

March 14, 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 5:35 p.m. on Tuesday, March 14, 2000, in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

\* Councilmember Lee arrived at 6:50 p.m.

\* Councilmember Messerlian arrived at 5:36 p.m.

\* Councilmember O'Donnell arrived at 6:15 p.m.

Absent: None.

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

**16. EXECUTIVE SESSION**

The Council recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under items 16.a) Conference with Labor Negotiator; and Redevelopment Agency a.) Real Property Conference with Real Property Negotiator. pursuant to Government Code Sections 54957.6 and 54956.8

The Redevelopment Agency convened at 5:35 p.m. for the purposes of an Executive Session.

The Council returned to Council Chambers at 7:33 p.m., and the meeting reconvened in regular agenda order.

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**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Boy Scout Troop #310, Bruce Maass, Scoutmaster.

Reverend Richard Talley, First Christian Church gave the invocation.

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**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 voice vote reflected unanimous approval.

**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 voice vote reflected unanimous approval.

Mayor Hardison asked that the meeting be adjourned in memory of Bus Operator Homer Baker, Police Department Volunteer, Robert Ulrich, and El Camino College Librarian, Helen Rodgers.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Hardison invited the public to attend the dedication of the Wilson Park Sports Center on Saturday, March 18 between 2:30 p.m. and 5:00 p.m. for tours, demonstrations, refreshments and souvenirs.

**6. COMMUNITY MATTERS**

**6a. RESOLUTION 2000-20 RE – TONY MATA**

**RESOLUTION NO. 2000-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE COMMENDING AND  
CONGRATULATING TONY MATA UPON HIS  
RETIREMENT FROM THE CITY AFTER FORTY-TWO  
YEARS OF SERVICE**

**MOTION:** Councilmember Messerlian moved for the adoption of Resolution No. 2000-20. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote. Mayor Hardison noted the resolution would be presented at a later date.

**6b. RECOGNITION TORRANCE CENSUS 2000 COMPLETE COUNT COMMITTEE**

Mayor Hardison presented Certificates of Recognition to City of Torrance Census 2000 Complete Count Committee members – Albert Ng, Chair, Kathy Baum, Dr. Paul Fu, Ada Garza, Scott Gobble, Barry Gross, Herbert Kim, Leonard Simon, Yauhiro Tanabe, Carol Vernon and Bea Virobik.

Mayor Hardison encouraged the public to participate in the census and thanked the members for their work noting that though they get their certificates tonight, their work is not done. She noted all had spread the word to their representative areas and to the public to get the census message out.

Tom Fauth, Manager of the Torrance Regional Census Office, assured confidentiality of the Census and encouraged the public to fill it out noting that Torrance loses out on \$1.5 million for every 1,000 people not counted.

## **7. CONSENT CALENDAR**

Mayor Hardison announced that supplemental material was available for items: 7b, 7i, 7l, 11b, 12a, 12b, and 12c. Item 7d was removed from the Consent Calendar and considered separately.

### **7a. APPROVAL OF MINUTES**

Minutes of January 19, 2000, February 1, 2000 and February 8, 2000 were approved. Minutes for December 14, 1999, January 11, 2000 or January 25, 2000 are to be submitted at a later date.

### **7b. OPPOSITION TO PROPOSED LEGISLATION AB 1613 AND AB 1794**

#### **Recommendation**

Recommendation of the Engineering Director that City Council:

- 1) Oppose proposed legislation before the California Legislature (AB 1613 and AB 1794) regarding the Water Replenishment District of Southern California; and
- 2) Direct staff to work with Senator Debra Bowen and State Assemblyman George Nakano, to amend current legislation and/or introduce a Spot Bill that would address the City's concerns.

### **7c. CONTRACT RE HARBOR DIESEL AND EQUIPMENT, INC.**

#### **Recommendation**

Recommendation of the General Services Director and Fire Chief that City Council approve a contract with Harbor Diesel and Equipment, Inc., Long Beach, California, for the repair of engines and transmissions in City owned vehicles, in an amount not-to-exceed \$60,000.

### **7e. AGREEMENT RE AMERICLEAN ENVIRONMENTAL SERVICES**

#### **Recommendation**

Recommendation of the Street Services Director that City Council approve a consulting services agreement with Americlean Environmental Services in the amount of \$55,550 for reporting, auditing and implementation of waste management programs for AB 939 compliance for calendar year 2000.

7f. **PURCHASE ORDER RE E.J. WARD**

**Recommendation**

Recommendation of the General Services Director that City Council authorize a purchase order with E.J. Ward for the purchase and installation of an automated fuel management system in an amount not-to-exceed \$103,558.64.

