17. The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote (absent Councilmember Walker).

12. HEARINGS

12a. MIS99-00277: JOHN AND SUSAN LEIGHTON

Recommendation

Recommendation of the Planning Director and Planning Commission that City Council deny the appeal and approve as conditioned MIS99-00277 allowing the addition of a rear yard deck on property located in the Hillside Overlay District in the R-1 zone at 120 Via Sego. MIS99-00277: JOHN AND SUSAN LEIGHTON

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

With the aid of slides, Planning Manager Isomoto presented the staff report (per written material of record).

Referring to photographs, Mr. Mike Danner, representing the appellant, Florence Huxtable Miller Trust, 155 Via Los Miradores, outlined his objections to the proposed rear yard deck at 120 Via Sego. He explained that when his 94-year-old grandmother, Florence Miller, signed a form allowing her neighbors, John and Susan Leighton, to expand their home, she had no idea of the impact it would have on her home, and that the proposed deck, which would extend an additional 12 feet toward his grandmother's

property, would only compound the loss of privacy. He noted that there was no mention of a deck when the original plans for the Leightons' addition were presented for approval.

Ms. Nancy Ruth Miller Danner, 7932 Sadring Avenue, West Hills, also representing the appellant, maintained that the proposed deck would look directly into all areas of the Los Miradores property, which is currently occupied by her mother, Florence Miller. She stated that she realizes the Leightons need to have some form of egress from their sliding glass doors but urged the Council to approve something smaller than the 12-foot by 51-foot deck requested. She expressed her disappointment that none of the Planning Commissioners visited her mother's residence prior to taking action on this matter.

In response to Mayor Hardison's inquiry, Planning Manager Isomoto advised that end of the proposed deck would be approximately 13½ feet away from the Leightons' rear property line and 65 feet away from Ms. Miller's residence.

Mr. John Leighton, 120 Via Segó, voiced support for the Planning Commission's decision, noting that Commissioners had visited his property and reviewed the project. He stated that it was never his intention to violate anyone's privacy and that his purpose for building the deck was to allow him to maximize the use of his property and to enjoy the ocean view. He explained that his property borders Ms. Miller's property by only 18 feet; that there has always been picture windows along the rear of his home; and that he has never been able to see anyone inside of the Miller residence because it is quite a distance away.

Mayor Hardison questioned why the deck was not included on the plans when the addition was originally approved. Mr. Leighton replied that during construction, the concept for the addition changed and 40 feet of sliding glass doors were installed to take advantage of the view. He indicated that the original plans called for a small deck and stairs leading down to the backyard.

Councilmember O'Donnell asked if he would consider reducing the size of the deck. Mr. Leighton stated that he failed to see what that would accomplish and that he believed a deck running the full length of the back of the house was preferable from an architectural standpoint. He pointed out that the redwood deck would actually obscure a portion of his view of the Miller property.

Ms. Susan Leighton, 120 Via Seco, estimated that the Miller property is at least 75 feet away from the proposed deck and stated that she believed it would have no impact on her neighbors' privacy. She reported that none of her other neighbors object to the deck and requested the Council's approval so that the addition can finally be completed after a six-month delay.

Mayor Hardison pointed out that the Leightons contributed to the delay by not including the proposed deck in the original plans for the addition. Ms. Leighton explained that the original plans were drawn up by a former friend, a contractor whom they had to fire; that they really had not known what they wanted to do with the back of the house until they got further into the project; and that it was never their intention to deceive anyone.

Mr. Nick Peters, a real estate agent with Remax Beach Cities Realty, indicated that he was asked by the appellants to provide his professional opinion regarding the effect the proposed deck would have on the resale value of the Los Miradores property. He stated that he believed, because the deck would detract from the privacy of the home, that it would lower the value of the property to some extent, however he could not say how much.

