

August 22, 2000

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

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 5:35 p.m. on Tuesday, August 22, 2000, in the 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.

*Councilmember Cribbs arrived at 6:35 p.m.

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 16.b) Conference with Legal Counsel - Existing Litigation pursuant to California Government Code Sections 54957.6 and 54956.9 (a).

The City Council reconvened at 7:10 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Alan Schwartz.

The invocation was given by Father Simeon Corona, Saint Matthew's Orthodox Church.

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 voice vote reflected unanimous approval.

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 voice vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

Mayor Hardison asked that the meeting be adjourned in memory of Torrance Fire Captain John Vosper and asked that flags be flown at half-mast on the day of the funeral, August 24 with services held at 10:30 a.m. at Rolling Hills Covenant Church.

Mayor Hardison asked that the meeting also be adjourned in memory of former 4th District Supervisor Jim Hayes.

Mayor Hardison indicated that supplemental materials were available at the back of Council Chambers.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Cribbs announced a joint meeting of the Citizen Development and Enrichment Committee with the Torrance Unified School District on Wednesday, September 13 at 4:00 p.m. in the City Hall Third Floor Assembly Room.

In response to an inquiry from Mayor Hardison, Police Chief Herren explained that neither the Torrance Police Department nor the Torrance Police Officers Association solicit donations by telephone. He asked citizens who receive phone solicitations from people identifying themselves as representatives of the Torrance Police Department try to get as much information as possible and report them to his office at 618-5705. Fire Chief Bongard indicated that neither the Torrance Fire Department nor the Torrance Fire Fighters Association solicit by telephone.

6. COMMUNITY MATTERS

6a. OKTOBERFEST PROCLAMATION

Mayor Hardison presented a proclamation commending the organizations supporting the 15th Annual OktoberFest Fund-raiser at Alpine Village on Saturday, September 9, 2000 to the Carl E. Wynn Foundation; the Daily Breeze; Help the Homeless Help Themselves; Westside Concrete; Sertomas of Torrance; Delta Faire Share; International Order of Caribou; Knights of Columbus, Manhattan Beach; Marion Brothers, Home Depot; ReMax Beach Cities Realty; Sisters of St. Joseph of Carondelet; Newmans Vacation/Air New Zealand; Alpine Village; Pacific Bell; and St. John Fisher Parish.

Teri Rotter with Alpine Village thanked the Mayor and City Council for their support.

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES – JULY 18, 2000

7b. PARKS AND RECREATION COMMISSION 1999/2000 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Director that City Council accept and file the Parks and Recreation Commission 1999/2000 Annual Report.

7c. COMMUNITY SERVICES COMMISSION 1999/2000 ANNUAL REPORT

Recommendation

Recommendation of the Parks and Recreation Director and the Community Services Commission that City Council accept and file the Community Services Commission 1999/2000 Annual Report.

7d. MONTHLY INVESTMENT REPORT – JULY 2000

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for July 2000.

7e. AGREEMENT WITH CITY OF PALOS VERDES RE GENERAL FUND MONEY FOR PROPOSITION A

Recommendation

Recommendation of the Finance Director that City Council approve a two year agreement with the City of Palos Verdes Estates for an exchange of General Fund money for Proposition A funds at the exchange rate of 65 cents per dollar for the following years:

Fiscal Year 2000-2001 give \$65,000 General Fund, receive \$100,000 Prop A
Fiscal Year 2001-2002 give \$130,000 General Fund, receive \$200,000 Prop A

7f. CONTRACT RE ALCO SERVICES/SOUTH BAY SECURITY GATES, INC.

Recommendation

Recommendation of the General Services Director that City Council award a contract to ALCO Services/ South Bay Security Gates, Inc. for the installation of a new automated gate at the City Yard at a cost not to exceed \$26,075.

7g. AMENDMENT TO EMPLOYMENT AND TRAINING AGREEMENT WITH COUNTY OF LOS ANGELES

Recommendation

Recommendation of the Human Resources Director that Council authorize the amendment of the Employment and Training Agreement with the County of Los Angeles for the Non-Custodial Parent to Work Project (C99-064).

7h. DONATIONS FROM VIRCO MANUFACTURING AND MAUREEN O'DONNELL

Recommendation

Recommendation of the City Manager that City Council accept the following donations submitted to the City of Torrance for the specified purpose:

From Virco Manufacturing Corp to the Police Dept. in the amount of \$5,500;

From Maureen O'Donnell to the Parks & Recreation Dept. in the amount of \$1,000.

7i. CONTRACT RE KIM FUENTES – RIDESHARE PROGRAM

Recommendation

Recommendation of the City Manager that City Council adopt a contract with Kim Fuentes, formerly of Brohman and Brohman, for the Commuter Transportation Consultant (Rideshare) Program coordination, in the amount of \$65,520, from September 7, 2000 – September 6, 2001 from AB2766 funds.