7g. **SENIOR CITIZEN'S LUNCH PROGRAM**

**Recommendation**

Recommendation of the Parks and Recreation Director that City Council approve and appropriate \$23,730 to provide the Senior Citizen's Lunch Program at the Bartlett Center, which includes 0.3 Sr. Recreation Leader and \$17,670 for materials and supplies, and transfer \$5,936 from the General Fund Reserve for Program Contingencies.

7h. **CONTRACT AMENDMENT RE UNIVERSAL CONSTRUCTION**

**Recommendation**

Recommendation of the General Services Director that City Council:

- 1) approve an amendment to the Universal Construction contract in the amount of \$48,232.77 for additional costs incurred during the construction of the Wilson Park Gymnasium; and
- 2) Authorize the appropriation of \$5,000 from the Parks and Recreation Facilities Fund to fund a portion of this work.

7i. **LETTER OF UNDERSTANDING BETWEEN LOS ANGELES COUNTY, CITY OF PALOS VERDES AND CITY OF TORRANCE - PROPOSED DRAINAGE FACILITY**

**Recommendation**

Recommendation of the City Manager and the Engineering Director that City Council approve a three party Letter of Understanding for the study, design and construction of proposed drainage facilities to convey water from the south City boundary to the Waleria Retention Basin and the construction of an interim drainage detention basin at the Torrance Airport and to authorize the Mayor and City Manager to sign the Letter of Understanding.

7j. **CONTRACT RE EDGE MANUFACTURING, INC.**

**Recommendation**

Recommendation of the Street Services Director that City Council authorize a contract services agreement with Edge Manufacturing, Inc., in the amount of \$25,856.84 for the retrofit of an out-of-service refuse truck to roll-off pick up capabilities.

**7k. BJA GRANT LOCAL ADVISORY BOARD**

**Recommendation**

Recommendation of the Chief of Police and the City Manager that City Council act as follows: appoint individuals to the BJA Grant Local Advisory Board as recommended by the Mayor; identify Board duties; and establish a sunset for the Board's authority to meet.

**7l. CONTRACT RE ELECTRONIC BUSINESS CORPORATION**

**Recommendation**

Recommendation of the Human Resources Director that City Council approve the contract with Electronic Business Corporation for an amount not-to-exceed \$104,500 for computer software design, maintenance and a Technology Partner Feasibility Study.

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

Item 7d was considered separately at this time.

**7d. RESOLUTION RE USED OIL BLOCK GRANT APPLICATION**

**Recommendation**

Recommendation of the Street Services Director that City Council adopt a resolution approving the Used Oil Block Grant Application to encourage recycling and appropriate disposal of used oil.

In response to an inquiry from Mayor Hardison, Street Services Director Bell clarified that the program was ongoing and successful.

**RESOLUTION NO. 2000-22**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TORRANCE AUTHORIZING THE USED OIL RECYCLING  
BLOCK GRANT APPLICATION**

**MOTION:** Councilmember Messerlian moved for the adoption of Resolution No. 2000-22. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9a. MASTER AGREEMENT NO. 000249 WITH THE STATE OF CALIFORNIA**

**Recommendation**

Recommendation of the Engineering Director that City Council adopt a resolution authorizing the Mayor to execute and the City Clerk to attest to Master Agreement No. 000249 with the State of California to obtain State funds for local transportation projects and to adopt Program Supplement Agreement No. 218 to the above referenced Master Agreement for funds for pavement rehabilitation.

City Engineer Burt explained that "El Nino" funding was available for street rehabilitation, with additional funds available based on the population, and he would like to see those funds used on the Ocean Avenue project. He clarified for Mayor Hardison that the resolution contained everything necessary to complete the project.

**RESOLUTION NO. 2000-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND THE CITY CLERK TO EXECUTE AND ATTEST TO A MASTER AGREEMENT NO. 000249 WITH THE STATE OF CALIFORNIA AND PROGRAM SUPPLEMENT AGREEMENT NO. 218 TO SAID MASTER AGREEMENT WITH THE STATE OF CALIFORNIA**

**MOTION:** Councilmember Messerlian moved to adopt resolution 2000-23. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

**11. ADMINISTRATIVE MATTERS**

**11a. SUPPLEMENTAL MEMORANDUMS OF UNDERSTANDING**

Recommendation of the City Manager that City Council adopt:

- 1) a Supplemental MOU for TMEO modifying the pay grid for the Environmental Services Administrator resolution; and
- 2) a revised resolution for Certain Monthly Full Time Salaried and Hourly Employees modifying the pay grid for Market Manager.

Assistant City Manager Keane presented the staff report (per written material of record.)

Alan Lee, a representative of TME-AFSCME, Local 1117, expressed concerns that there were a disproportionate number of raises going to management and that surpluses were not being shared appropriately. He asked that the public and employees be allowed to know how management arrives at their conclusions and would like to have that information included in the document to ensure fairness and consistency. He asked the City Council to be mindful that they would be authorizing a pay raise outside of the contract, and stated that unless they articulate or demonstrate an urgent necessity that it be done tonight, he would like an opportunity to review the matter.