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

Mayor Hardison noted that she had visited Ms. Miller's residence but not the Leightons' as they were not home at the time of her visit. She stated that the Millers have a beautiful home and she could understand their desire to protect their property from any intrusion, however she did not believe the proposed deck would have a true impact on privacy because of the distance between the two homes. She suggested that a condition of approval be added requiring the railing on the deck to be constructed of a solid material.

Voicing support for the project, Councilmember Horwich indicated that he had viewed the project from the Leightons' home and did not believe there were any privacy issues.

MOTION: Councilmember Lee moved to deny the appeal and approve MIS99-00277 with the added condition that the railing be constructed of a solid material. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Walker).

RESOLUTION NO. 2000-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE, CALIFORNIA, APPROVING A MINOR HILLSIDE
EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1,
ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO
ALLOW THE ADDITION OF A REAR YARD DECK TO AN
EXISTING ONE-STORY, SINGLE-FAMILY RESIDENCE ON
PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT
IN THE R-1 ZONE AT 120 VIA SECO
MIS99-00277: JOHN AND SUSAN LEIGHTON**

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-18. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Walker).

12b. CUP99-00022 (EAS99-00009): NISSIN FOOD PRODUCTS CO., LTD.

Recommendation

Recommendation of the Planning Director and Planning Commission that City Council deny the appeal and adopt a Mitigated Negative Declaration and approve as conditioned CUP99-00022 allowing the construction of four office/manufacturing/warehouse buildings measuring a total of 1,088,070 square

feet on property located in the M-2 zone on the east side of Van Ness Avenue approximately 700 feet south of 195th street.

CUP99-00022 (EAS99-00009): NISSIN FOOD PRODUCTS CO., LTD./ DENNIS ROY, RGA ARCHITECTS

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

Planning Manager Isomoto presented the staff report (per written material of record).

Mayor Hardison indicated that she had filed the appeal because she thought that a project of this magnitude should be reviewed by the City Council. She asked Fire Chief Bongard to respond to concerns that one of the traffic mitigation measures proposed in conjunction with this project, the construction of a right-turn lane at the intersection of Van Ness and Del Amo, would preclude the construction of Fire Station #7 at that location.

Fire Chief Bongard advised that Fire Department staff had reviewed the proposed improvements and determined that a three-bay fire station could still be built on the site using a two-story, drive-through design similar to Station #6.

In response to Mayor Hardison's inquiry, Planning Manager Isomoto confirmed that while the current plans call for the parking spaces to be striped according to the parking ratio for a warehouse/distribution center, there is sufficient space on the site to provide additional parking spaces should the buildings be converted to office or manufacturing use.

Responding to Councilmember Messerlian's inquiry, Planning Manager Isomoto discussed the traffic mitigation measures proposed and other improvements scheduled to be implemented in the area in connection with the Harbor Gateway Commerce Center project. She explained that the proposed project has the potential for affecting a number of intersections incrementally and that staff believes it would be most beneficial to apply the value of the pro rata share of mitigating the impact on these intersections to an identified Capital Improvement Project, the 190th Street/Van Ness Avenue intersection improvement project.

Mayor Hardison related her understanding that funds have already been identified for the 190th/Van Ness Avenue project. Engineering Director Burtt confirmed that resources have been identified, noting that the project would be partially federally funded. City Manager Jackson explained that monies received from the Nissin Foods/ProLogis project would free up funds required for federal matching and start up costs so that they could be used for other projects in the City.

Councilmember O'Donnell called attention to the poor condition of the segment of Arlington Avenue that curves between Van Ness and Torrance Boulevard. Planning Director Gibson advised that the traffic study did not identify that area as being impacted by the proposed development, however, staff was aware of concerns about that segment of Arlington and was looking at possible modifications.

Noting that some neighboring cities have decided to prohibit the building of distribution centers, Mayor Hardison stated that while she thought the City should take its fair share of this type of usage, she did not think that this entire project, with over one million square feet of space, should be allocated for this purpose. She asked staff to come up with some options for the Council to consider that would ensure that this project includes manufacturing, as well as distribution uses.