7j. AGREEMENT RE CALWORKS PROGRAM

Recommendation

Recommendation of the Human Resources Director that City Council authorize the execution of a service agreement for \$170,445 with the County of Los Angeles Department of Community and Senior Services to operate a summer program for youth on CalWORKS.

7k. CONTRACT RE K. SUE SWEET

Recommendation

Recommendation of the City Clerk that City Council authorize a contract in an amount not to exceed \$25,000 to K. Sue Sweet to provide minute taking and transcription services at a rate of \$20 per hour from July 1, 2000 to June 30, 2001.

7l. EMPLOYMENT AND TRAINING AGREEMENTS

Recommendation

Recommendation of the Human Resources Director that City Council authorize the execution of Employment and Training Agreements for \$150,000 each with New Horizons Computer Learning Center, Computer Education Institute, Educorp, Helms Group Inc, and FCN Institute of Technology.

MOTION: Councilmember Walker moved for the approval of the Consent Calendar items 7a through 7l as written. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. AMENDMENT TO EMAE INTERNATIONAL, INC. CONTRACT (1999-212)

Recommendation of the Citizen Development and Enrichment Committee that City Council approve an amendment to the EMAE International, Inc. contract (C1999-212) in the amount of \$27,490.62 for additional costs incurred during the construction of the Madrona Marsh Nature Center.

Councilmember Cribbs noted that they would have a nice project with the additional items. General Services Director Tilden reported that though there had been problems with the first batch of change orders, the architect and contractor had collaborated to identify and correct deficiencies without compromise to the design and the project will be completed by the end of November. Parks and Recreation Director Barnett announced that a grand opening is tentatively scheduled for January 20, 2001 and noted that there was a display in the Council office area demonstrating progress to date on the Nature Center.

MOTION: Councilmember Cribbs moved to approve the amendment to the contract with EMAE International, Inc. in the amount of \$27,490.62. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

11b. RESOLUTIONS RE HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEE ORGANIZATIONS AND NON-REPRESENTED GROUPS

Recommendation of the City Manager that City Council adopt various memorandums of understanding and resolutions setting forth hours, wages and working conditions for various employee organizations and non-represented groups.

MOTION: Councilmember Messerlian moved to concur in principle with and approve a memorandum of intent with the Torrance Police Officer's Association for wages and working conditions covering the fiscal periods July 1, 2000 through June 30, 2003; a signed MOU by TPOA must be received by the City prior to TPOA receiving the first year increase on September 1, 2000 payroll warrants; and failure to receive a signed MOU by August 30, 2000 will result in the MOU being void and unenforceable. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to concur in principle to fix the time to change compensation for Certain Management as the August 28 pay period with an item to be brought forward to the City Council on September 12. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to concur in principle to fix the time to change compensation for Unrepresented Employees as the August 28 pay period with an item to be brought forward to the City Council on September 12. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to concur in principle to fix the time to change the compensation for Safety Management as the August 28 pay period with

an item to be brought forward to the City Council on September 12. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

11c. CONTRACT RE DEMOLITION OF STRUCTURES AT 18145 AND 18107 CRENSHAW BLVD.

Recommendation of the City Manager that City Council approve a contract in an amount not to exceed \$25,400 for the demolition of structures located at 18145 and 18107 Crenshaw Boulevard.

Assistant to the City Manager Sunshine noted that the item had been continued from the August 15 City Council meeting where several questions were brought forward. He reported that in response to the key question of whether the owner would be willing to have a lien on the property for demolition, the property owner has indicated that he will wait for a developer to come forward.

Assistant to the City Manager Sunshine stated that the tanks had been removed from the site and that demolition had been shortened from 90 days to 60 days with property maintenance required until development is approved for the property.

Councilmember Cribbs commented that the property had been a problem for quite some time and Assistant to the City Manager Sunshine observed that the current owner had been in possession of the property for about two years.

Councilmember Cribbs recommended against funding the project and pursuing the matter through the property maintenance ordinance if it fell within the guidelines.

Mayor Hardison commented that this did not appear to be a hardship case, which was what the fund was established for and also advocated using the ordinance to pursue the matter.

In response to an inquiry from Mayor Hardison, Building and Safety Director Isomoto explained nuisance abatement procedures and noted that the process could take anywhere from 3 to 6 months if the property owner did not comply, and if he did comply it could take up to a year.

In response to concerns raised by Mayor Hardison, Building and Safety Director Isomoto assured her that if the matter was pursued through the property maintenance ordinance, the issue would be a priority as the property had a long past record.

Councilmember Witkowsky expressed reservations about the property continuing in its present condition and stated that if the City paid for the work and billed the property owner, the situation would be eradicated more quickly.