Mayor Hardison responded that a number of weeks ago pay increases were given to the employees that he represents and she was not sure she agreed with his analysis that raises have gone mostly to management. She stated that she would seek further information on the matter.

**RESOLUTION NO. 2000-24**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 99-72 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MANAGEMENT EMPLOYEES ORGANIZATION (TMEO)**

**MOTION:** Councilmember Messerlian moved to adopt resolution 2000-24. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2000-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 99-74 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES**

**MOTION:** Councilmember Messerlian moved to adopt resolution 2000-25. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

**11b. PERIOD 6 (MID YEAR) BUDGET REVIEW & PROGRAM MODIFICATIONS**

Recommendation of the Finance and Governmental Operations Committee that City Council concur with the following recommendations:

- 1) accept and file the period 6 (mid-year) budget review report; and
- 2) approve the program modifications for the City Attorney's Office, the City Manager's Office, the Finance Department and the Fire Department; and adopt a resolution amending salary ranges for Certain Management Employees.

Finance Director Tsao provided a short recap of where budgeted revenues are for the City's General Fund noting that the majority comes from sales tax, utility users and property tax. Revenues and expenditures are well within budget and appropriations, and in the midyear report, staff presented four program modifications.

Parks and Recreation Director Barnett reported that they are awaiting guidelines from the state, and that the monies from Proposition 12 will not be appropriated at the state level until 2001.

Councilmember Cribbs thanked staff for their diligence in answering questions and pointed out that there are many maintenance functions on hold due to budgetary concerns.

In response to concerns voiced by Mayor Hardison, Finance Director Tsao agreed to furnish a period 9 report and update her on revenues and expenditures in May.

**MOTION:** Councilmember Cribbs moved to accept the report and approve program modifications in City Attorney's office, Fire Department, City Manager's Office and Finance Department. Councilmember Lee seconded the motion and a voice vote reflected unanimous approval.

#### **RESOLUTION NO. 2000-26**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 99-73 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR CERTAIN MANAGEMENT EMPLOYEES.**

**MOTION:** Councilmember Messerlian moved to adopt resolution 2000-26. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

#### **12. HEARINGS**

#### **12a. APPEAL OF PRECISE PLAN OF DEVELOPMENT (PRE99-00017) MICHAEL AND ALINA MARDESICH 421 PASEO DE LAS ESTRELLAS**

Recommendation of the Planning Director that City Council deny the appeal and approve Precise Plan of Development (PRE99-00017) allowing the construction of a first and second-story addition to an existing one-story residence on property located in the Hillside Overlay District, in the R-1 zone at 421 Paseo de Las Estrellas. PRE99-00017: MICHAEL AND ALINA MARDESICH

Planning Manager Isomoto provided a review of the item, per written material of record, noting that the applicants were proposing an additional 432 square feet on the first floor, and a new second-story of 908 square feet. On March 1 the Planning Commission again reviewed the plans for the addition and voted 3-2 to recommend denial of the appeal and approval of the recommendation.

Frank Bizjak, 425 Paseo de las Estrellas, resides at the adjoining property and cited material of record, noting that he disagreed with information provided by the applicant on the Hillside Precise Plan Application in the proposed resolution. He stated that his ocean view and sunlight would be blocked and asked the City Council to vote against the addition.

In response to an observation by Mayor Hardison that his kitchen was currently very dark, Mr. Bizjak noted that it depended on the weather.

Michael Mardesich, 421 Paseo de las Estrellas, explained that soon after moving in, they shared plans with neighbors to improve their house, and took Mr. Bizjak's concerns seriously, designing the project to provide the least amount of impact to his property.

Councilmember O'Donnell exited Chambers from 8:38 to 8:40 p.m.

Mr. Mardesich addressed the points of Mr. Bizjak's appeal letter noting that there is no morning light blockage, he will have an increased view towards the ocean because the trees on that side will have to come down and, to address privacy issues, no windows are planned on that side of the property. He stated that they have met all the requirements of the R-1 codes and impact standards, and asked that the City Council deny the appeal and approve the plans as submitted to the Planning Commission.

Mr. Mardesich distributed diagrams depicting a view line to address comments by City Council members on the pitch of the roof. The pitch has already been altered from a 6/12 pitch to a 5/12 to be within the current existing property. If they go to 4/12 the height will be decreased by between 12 and 14 inches, making it look very flat, like a commercial development, and will seriously affect the architecture of the structure. He noted that the 12-inch change in his roof would not affect the neighbors' views, but would affect the design of the property. They are already 3½ feet under what regulations allow and have tried to design the least intrusive structure to make the addition a benefit to the neighborhood.