Councilmember Cribbs indicated that she shared the Mayor's concerns about having a massive distribution center and suggested the possibility of breaking up the large rear building into smaller buildings which would be more conducive to other types of uses. Commenting on traffic congestion in the area, she stated that she also had major concerns about the traffic this project would generate.

Mr. Howard Wang, Vice President of Nissin Food Products Co., 2001 W. Rosecrans, Gardena, noted that he had been working with the City for 24 months in an effort to get this project approved and thanked Mr. Gibson, Ms. Isomoto and the Planning Department staff for their assistance. He pointed out that the plans were reviewed and approved by the Planning Commission and that the proposed development is consistent with City zoning and meets or exceeds all requirements. He advised that the sale of this property is very important to Nissin Foods and that if the project is not approved, it would have a severe economic impact on the company. He explained that at the time the property was purchased, Nissin Foods was planning to merge with a subsidiary company and build two new manufacturing plants on the site, but directors in the home office had second thoughts about locating a food manufacturing plant next to an oil refinery and ultimately decided to abandon the project.

Mr. Larry Harmsen, representing ProLogis, 3621 S. Harbor Boulevard, noted that ProLogis was in the process of acquiring the property to develop the proposed project and offered to respond to questions from the Council.

Referring to material submitted by ProLogis detailing other facilities they have developed in Southern California, Mayor Hardison asked Mr. Harmsen to provide additional information about the lessees. Mr. Harmsen listed the names and types of businesses currently leasing space in North County Distribution Center and Mid-Counties Distribution Center and estimated the ratio of uses to be approximately 60 percent distribution/warehousing and 40 percent manufacturing/assembly. He stated that he expected that the proposed project would have a similar ratio, noting that the company has experienced a significant demand for space from manufacturing and assembly operations and that the City of Torrance is a very desirable location.

Pointing out that the Virco Building was one of the projects cited by ProLogis as being similar to the one proposed, Mayor Hardison stated that, other than size, she did not think it was a valid comparison because Virco brought a wide range of jobs to Torrance, from entry level to management, as well as a strong commitment to the community.

Mr. Harmsen responded that he saw no reason why the occupants of the new facility would be any different than Virco since large companies tend to get involved in the community in which they are located. He offered as an example, RSI Home Products, located in the North County Distribution Center, which is an integral part of the Anaheim community.

Addressing traffic concerns, Mr. Harmsen stated that traffic congestion is a regional problem common throughout the Los Angeles basin and that he believed the mitigation measures proposed would fully mitigate the impact this project would have on the surrounding infrastructure. He maintained that office buildings generate far more traffic than industrial uses, and that the traffic generation from this project would be less than virtually any other project that would be developed on the site.

In response to Councilmember Messerlian's inquiry, Mr. Harmsen provided clarification of the terms, warehousing/distribution and freight forwarding/truck terminal, explaining that the proposed development was not designed as a freight forwarding/truck terminal facility and would not accommodate that type of activity.

Councilmember Messerlian asked if the applicant would be amenable to a condition prohibiting freight forwarding/truck terminal operations. Mr. Harmsen indicated that he would agree to such a condition if a mutually acceptable definition could be devised. Councilmember Lee noted that the insurance industry has very specific codes defining different industrial operations, which might provide some guidance.

Councilmember Lee observed that the site in question is the largest remaining industrial parcel in the City and voiced support for limiting the portion of the facility that may be used for distribution operations because they provide mostly low-paying jobs and foster little community involvement.

The Council discussed possible conditions that could be imposed on the project to limit distribution uses. Suggestions included, specifying the percentages of assembly/manufacturing and warehouse/distribution uses that would be allowed; limiting distribution uses to the large rear building and reserving the front buildings for manufacturing and assembly; and requiring a Conditional Use Permit for any distribution operation.

Mr. Harmsen requested a recess to confer with his colleagues.