In response to an inquiry from Mayor Hardison, Assistant to the City Manager Sunshine stated that in the past week staff had tried to help the property owner and offered to defer compensation, but the owner refused. The owner also would not agree to a provision stating that when the property was sold, the City would be paid back the full amount for demolition.

Helen Doyle, 18626 Yukon Avenue, agreed with Councilmember Witkowsky that some action should be taken immediately and Mayor Hardison explained that would require the City to spend \$25,000 which it would not be able to get back.

Building and Safety Manager Isomoto stated the City could pursue reimbursement by following the new process.

Building and Safety Director Isomoto clarified for Councilmember Nowatka that one year was an average time frame and if the proposed plan was based on a development it could be extended further. Councilmember Nowatka indicated that he would support the motion to decline approval since the fund, as he interpreted it, was to help those unable to perform the abatement.

In response to an inquiry from Councilmember Messerlian, Building and Safety Director Isomoto stated that it would be difficult to establish a case for dangerous buildings noting that the burden of proof would on the City.

MOTION: Councilmember Cribbs moved to decline approval of the contract as presented and pursue the matter through the property maintenance program. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Cribbs asked staff to update the Council on the situation every three months.

12. HEARINGS

12a. RESOLUTION NO. 2000-100 RE UNDERGROUND UTILITY DISTRICT #16

Recommendation of the Engineering Director that City Council:

- 1) Conduct a public hearing to determine if public necessity, health, safety or welfare require the removal of poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication or similar service in Underground Utility District #16 extending along 195th Street, from Van Ness Avenue to Grammercy Place;
- 2) Accept the Engineer's Report; and
- 3) Adopt a resolution establishing Underground Utility District #16

Mayor Hardison opened the public hearing at 7:49 p.m.

Engineering Director Burt provided a brief presentation on the project noting that it was similar to past projects, but in this case the funding source was Toyota Motor Sales. Toyota agreed to fund the project in order to improve the appearance of the area and the fiscal and contractual agreements would be between Edison and Toyota. The City's role is to establish the legal boundaries and the legal date of April 30, 2001.

MOTION: At 7:51 p.m. Councilmember Messerlian moved to close the public hearing. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Cribbs moved to concur with the staff recommendation and accept the Engineer's report. Councilmember Messerlian seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2000-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DESIGNATING 195th STREET BETWEEN VAN NESS AVENUE AND GRAMMERCY PLACE AS UNDERGROUND UTILITY DISTRICT NO. 16 AND ORDERING THE REMOVAL OF POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES WITHIN THE DESIGNATED AREA AS PROVIDED IN SECTION 77.1.21 OF THE TORRANCE MUNICIPAL CODE.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-100. The motion was seconded by Councilmember Nowatka and a roll call vote reflected unanimous approval.

12b. RESOLUTION NO. 2000-101 RE TRANSFER OF CONTROL FROM PARAGON COMMUNICATIONS TO AOL TIME WARNER INC.

Recommendation of the City Manager that City Council:

- 1) Conduct the advertised public hearing of a request to transfer control of Paragon Communications d.b.a. Time Warner Communications to AOL Time Warner Inc.; and
- 2) Approve a resolution and agreement, conditionally granting the transfer of control to AOL Time Warner Inc.

Mayor Hardison opened the public hearing at 7:54 p.m.

Cable Television Administrator Smith presented a brief presentation on the item noting that under Federal Law if the City did not act within 120 days, the transfer would be deemed granted. He added that the deadline was August 28, 2000 and the City Manager recommended conditional acceptance.

In response to an inquiry from Mayor Hardison regarding open access, Cable Television Administrator Smith stated that Torrance had included a provision to reserve their rights and, if AOL Time Warner opens their platform to Internet Service Providers, Torrance would be able to impose the provision. He added that with the proposed conditional approval of transfer, all current conditions that Torrance has with Time Warner would continue with AOL Time Warner.

In response to an inquiry from Councilmember Scotto, Cable Television Administrator Smith clarified that the transfer did not change the inability of the City to regulate homeowner rates.

In response to an inquiry from Mayor Hardison, Cable Television Administrator Smith reported that franchise negotiations had not formally started, but that they had committed to begin the process at the conclusion of the transfer.

MOTION: At 7:59 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember Messerlian seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2000-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONDITIONALLY APPROVING THE TRANSFER OF CONTROL OF A CABLE TELEVISION FRANCHISE GRANTED TO PARAGON COMMUNICATIONS TO AOL TIME WARNER INC.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-101. The motion was seconded by Councilmember Nowatka and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to approve the agreement and conditionally approve the transfer of control to AOL Time Warner Inc. The motion was seconded by Councilmember Cribbs and a roll call vote reflected unanimous approval.