Mr. Bizjak cited section 91.41.10 regarding limitations in height, which states that the need for a second-story addition has to be proven. He voiced concerns that his property values and condition of life would be lowered if a second-story were added to the Mardesich house.

Deputy City Attorney Whitham clarified that there used to be a condition that the City Council had to make a finding of undue hardship, but it is no longer a required finding as it was deleted by Council.

Mayor Hardison stated that she had looked for alternatives to a second-story addition, but from her perspective, any additional one-story development would take away the back yard and she could not vote on something that would take away the usable back yard.

City Attorney Fellows clarified that 91.41.12 states that the height of the structure can not be increased unless it is not feasible to rearrange space in the existing building. The purpose for remodeling is to add living space or bedrooms and in many circumstances a second floor addition is necessary.

Dr. Silver, 417 Paseo de las Estrellas, spoke in support of the proposed addition.

**MOTION:** Councilmember Walker moved to close the public hearing. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

**MOTION:** Councilmember Walker moved to deny the appeal and approve the Precise Plan of Development (PRE99-00017) allowing the construction of a first and second-story addition. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2000-27**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF FIRST AND SECOND-STORY ADDITIONS FOR AN EXISTING ONE-STORY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 421 PASEO DE LAS ESTRELLAS PRE99-00017 MICHAEL AND ALINA MARDESICH**

**MOTION:** Councilmember Walker moved to adopt resolution No. 2000-27. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

The Planning Department requested that item 12c be heard out of order at this time as it had been continued from a previous meeting. Councilmember Walker stated that he had reviewed the videotape of the previous meeting and was prepared to take action on item 12c.

**12c. APPEAL CUP99-00022 (EAS99-00009): NISSIN FOOD PRODUCTS CO., LTD./ DENNIS ROY RGA ARCHITECTS**

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 195<sup>th</sup> Street. **RESOLUTION CUP99-00022 (EAS99-00009): NISSIN FOOD PRODUCTS CO., LTD./ DENNIS ROY RGA ARCHITECTS**

Planning Manager Isomoto provided a brief presentation on the item which was continued from a previous meeting to allow the applicant and staff to come up with conditions that would limit the use of the property in terms of the amount of square footage for warehouse and distribution purposes. Supplemental material provided indicated four conditions recommended by the planning staff and the applicant, and a fifth condition proposed by the applicant.

Larry Harmsen with Pro Logis Trust stated that they are before the Council again with additional safeguards to address the most recent concerns, noting that they have worked with staff for nine months and have made many compromises. The 41 conditions placed on the project have all been met and the project is consistent with the M-2 zone and with the neighborhood. Mr. Harmsen believes that the project is a team effort with Pro Logis and the City providing an attractive industrial project which should draw and retain a mix of good companies in the City. He thanked Councilmembers for their time and concern and respectfully requested approval.

Councilmember Messerlian noted that Councilmembers had many reservations with respect to the usage of the proposed building. He was pleased that the proponent accepted the 60-40% formula for 24 months. He stated that the City Council is mindful of the fact that it is a difficult site but that most of the concerns have been addressed.

Mayor Hardison expressed concerns that the lot could be divided in the future and that they will end up with mostly a distribution warehouse facility.

Councilmember Walker acknowledged the Mayor's concerns, but noted the limits controlling the usage and the conditions provide a great start, but in the long run the market determines what happens.

**MOTION:** Councilmember Messerlian moved to close the public hearing. Councilmember Walker seconded the motion and a voice vote reflected unanimous approval.

**MOTION:** Councilmember Walker moved to adopt a mitigated negative declaration. The motion was seconded by Councilmember O'Donnell and a roll call vote reflected unanimous approval.

Councilmember Horwich suggested an amendment to the final condition noted in the supplemental material that rather than prior Planning Director approval that a Conditional Use Permit be required.

**MOTION:** Councilmember Lee moved to re-open the public hearing. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

Planning Manager Isomoto clarified that concerns could be addressed via a new conditional use permit to reflect usage and to address the 300,000 square feet.

Mr. Harmsen indicated that he would prefer to keep it at the discretion of the Planning Director but he would accept the condition as proposed.

**MOTION:** Councilmember Cribbs moved to close the public hearing. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

**MOTION:** Councilmember Horwich moved amend the last condition noted in the supplemental material to make a change subject to prior approval of a Conditional Use Permit. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

**MOTION:** Councilmember Walker moved to deny the appeal and approve as conditioned CUP99-00022 with the additional conditions as submitted in supplemental material of record as amended. Councilmember O'Donnell seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison commented that it was not exactly what she wanted and she would watch it closely

**RESOLUTION NO. 2000-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW 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 195<sup>TH</sup> STREET. CUP99-00022, (EAS99-00009): NISSIN FOOD PRODUCTS CO., LTD. / DENNIS ROY, RGA ARCHITECTS**

**MOTION:** Councilmember Messerlian moved to adopt Resolution 2000-19 as amended. Councilmember O'Donnell seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison ordered a recess at 9:30 p.m. with the Council reconvening at 9:44 p.m.