The Council recessed from 9:15 p.m. to 9:29 p.m.

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The Council met as the Redevelopment Agency from 9:29 p.m. to 9:30 p.m.

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At 9:30 p.m., Mayor Hardison reconvened the public hearing on CUP99-00022.

Mr. Brett Tremaine, 13181 Crossroads Parkway, City of Industry, the real estate broker representing Nissin Foods, commented on the difficulties he has had in marketing this property and maintained that its proximity to the Mobil refinery greatly reduces its desirability as a location for offices or a corporate headquarters.

Returning to the podium, Mr. Harmsen noted that this project represents a \$60 million investment for ProLogis and they must be very careful not to handicap their investment with overly restrictive conditions. He proposed adding the following conditions: (1) requiring any user in excess of 350,000 square feet to obtain a Conditional Use Permit, and (2) prohibiting leasing to any truck terminal operation. He

suggested, if the Council was not comfortable with these conditions, that the hearing be continued to allow the applicant and staff an opportunity to explore other alternatives.

Councilmembers and Mayor Hardison indicated that they preferred to continue the hearing for two weeks.

MOTION: Councilmember Cribbs moved to continue the public hearing on CUP99-00022 to March 14, 2000. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote (absent Councilman Walker).

15. ORAL COMMUNICATIONS

Fire Chief Bongard announced a siren test on March 1 as well as installation of barriers on Crenshaw Blvd.

Fire Chief Bongard invited the public to attend the Firefighters Spaghetti Dinner on March 4 from 4:30 p.m. to 8:00 p.m. in the Ken Miller Recreation Center.

Assistant to the City Manager Sunshine announced that two cable channels (31 and 32 in the rebuild area and 54 and 60 in the non-rebuild area) had been added to the Torrance cable system as per the previously announced agreement with Time Warner.

Councilmember Lee thanked all City staff who had assisted with preparations for a group visit by his son's school.

Councilmember Lee commented on possible street improvements at Beryl and Towers.

Councilmembers Lee and Messerlian encouraged the public to vote on March 7.

Councilmember Messerlian invited the public to attend a free concert by the Torrance Symphony at the James Armstrong Theater on March 11 at 8:00 p.m.

Councilmember O'Donnell shared information on a canoe program at Madrona Marsh on March 13.

Councilmember O'Donnell announced the names of Torrance scouts receiving Eagle awards in the coming week.

Councilmember O'Donnell invited senior citizens to use the free tax counseling available through April 15.

Responding to Councilmember Messerlian, Planning Director Gibson stated that administrative approval had been given to Torrance Toyota to temporarily store autos on the former Del Conte site.

Mayor Hardison was pleased to announce that the sump pump was fixed and water was being pumped into Madrona Marsh.

Mayor Hardison invited the public to attend the Tip-off Celebration opening Wilson Park Sports Center on Saturday, March 18 from 2:30 p.m. to 5:00 p.m.

Ms. Mary Temple, Torrance commented on Torrance Police issues.

Mr. Howard Story, Torrance, commented on housing issues.

16. EXECUTIVE SESSION

Mayor Hardison announced that subsequent to the posting of the agenda, the City had received notice from the United States Court of Appeals for the Ninth Circuit denying a petition for a rehearing in the matter entitled Price v. Kramer, et al CV 94-6506 JSL. As the City Attorney was requesting a closed session to receive instructions on how to proceed, a two-thirds vote was necessary to add to the agenda for consideration under California Government Code Section 54956.9 a.

MOTION: Councilmember Lee moved to add the aforementioned item to the agenda. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote (absent Councilmember Walker).

At 9:55 p.m., the Council recessed to consider matters listed on the meeting agenda. The Council returned to open session at 10:50 p.m. No formal action was taken on any matter considered in closed session.

17. ADJOURNMENT

At 10:50 p.m., the meeting was adjourned to Tuesday, March 14, 2000, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in Council Chambers.