12c. RESOLUTION NO. 2000-102 RE CONGESTION MANAGEMENT PROGRAM AND ADOPTION OF CMP LOCAL IMPLEMENTATION REPORT

Recommendation of the Planning Director that City Council:

- 1) Conduct a public hearing as required by the Congestion Management Program of the Los Angeles County Metropolitan Transportation Authority;
- 2) Adopt a RESOLUTION to self-certify that the City of Torrance is in conformance with local Congestion Management Program (CMP) requirements; and,
- 3) Direct staff to submit the CMP Local Implementation Report (LIR) as required by the Los Angeles County Metropolitan Transportation Authority.

Mayor Hardison opened the public hearing at 8:02 p.m.

Transportation Planner Semaan provided a brief summary of the item and clarified that the numbers were primarily based upon new structures being built as well as credits for buildings being demolished on those sites.

Councilmember Messerlian noted that each land use category had a land use factor and more money was lost for commercial than residential, but credits were gained for roadway improvements. He added that the City was even from last year and Mayor Hardison received clarification that they had not lost any credits.

MOTION: At 8:05 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember Messerlian seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2000-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE THAT THE CITY OF TORRANCE BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPT THE CMP LOCAL IMPLEMENTATION REPORT IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 65089.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-102 and directed staff to submit the report as required by LACMTA. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**12d. PROPERTY ON SOUTH SIDE OF DEL AMO WEST OF REDBEAM
JCC / REDBEAM**

Recommendation of the Planning Commission and Planning Director that City Council take the following action on property located on the south side of Del Amo Boulevard west of Redbeam Avenue:

- 1) Adopt a Negative Declaration;
- 2) Adopt an ordinance approving a Zone Change from CR (Restricted Commercial District) to R-TH (Residential Townhouse District);
- 3) Adopt resolutions approving a Precise Plan of Development to allow new construction in the Hillside Overlay District, a Tentative Tract Map to subdivide the .83 acre site into individual parcels for the property owners, and a Conditional Use Permit for seven detached condominium units; and
- 4) Approve an Ordinance Summary for publication.
ZON99-00007, EAS99-00014, CUP99-00032, PRE99-00019,
TTM52429: JCC/REDBEAM.

Mayor Hardison opened the public hearing at 8:07 p.m. and explained procedures for public speaking.

Planning Manager Isomoto provided a brief presentation and noted that staff felt that the R-TH zone would provide the most design opportunity while keeping the single-family character of the neighborhood, and therefore recommended approval as presented.

In response to an inquiry from Councilmember Cribbs, Planning Manager Isomoto explained that the grade would have to be raised and the structure would be 27 feet with a total height of 32 feet, as reflected by the current silhouettes. Councilmember Cribbs commented that making the zone R-1 would not restrict development to one story.

Councilmember Cribbs observed that residents perceive that the City is in favor of gated communities since they do not have to pay for maintenance and Planning Manager Isomoto noted that was not something they were promoting or recommending. She noted that gating was the developers' proposal and acknowledged that the City would not be responsible for maintenance in this case.

In response to an inquiry from Councilmember Cribbs, Planning Manager Isomoto clarified that there were many benign commercial uses which would not have to come before Council unless they were appealed and she noted that any building constructed on the site would fall in the Hillside Overlay District and be subject to the height restrictions.

Councilmember Nowatka received clarification that on-street parking would not be allowed.

Councilmember Messerlian pointed out that the General Plan designation was for residential density and that a commercial development would have to go before Council as it would be a change to the General Plan. He noted that if the parcel to the west were not developed, there would be just this one piece of property with different zoning surrounded by R-1 zoning. He commented that the proposed project would be similar to single family R-1 development, but that R-TH developments could be 12 or 15 to the acre and R-1 was much lower. In response to his observations about grade differentials necessary to develop the site R-1, Planning Manager Isomoto explained that staff had recommended the R-TH because it was a difficult lot to design.

In response to an inquiry from Councilmember Messerlian about flipping the design with the 5 units along Del Amo and the 2 units at the rear to alleviate the height differential, Planning Manager Isomoto stated that different plans were considered, including the design he suggested, but sight lines had been a problem.

Mayor Hardison announced that supplemental materials were available at the back of the room.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto clarified that the grades had to be raised in varying amounts and that there would be a block wall on top of the retaining wall at the rear of the property. He commented that they should be concerned about the homes that face the development, not how many homes would fit on the lot and suggested a different configuration which might eliminate privacy issues.

Planning Manager Isomoto noted that they could ask the applicant to come back with a different proposal to extend the entryway to the southerly boundary and run it parallel to Del Amo Blvd.