**12b. APPEAL OF PLANNED RESIDENTIAL DEVELOPMENT ON PROPERTY LOCATED AT 2850 MONTEREY STREET; DOUG MAUPIN / MAUPIN DEVELOPMENT**

Recommendation of the Planning Director that City Council deny the appeal and adopt a Negative Declaration, approve a Zone change from M-2 and P-1 to PD and approve as conditioned PD99-00002, CUP99-00036, MOD99-00014, DIV99-00026, TTM53064 to allow the construction of a 133 unit planned residential development with vehicular access to Monterey Street on property located at 2850 Monterey Street. The Planning Director further recommends that City Council adopt an ordinance amending Division 9 of the Torrance Municipal Code to reclassify certain property located at 2850 Monterey Street from M-2 (Heavy Manufacturing) and P-1 (Planting and Parking) to PD (Planned Development) and approve an ordinance summary for publication. The Planning Commission recommends that City Council deny the appeal and adopt a Negative Declaration, approve ZON99-0008 and approve as conditioned PD99-00002. The Planning Commission could not reach a consensus on CUP99-00036, MOD99-00014, TTM53064 and DIV99-00026. EAS99-00018, ZON99-00008, MOD99-00014, PD99-00002, CUP99-00036, DIV99-00026, TTM53064: DOUG MAUPIN / MAUPIN DEVELOPMENT

Mayor Hardison announced that she had received a request late in the afternoon to continue the item to April 4 or April 25 but Councilmembers indicated they were not interested in continuing the item.

Planning Manager Isomoto provided a brief presentation on the item from written material of record and stated that the Planning Commission recommended denial of the appeal and approval of the project with conditions.

Mayor Hardison indicated for the record that they had received a large number of letters and phone calls on the project. She asked whether the Plaza Del Amo entrance could conceivably be used for both construction and ultimately access to homes. Planning Manager Isomoto responded that would not be the best situation and clarified that the only difference on the Staff Supplemental was yard space between the units on Monterey. The original proposal had 13 feet between each unit, but with the proposed decrease in the size of the driveway on Monterey, space was freed up to just under 15 feet.

Mayor Hardison went over procedures for public speaking

Doug Maupin, 2733 Pacific Coast Highway #201, complimented the staff and departments for diligent work on the project over the past 6-9 months. He stated that he has worked with the architects to refine and redesign the project so that it will work for the City, and has taken it to community and homeowners associations and has letters supporting the proposal. He acknowledged traffic issues with the Monterey neighbors and stated that concessions had been made at the Planning Commission meeting. He concurred with the staff recommendation to move all permanent access to Plaza Del Amo with Monterey to be used only for sales access at Iris.

Mr. Maupin stated that Monterey access was necessary for construction purposes on a temporary basis and that he would accept regulations and time schedules approved by the City.

Councilmember Walker expressed concerns about interaction between the school and construction traffic but noted the faster the project could be completed, the better, as long as traffic generated by Saturday construction did not create a problem. Mr. Maupin responded that there are specified truck routes.

Mr. Maupin clarified for Councilmember Messerlian that model homes would be clustered by the entrance between Juniper and Iris with one lot to remain vacant for parking purposes. Clean up could be finished by July with phase one construction starting in August and the second phase cleaned up by the end of the year. He added that the contract is in 5-acre parcels to accommodate financing needs and enable them to start construction right away.

In response to concerns raised by Councilmember Messerlian regarding remediation of phase two, Mr. Maupin offered to add a condition stating that they would not be able to sell or occupy any homes until Plaza Del Amo access is complete, open and available for traffic. He indicated that phase one homes will not be built before phase two has been cleaned up. He further explained that the purchase is subject to acquiring documentation from the Torrance Fire Department that no further remediation is needed. He noted that Kelt will give easements on Phase 2 property for infrastructure work to begin.

Councilmember Cribbs received clarification from Mr. Maupin that the existing entrance on Monterey opposite Juniper would be used for remediation and construction traffic and that an entrance at Iris would be used for model sales only. She pointed out that Kelt Oil would be doing remediation while Maupin was doing construction and that there would be many trucks in the area. Mr. Maupin stated that, if the project were started in August, it would take between 24 and 30 months.

Councilmember Lee stated that the division of the lot works to everyone's advantage because it facilitates work and allows occupation sooner.

Mark Dagenhart, 2850 Monterey Street, a representative with Kelt Oil addressed Mayor Hardison's concerns that construction, cleanup and sales would be going on at the same time, explaining that most activity will be completed by the end of October and, as the project progresses, truck activity will be tapering off. He explained that the trucks would travel on Juniper to Carson that is the designated truck route.