Councilmember Walker acknowledged that they did not typically require conditions that affect properties off site, but felt the burden should be on the builder, and suggested requiring the builder to provide high, fast growing trees for the pre-existing properties to buffer the view. Planning Manager Isomoto stated that there were several landscape conditions and noted that landscape plans had to be provided prior to any building permits and any trees removed had to be replaced with trees of a minimum size.

Councilmember Messerlian observed that he could not remember an instance when an R-1 zone was changed and Planning Director Gibson agreed that he did not recall a rezone from an R-1 to an R-2, R-3 or R-4 multi-family zone, though there had been an instance of an R-1 being changed to a PD.

In response to an inquiry from Councilmember Walker, Planning Manager Isomoto explained that property along the north side of Del Amo had been developed with undersized lots built on a special situation because of the area.

In response to an inquiry from Mayor Hardison, Planning Manager Isomoto explained that each oil lot was different and did not automatically revert to R-1. She also noted that the plans submitted by the developer came about as a result of conversations with staff, but did not originate from the Planning Department.

Mayor Hardison commented that the terms "townhouse" and "condominium" made people think of things that did not look like family homes, but that the proposed development looked very much like family homes. Planning Manager Isomoto clarified that in this case the terms indicated a type of ownership with each property owner owning a 1/7th interest in all public areas.

Mayor Hardison observed that residents north of Del Amo were concerned with cut-through traffic and asked whether cars exiting to the north would be able to make a U-turn instead of going through the neighborhood. Planning Manager Isomoto explained that ingress and egress would be right turn only and Planning Director Gibson stated that they could allow a left turn pocket into the site but because of the curve, slope and volume of traffic they would not want to recommend it.

In response to an inquiry from Mayor Hardison about an assertion that the area had the highest accident rate in the City, Transportation Planner Semaan stated that the intersection of Redbeam and Del Amo was not alarmingly high with respect to accidents.

Mayor Hardison remarked that she had received many letters and communication from citizens regarding the project.

Councilmember Nowatka suggested that a left turn pocket on Del Amo might have better visibility and Planning Director Gibson responded that they felt a right turn in and out provided adequate access for the site and would be safer. He was not sure that there would be adequate stacking with the location of turn pockets proposed by Councilmember Nowatka and noted that they wanted to avoid the number of conflicts in terms of friction for movement on Del Amo. He added that though there were no pending plans, the Planning Department had been thinking in terms of the eventual development to the west.

In response to an inquiry from Mayor Hardison, Planning Manager Isomoto acknowledged that to accommodate the unique shape of the property, a waiver would be necessary for an R-1 development on the site. She added the Planning Department would have no objections to decreasing minimums and noted that the front yard setback would have to be reduced.

Jerry Marcil, 43D Malaga Cove Plaza, Palos Verdes Estates, noted they purchased the property over a year ago and were strongly encouraged by the Planning Department to buy the land to the west. He added that it took time to buy the easement to make one entry and that pad levels would have to be raised as there are two different grades to the parcel.

Mr. Marcil explained that he had looked at the configuration suggested by Councilmember Scotto, but that it would have only yielded four homes and they would not have bought the property to develop it like that. He observed that the parcel would work well as a fast food restaurant as it has an odd shape.

Mr. Marcil asserted that the proposed development blended in to single family homes and that the sidewalks were wider and the setbacks greater than those across the street. He added that the height of the buildings and size of the sideyards are the same as those in the neighborhood.

Mr. Marcil asserted that the roadway was safe, parking requirements had been exceeded and noted that they had put in a 365-foot line of site easement that would have to be maintained. He stated that he expected the units to sell at about \$500,000.

With regard to privacy issues, Mr. Marcil stated that decorative retaining walls could be used and that he would not be opposed to planting fast growing trees across the back though he commented that he would need cooperation from neighbors.

Mr. Marcil expressed his desire to meet with the petitioner, Mr. Horwich, to help clear up some of the misunderstanding and added that if they reduced even one more home they would be at a break even level. He stated that they were building at 7 ½ units to an acre which was less than the 9 per acre requirement of the General Plan and asserted that if it were reduced further, the only way it could feasibly work would be as a commercial zone which usually reverts to much higher density.

In response to a statement by Mr. Marcil that the Environmental Report had been approved by the City, Mayor Hardison clarified that an initial study had been done, not an EIR.

In response to an inquiry from Councilmember Nowatka, Mr. Marcil remarked that he had spoken to seven of the contiguous neighbors and added that most people didn't think a 7-unit condo would be like an R-1, but also didn't want a commercial development there as it would generate more traffic

In response to an inquiry from Councilmember Nowatka regarding cut-through traffic, Mr. Marcil stated that traffic would be limited to Del Amo because of the turning restrictions.