Howard Press, stated that they would need the temporary sales office by November 2000 and would try to have a full model complex by February 2001. He noted that most cars would be visiting the model homes on weekends, therefore not interacting with construction traffic.

In response to an inquiry by Councilmember Messerlian, Mr. Press explained that diversion of construction traffic to Plaza del Amo was not possible due to the 5 foot grade difference but that Phase 1 access would be off Plaza del Amo.

Letitia Green, 1744 Iris Avenue, supported neighborhood integration efforts asking that four pedestrian access gates be added on Monterey to allow residences in the center of the complex have a pedestrian access to Monterey. She expressed concern that the neighborhood be given an opportunity to view the entire plan with all changes before it is approved.

Mark Green, 1744 Iris Avenue, consolidated the comments of neighbors and indicated concerns with traffic, safety and the fact that the open space does not conform to the standards and restrictions of the Del Amo project. He submitted Park Del Amo resolutions to Councilmembers and stated that when there is a proposed change of use, certain restrictions apply. He asked that the Council uphold the same setback standards used on prior Park Del Amo projects, noting that the proposed project has a less than 20-foot access. He further stated his belief that staff had made factual misstatements and had not adequately addressed traffic safety, alternatives or road improvements.

Mr. Green noted that traffic safety is a primary concern as there are currently no sidewalks, and cars backing out of driveways create a hazard. He noted that the record does not reflect the dissenting opinions of certain Planning Commissioners. He took exception to staff reports and felt the Environmental Impact Report was not satisfactorily considered by staff.

Councilmember Lee questioned the contradictions in statements made by Mrs. Green and Mr. Green and stated that one of the reasons he liked the project was that people were better able to interact with the balance of the neighborhood rather than turning inward.

Councilmember Walker commented that ingress and egress is on a temporary basis for the period of construction. He noted no detrimental aspect to the Springwood emergency access. He commended Mr. Green and the group for the changes that they have brought forth in the development but did not feel it appropriate to pick only certain language from previous approvals which do not apply to this project. He felt the project could be completed with a significant negative impact for a short period of time.

Councilmember O'Donnell exited Chambers from 11:15 p.m. to 11:17 p.m.

Ken Hudson, 1755 Elm Avenue, stated his opposition to more traffic, citing four auto accidents involving parked cars. He pointed out that Monterey is a neighborhood street, not a boulevard, and construction traffic will create an unfair impact and further degrade a street which is already in bad shape.

Joe Quarter, 1754 Elm Avenue, agreed with the previous speaker on accidents and stated that if ingress and egress is given to Monterey, the people who live in the project will demand permanent access.

Betty Rogers has lived on Juniper for 40 years and voiced her opposition to any access on Monterey except for emergency vehicles. She noted the difficulty in entering Maple from Monterey.

Jane Townley, 1719 Iris Avenue, stated that though it may be in the best interests of the developer to split the property, it is in the best interests of the community to keep it together. She referred Council's attention to material she had previously submitted regarding financial matters.

Ellie Brekke spoke on behalf of the First Luthern School Parent-Teacher Fellowship and requested that the City Council ensure traffic would not be routed on Monterey where there are already traffic problems. She expressed concerns about any additional danger to their school, asked for speed bumps and police patrols, and that the City Council take the safety of children into consideration when making their decision.

Robert Thompson, President of the Madrona Homeowners Association, expressed concern about any access on Monterey, noting problems with the business park on Monterey in the past. He pointed out that there were supposed to be limits on that development, specifically one way traffic with one way spikes installed, but they fell in disrepair and the provisions were not currently enforced. He stated that past experience has shown that safeguards do not always stay enforced.

Wayne Hollenbeck, 1719 Iris Avenue, asked clarification on the subject of public dedication of Tract Map 43319 as referenced in a letter (material of record) submitted by an attorney. He stated that it would be better to have traffic routed through Plaza Del Amo.

John Mirabile, 2567 Monterey Street, offered observations on the nature of traffic on Monterey Street and stated that the traffic studies are based on sample data taken nationwide and invalid. He stated that enforcing any kind of scheduled ingress and egress would be difficult if not impossible, and urged the Council not to lift the restriction on vehicular access to Monterey Street. He noted current traffic conflicts and felt that it was not worth the risk for the convenience of the developer.

Deborah Rogers of 1734 Date Avenue, speaking also for her daughter of 1741 Juniper who was unable to stay, stated her concerns with traffic on Monterey as well as concerns on the division of lot if the second phase of the project is not completed.

Mark Velasco, 1755 Juniper Avenue, preferred traffic sent to Plaza Del Amo and did not understand why they could not delay the project for a few months.

Lesley Smith, 1716 Iris Avenue, asked that the number of driveways on Monterey be taken into consideration because it is an accident waiting to happen.

Kerry Yim of 4414 Newton Street, former resident of South Bayport and parent of a student at First Lutheran School, asked about the possibility of limiting the hours of traffic on Monterey for the sales office to weekends only, and about delaying the project a few months and using Plaza Del Amo for construction access.

Hilda Martin, 1732 Flower Avenue and owner of property at 1734 and 1736 Flower Avenue, stated that it would be difficult to coordinate the truck traffic with school traffic, and pointed out that the way people park makes it difficult to get out of her driveway. She submitted photos for the record.

Ali Salimi, 2831 Monterey, expressed concerns that if the financing fell through access would automatically default to Monterey.

Councilmember Lee questioned simultaneous grading and remediation; Mayor Hardison questioned staff on the traffic designation for Monterey Street; Councilmember Horwich questioned laws regarding access to Monterey and Councilmember asked about legal obligations for the City if Phase 2 was not completed and if a traffic analysis had been made using full development of R2 properties in the area.

Mayor Hardison ordered a recess from 11:55 p.m. to 12:05 a.m.

After the recess, staff responded to questions received earlier in the meeting. Planning Manager Isomoto noted that staff is in favor of pedestrian access to Monterey as written in Condition 55 and that a condition to limit sales parking on-site could be added.

A general discussion ensued regarding the placement of fences and setbacks with Planning Manager Isomoto noting that development standards were expanded to 15 feet so that area would have a fence allowing the area to function as a private yard space.

Planning Director Gibson noted that there is no land use code limitation that would preclude grading and cleanup being done at the same time but there may be practical limitations. He clarified that Monterey is classified as a local street, but functions as a local collector.

Councilmember Messerlian stated that in terms of the traffic study, the properties between Carson and Monterey are all R-2 zoned and when he reviewed the traffic impact analysis he did not see that the units had been taken into consideration.

Planning Director Gibson stated that the traffic study count was done for the area north of Monterey not for R2 as such. They used accepted methodologies, assuming a 1% or common growth rate but did not count the number of lots and zoning.

In response to an inquiry from Councilmember Horwich, Deputy City Attorney Whitham stated that access on Monterey was a condition the Council imposed on the tentative tract map rather than a mitigation measure of the Environmental Impact Report and that Council could modify or delete.

She advised Councilmember Messerlian that one way to ensure the project is completed is to require that certificates of occupancy not be issued until access to Plaza Del Amo is complete. She noted that any potential liability problems in the event the project was not completed would lie with the developer.

In response to an inquiry by Councilmember O'Donnell, Deputy City Attorney Whitham stated that performance bonds would not work in this case since these are private streets but if a condition of approval required an improvement the developers would have to provide it at their cost.

City Attorney Fellows addressed the issue of abutters rights explaining that as the developer is giving up access to Monterey as a condition of title that the City Council would not be required to hold a hearing to demonstrate that there is no longer any public purpose. He stated his opinion that the City Council is within its power to remove or modify should they wish to do so. He noted that Kelt had already modified use with remediation and regular oil activities.

Mr. Maupin acknowledged the need to give up permanent access, but and again stated that construction access off of Monterey was crucial. He stated that the 35-foot entrance at Plaza del Amo was too small for construction equipment.

Howard Press, Wilshire Builders, stated that adequate financing has been secured for the project including site work, any offsite infrastructure required plus construction financing for all 133 units. He clarified that grading and cleanup could not happen simultaneously because Imperial Bank would not grant a loan on a piece of property that was not environmentally clean.

In response to an inquiry from Councilmember Lee, Battalion Chief Hall explained that a secondary access with a minimum fire lane was required.

Mayor Hardison expressed concern about a five month period where construction and clean up would be going on simultaneously and didn't think, in all fairness, she could do that to the Monterey residents.

Mr. Maupin explained that the first phases of construction would not cause a tremendous amount of traffic as they would be operating grading equipment and digging trenches for infrastructure on site and that construction crews would work later on foundation and framing work.

In response to an inquiry by Mayor Hardison, Mr. Maupin stated that if they closed the second half of the site in January after Kelt was finished cleaning it up, they could get the Plaza Del Amo access road done in March or April. Mayor Hardison clarified that it would be an 8-month delay and they would have some homes on phase one ready to deliver at that point.

Responding to Councilmember Cribbs, Mr. Maupin stated that there would not be any significant movement of earth on or off the property as the site balanced and that earth would merely be moved and compacted on site according to codes.

Letitia Green, 1744 Iris Avenue, received clarification from Fire Chief Bongard that a secondary access is required when combustible construction materials come on-site.

**MOTION:** At 12:47 a.m. Councilmember Messerlian moved to close the public hearing. Councilmember Lee seconded the motion and roll call vote reflected unanimous approval.