In response to an assertion by Councilmember Witkowsky that residents were concerned with noise generated by the gates, Mr. Marcil remarked that he had built a number of gated communities and had never heard that complaint before. Planning Director Gibson noted that he had not heard that complaint before either, but felt that if it became an issue it would be dealt with at the homeowner association level.

Mr. Marcil stated they were willing to accept all 27 of the staff conditions but asked for a modification to item 15 regarding rear yard setbacks to break up the design architecturally. He also asked to change condition 14 to be a five-foot side yard condition instead of ten-foot.

Mayor Hardison explained the ground rules for public speaking and called a recess from 9:10 p.m. to 9:22 p.m.

Curt Nelson, 3480 Torrance Blvd., JCC Redbeam, addressed the question raised by Councilmember Nowatka regarding resident concerns and asserted that the traffic generated from seven homes would not be significant. He added that the staff suggestion to relocate access was the best possible solution and noted that the hillside overlay district required a six-foot distance between buildings and they were providing 20 feet. He observed that the "condominium" word scared a lot of people but that they had designed a development to blend in with the neighborhood on a tough piece of property.

Bob Baker, 5618 Michelle Drive, acknowledged the quality of JCC Redbeam homes and thanked the Council for the new traffic light at Del Amo and Wayne. He asked that both lots be zoned R-1 and expressed concerns about increased traffic and cut-through traffic noting that the development would make a quiet neighborhood noisy.

Jerry Katzen, 20121 Redbeam, observed that when Mr. Marcil bought the property he assumed a certain amount of risk and stated that he did not appreciate the scare tactics used by Mr. Marcil. He asserted that the statement about traffic not being increased was nonsense, that U-turns were dangerous and remarked that he had heard and seen many accidents, most of which were not reported to the police.

Mr. Katzen read his letter into the public record:

"Over the past year I've attended several City Council and various Commission meetings concerning proposed changes in and around the intersection at Del Amo and Redbeam. At every meeting there are many people who live in the area voicing their concerns of traffic congestion and other reasons why a condominium project at this location is a bad idea.

The proposed use of the land on the south side of Del Amo and Redbeam is no exception. We've pleaded with Commission members to rezone the land for single family residence only. We are now making this request to the City Council.

The homes surrounding this property are all single family residence. Logic dictates that any development of this property also be single family residence. The development of this property should blend in with the neighborhood and, the neighborhood is single family residence.

We have no objections to the development of this property however, we do insist on the development being within the general landscape of the existing neighborhood. And, the existing neighborhoods are single family residences.

Having a condominium complex on this property will certainly add to the traffic congestion which at Del Amo and Redbeam is already excessive. Condominiums at this location will only make a bad situation worse.

Councilmembers, for once please listen to us and take the concerns and the recommendations of the homeowners who live in the area over the financial interests of wealthy developers who don't care about the neighborhood and, rezone this property for single family residence only. "

Ning Wong, 20003 Redbeam Avenue, expressed opposition to the project and concern about increased traffic conditions and potential accidents.

Anne Westreich, 20353 Wayne Avenue, expressed opposition to the development and concern about increased traffic and cut-through traffic. She stated that she had purchased a home because she liked the fact that people had ownership of their land and she liked the single-family home look. She asked for clarification about whether a commercial development could actually take place and was insulted by the statement that seven units would not increase traffic.

Bill Mason, 14707 Redbeam Avenue, stated that he valued the neighborhood and came to the meeting with the intention of opposing the development but, after looking at the layout, decided that anything would increase traffic. He noted that he would prefer to see the property zoned R-1, but if that was not possible, he felt that this development would enhance the value of the neighborhood. He asked that they rezone the other parcel at the same time.

Clarence Baisdon, 5642 Konya Drive, stated that he had moved to the area because of the R-1 zoning and the consistent neighborhood and expressed concerns about gate and speaker box noise in the quiet hillside community. He asked whether there was enough room for UPS trucks to turn around and stated that there were more accidents on the road than the City was aware of, citing the death of a pedestrian and the resulting installation of the signal at Wayne and Del Amo.

Charlie Stowe, 5633 Konya Drive, thanked the Council for coming out to talk to the neighbors and felt it was obvious that the whole thing should be R-1. He received clarification from Mayor Hardison that the second lot would also be zoned R-TH and Councilmember Messerlian noted that there was no precedent for changing the zone.

Mr. Stowe stated that if the development went forward they would be his rear neighbors and expressed reservations with regard to view limitations and privacy issues. He suggested the parcel be zoned R-1 with 5 houses and supported the idea of considering waivers of R-1 conditions. He noted that the suggestion made by Councilmember Scotto should be considered and asserted that it was not the business of the City to bail out developers who made bad decisions.

Marilyn Kunz, 5639 Konya Drive, asked whether the General Plan from 1992 was precluded by the General Plan from 1968 and expressed her dislike of gated communities. She noted that R-TH developments could be three stories and questioned whether residents had any protection from those units being increased to three-stories in the future. She pointed out the numerous waivers that had been granted for this project, stated that the project was not consistent with the surrounding neighborhood and asked that the Council listen to the voters.

Mary O'Neill, 5609 Konya Drive, expressed her opposition to the development citing concerns with traffic, the advisability of U-turns and the likelihood of cut-through traffic in the neighborhood. She stated that her airflow would be reduced, her privacy taken away, and that she was not interested in having a decorative cement wall behind her back yard and having her new neighbors look into it.

Howell Dyson, 20103 TomLee Avenue, asserted that the increased traffic would be dangerous and highly recommended that U-turns not be allowed as they were an accident waiting to happen. He felt that the presence of the condominiums would reduce the airflow.

Mel MacArthur, 20363 Wayne Avenue, thanked the City Council for the new signal at Del Amo and Wayne and expressed concern with increased traffic and U-turns. He pointed out that the developer had asserted there was no way to cut-through the neighborhood which showed that he did not know the area; there is already a lot of cut-through traffic. He stated that the character of the neighborhood would be compromised by the development and that a commercial development could not be put there because of the traffic issue.

William Kunz, 5639 Konya Drive, expressed his opposition to the project citing concerns regarding parking across from the proposed development on Del Amo and asserting that the high retaining walls would block the light and air.

Lena Manquelian, 20107 Redbeam Avenue, expressed opposition to the project citing traffic and safety issues.

Jan Vogt, 5635 Towers Street, stated that she was concerned with the safety of the U-turns and increased traffic.

Kim Matson, 5516 Konya Drive, noted that she had moved to the area because it was R-1, quiet and traffic was not bad. She pointed out that this project would increase traffic and the second parcel would increase traffic even more once it was developed and it was implausible that people would not use cut-through routes. She questioned why the City felt it was safe to make a U-turn if was not safe to make a left turn and noted that contrary to the statements of Mr. Marcil, townhomes did not always increase the value of surrounding homes.

Ron Ellars, 19614 Mildred Avenue, asked that the area be zoned R-1 and requested speed bumps on Mildred Avenue.

Irmgard Lake, 19609 Linda Drive, expressed her opposition to the development, citing traffic issues and asked that the area be zoned R-1 to keep it consistent with the surrounding neighborhood.

Mary Ann Merritt , 4716 Konya Avenue, expressed concerns about increasing density in the area and overcrowding of schools

Curt Nelson for JCC Redbeam, acknowledged that the traffic was the most difficult part of the development and stated that the method staff had come up with was the best way to deal with a difficult situation. He acknowledged the concerns of residents, but stated that what he had heard from the speakers was a litany of existing conditions. He added that if the area was kept R-1 there would be two less units and that would not significantly impact the existing situation. He asserted that something had to be developed there and their project would not significantly affect the traffic situation.

With regard to privacy issues, Mr. Nelson noted that due to topography, there had to be a retaining wall. He agreed to donate trees to help privacy issues and noted that the distance between the structures precluded people from peeking into bedrooms

Mr. Nelson clarified that the commercial reference that they made was not meant to be a threat but rather to point out that any level of commercial use, even benign, would increase traffic far more than their project.

Mr. Nelson clarified that the difference between R-1 and condominium was a method of ownership and noted that the street was private with a gate because the limitations of the parcel restricted ingress. He pointed out that the gate would have to be silent enough not to bother the people who live there and stated that the issues raised were not so significant that the project should be turned down.

Councilmember Messerlian clarified that the separation between the two buildings was six feet for R-1 and they have 20 feet for a multi-level building because it supposed attached units. Planning Manager Isomoto added that six feet is the distance required between two buildings on the same lot, such as a garage, and the distance required for two conventional single family dwellings was a minimum of 10 feet. Mr. Nelson thanked them for the clarification and stated that they were at the minimum.

Mr. Marcil asserted that the density issue was very important and stated that they would be willing to condition that the parcel could never be built to its maximum density, adding that the development was so close to R-1 as to almost be R-1. He observed that the number of variances that would be required to make the lot an R-1 would not make sense and acknowledged that privacy was always an issue with two story homes which are allowed on most of the lots in the City.

Councilmember Walker asked about the possibility of considering both parcels of land, noting that he would feel more comfortable looking at the whole project with regard to ingress and egress. Mr. Marcil responded that he would also feel more comfortable as once the first parcel was developed, the second parcel would need a number of variances.

Planning Director Gibson stated that there was no application pending on the other property, but they would have preferred to consider both sides simultaneously as well.

In response to an inquiry from Mayor Hardison, Planning Director Gibson stated that if both parcels had been considered together the ingress and egress would still be at the proposed location and added that they were considering a precise plan of development which, if approved, would prevent a future increase in height.