Councilmember Lee spoke to the conditions that would be required for the project including no permanent access to Monterey, on-site sales activity including parking, pedestrian access, and 15 foot separation between units.

Councilmember Messerlian stated a preference to divert traffic to Plaza del Amo and asked that restrictions be placed on construction access.

Councilmember Horwich suggested that it would be more realistic that construction vehicles will need to have Monterey access and suggested adding a condition that access be limited to a definite period of one year. Councilmember Cribbs suggested that construction be delayed until remediation was completed.

Councilmember Walker agreed with Councilmember Horwich's use of the term realistic, as it would allow the developer to build models, complete infrastructure and begin using access from Plaza del Amo.

Councilmember O'Donnell questioned the state of the streets after completion of the project and asked for some mitigation.

**MOTION:** At 1:05 a.m. Councilmember Messerlian moved to re-open the public hearing. Councilmember Lee seconded the motion and a roll call vote reflected unanimous approval.

In response to an inquiry from Mayor Hardison, proponents Maupin and Press stated their need for access from Monterey at some point because Plaza Del Amo is not wide enough to accommodate the construction equipment.

Mayor Hardison agreed with Councilmember Horwich but stated that she would like Kelt cleanup completed before the year started, so cleanup and construction would not be going on simultaneously and the period of impacting the neighborhood would be less than 2 years.

Councilmember Horwich suggested putting in stop signs on Monterey during the construction period to slow down the traffic and agreed with Councilmember O'Donnell that the developer should be responsible for damage to the streets resulting from construction.

In response to an inquiry by Councilmember Messerlian, Engineering Director Burt stated that as part of putting the water main in on Iris, they could also fix the street.

Mayor Hardison noting issues raised earlier - asked that staff look at possible parking enforcement issues on Flower Avenue and asked to have information brought back to the Council on the business park history as it related to the spikes referenced in Mr. Thompson's letter.

**MOTION:** Councilmember Lee moved that the developer be allowed to use Monterey access for construction, using the existing Kelt driveway for one year after the soil remediation has been completed. Councilmember Cribbs seconded the motion and a roll call vote ultimately reflected unanimous approval after the close of the public hearing.

Mr. Maupin commented on his need for access to Monterey and would take the 12-month condition if that is what he must take. He added that they already have a slurry seal condition and would add it to Juniper and Iris as well.

Jane Townley received clarification from Planning Director Gibson that no construction or construction access to Monterey could start before the Kelt cleanup was complete.

**MOTION:** At 1:21 a.m. Councilmember Walker moved to close the public hearing. Councilmember Lee seconded the motion and voice vote reflected unanimous approval.

A roll call vote was taken on the motion to allow Monterey access for construction only (see above). No further motions were taken on the matter but consensus was reached by councilmembers that staff would bring back corrected documents to the City Council for final action and that the appeal would be denied and the project approved with additional conditions including

- No permanent access to Monterey, except for emergency;
- Sales access on Monterey including on-site model parking;
- A minimum of 2 pedestrian access gates on Monterey;
- Design of project based on submitted exhibit with 15 ft. separations;
- Construction traffic will have access to Monterey using existing Kelt access for one year after the remediation is complete;
- No construction on Sunday and limits on Saturday hours;
- Additional resurfacing requirement on Monterey, Iris and Juniper; and
- Additional stop signs on Monterey during construction access.

Engineering Director Burt asked that the issue of slurry sealing be continued for discussion to the next meeting because it is a cosmetic improvement that does not improve the structure.

Mayor Hardison noted that separate to this issue, it was time to look at a 4-way stop on Maple and Monterey. Councilmember O'Donnell added that she would like to have the feasibility of putting a light at Monterey and Crenshaw investigated.

Councilmember Messerlian noted it had been a long process and commended the neighborhood for going through the process and Mr. Maupin for accepting conditions.

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The Redevelopment Agency reconvened at 1:30 a.m. and adjourned at 1:33 a.m.

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## **15. ORAL COMMUNICATIONS**

**15a.** Councilmember O'Donnell announced the Discovering Photography program on Thursday, March 16 at the Joslyn Fine Arts Gallery.

**15b.** Councilmember O'Donnell announced a Pancake Breakfast on April 8 to benefit the ATTIC and wished everyone a safe and happy St. Patrick's Day.

**15c.** City Manager Jackson invited the public to attend the opening of the Wilson Park Gymnasium on March 18.

## **16. EXECUTIVE SESSION**

Items listed on the agenda were considered earlier in the meeting. No formal action was taken on any matter heard in closed session.

## **17. ADJOURNMENT**

At 1:37 a.m. on Wednesday, March 15, the meeting was adjourned to Tuesday, March 21, 2000, for regular business at 6:00 p.m.

**\*\* Adjourned in Memory of \*\***  
***Homer Baker, Helen Rodgers, and Robert Ulrich***