In response to concerns raised by Councilmember Witkowsky regarding the left turn pocket, Planning Director Gibson explained that if a left turn pocket was decided upon, the applicant would have to fund the alteration and traffic studies would have to be done to design it as safely as possible given the constraints of the existing conditions. Councilmember Witkowsky stated that the left turn pocket was one of her biggest conditions as she did not feel the U-turn was a safe option.

Councilmember Messerlian noted that drainage issues, cut-through traffic, and retaining walls with a fence on top would all be necessary whether there were condominiums developed or single family homes.

In response to an inquiry from Mayor Hardison, Planning Director Gibson explained that there was a comparative lot size ordinance which offered the Council discretion so the 9 units per acre figure was not an absolute.

MOTION: At 10:45 p.m. Councilmember Messerlian moved to close the public hearing. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison called a recess from 10:45 p.m. to 10:55 p.m. for staff to confer with Mr. Marcil.

MOTION: At 10:56 p.m. Councilmember Messerlian moved to open the public hearing. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

Mr. Marcil requested a continuance to September 26, 2000 to study Councilmember Walker's suggestion of developing both parcels simultaneously. Mayor Hardison received clarification from Planning Director Gibson that it would be helpful to all parties involved.

MOTION: At 10:58 p.m. Councilmember Messerlian moved to close the public hearing. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Cribbs moved to continue the hearing to September 26, 2000 to study planning issue possibilities when combined with the development of the westerly lot. Councilmember Messerlian seconded the motion and a roll call vote reflected unanimous approval.

In response to an inquiry from Mayor Hardison, Deputy City Attorney Whitham stated that it would be necessary to re-advertise since more people would be affected.

Councilmember Messerlian acknowledged traffic and retaining wall issues and stated that the delay would give the developers the opportunity to redesign the project, and it made sense for them to consider the entire project at once. He suggested making the smaller parcel R-1 with a single family type development and noted that though there might be some variances and waivers, that could be done. He also suggested that the applicant get together with the homeowners in the neighborhood to get their support.

Councilmember Scotto noted that he had numerous problems with the whole project and he would like to see a redrawing of the plan, moving the street towards the property line to help with the privacy problems. He stated that he would be in favor of making the entire property R-1 which would increase parking.

Councilmember Walker stated that he did not have a problem with the proposed zoning as it was being built to R-1 standards and on this property the aspects of the

gated community worked very well. He asserted that the project had the opportunity of being a fine place to live though he was not sure if the entry was in the right place and safety is a primary concern.

Councilmember Nowatka encouraged Mr. Marcil to consider suggestions made by Councilmembers Scotto and Walker and stated that if the project came back on September 26 in its present form he would not support it.

Mayor Hardison stated that though she was not opposed to the gated community, she preferred R-1 with waivers. She recognized the privacy issue because of the topography and favored the idea of moving the street.

Mayor Hardison acknowledged that any development would add traffic and noted that they would work to minimize it and keep it safely on Del Amo and out of the neighborhood. She noted that she also had difficulty with the development as it had been presented.

Councilmember Messerlian addressed the issue of commercial development stating that he doubted that there would be a Council now or in the future who would approve commercial development and suggested focusing on what could be done with the land.

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The Torrance Redevelopment Agency met from 11:13 p.m. to 11:14 p.m.

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15. ORAL COMMUNICATIONS

15a. Police Chief Herren announced the Police Department Open House on Saturday, October 26 from 10 a.m. to 4 p.m.

15b. City Clerk Herbers announced that applications for vacancies on the Planning Commission and the Traffic Commission would be accepted in the City Clerk's Office until 5:30 p.m. on Wednesday, September 20. She explained that the City Council would make appointments at the September 26 City Council meeting and that applicants must be residents of Torrance and registered voters.

15c. Councilmember Scotto observed that there were no parking signs on Konya Drive though nothing had been happening with the Curb, Gutter and Sidewalk Program. Engineering Director Burt acknowledged that the contractor sometimes posted signs too far in advance and stated that they were monitoring the situation.

15d. Councilmember Witkowsky announced her first place win at the City Bus Roadeo and expressed her respect for Torrance City Bus Drivers.

15e. Rose Marie Bailey, 401 Avenue de Jose, expressed her belief that the citizens of Torrance deserved to have their own animal shelter. Mayor Hardison directed Ms. Bailey to speak with Building and Safety Director Isomoto about the matter.

16. **EXECUTIVE SESSION**

No formal action was taken on any matter considered in closed session.

17. **ADJOURNMENT**

At 11:22 p.m., the meeting was adjourned to Tuesday, September 12, 2000 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

***** Adjourned in memory of Fire Captain John Vosper and Jim Hayes *****