

October 27, 1998

**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 5:30 P.M. on Tuesday, October 27, 1998, in the City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Nakano.

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

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At this time, Agenda Item No. 20 was considered out of order.

20. **EXECUTIVE SESSION**

At 5:34 P.M., pursuant to Government Code Sections 54957.6, 54956.9(a), 54956.9(b)(3)(B) and 54956.8, the Council recessed into closed session to discuss the matters listed under Agenda Item Nos. 20.a (Conference with Labor Negotiator), 20.b (Conference with Legal Counsel-Existing Litigation), 20.3 (Conference with Legal Counsel-Anticipated Litigation) and 20.d (Real Property-Conference with Real Property Negotiator).

At 7:25 P.M., the Council returned to open session, with no action having been taken on the matters considered during closed session.

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2. **FLAG SALUTE/INVOCATION**

Torrance Police Department Services Officer Christine Golia led the Pledge of Allegiance.

Pastor Sigfried Neuendorff, Seventh-Day Adventist Church and Torrance Police Department Chaplain, gave the invocation for the meeting.

3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

MOTION: Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

Wendy Selogie
Recording Secretary

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MOTION: Councilmember Lee moved that, after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. **WITHDRAWN/DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Finance and Governmental Operations Committee

Tuesday, November 17, 1998, 5:30 P.M., West Wing Commission Room

Subject: 1st Quarter Budget Review/Campaign Reform

City Clerk Herbers announced the upcoming Election Day on Tuesday, November 3, 1998.

6. **COMMUNITY MATTERS**

6a. **PROCLAMATION RE "RED RIBBON WEEK"**

The Council presented a proclamation declaring the week of October 24-31, 1998 as "Red Ribbon Week" in the City of Torrance. Ms. Christine Golia, Torrance Police Department Services Officer, explained how "Red Ribbon Week" began 13 years ago. Ms. Andrea Ballas, 3rd Vice President - Torrance Council of PTAs, distributed "Red Ribbon Week" memorabilia and thanked the City for its participation in the event.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES - SEPTEMBER 22, 1998 AND OCTOBER 6, 1998**

7b. **PRIVATE INDUSTRY COUNCIL APPOINTMENT**

Recommendation

The Policy Board recommends that the City Council appoint and officially swear in one appointment to the Carson/Lomita/Torrance Private Industry Council (C/L/T PIC).

7c. **INVESTMENT REPORT - SEPTEMBER 1998**

Recommendation

The City's Statement of Investment Policy requires the City Treasurer to report a monthly statement of investment activity. The City Treasurer recommends that the City Council accept and file the subject report.

7d. **TORRANCE COMMISSION ON AGING 1997-1998 ANNUAL REPORT**

Recommendation

It is the recommendation of the Parks and Recreation Director and the Committee on Aging that the City Council accept and file the subject report.

7e. **PURCHASE ORDER RE CLEANING INTERIOR OF TRANSIT BUSES**

Recommendation

The Transit General Manager recommends that the City Council authorize a purchase order be issued in the amount of \$43,350 to Merchants Building Maintenance to provide personnel to clean the interiors of Torrance Transit System buses for the period of November 18, 1998 to November 17, 1999.

7f. **AMENDMENT RE UNIVERSAL SERVICE TANK REMOVAL CONTRACT**

Recommendation

The General Services Director recommends that the Torrance City Council approve an amendment of the Universal Services contract for the removal of fuel tanks at the Airport.

7g. **ACCEPTANCE OF CONTRIBUTIONS FROM EPSON AMERICA, INC.**

Recommendation

The Chief of Police recommends that the City Council accept the two Photo PC 700 digital cameras and two Stylus Color Photo 700 printers from EPSON AMERICA, Inc. for use in the Police Department's Detective Division.

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, absent Councilmember Nakano.

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At this time, discussion turned toward Agenda Item No. 7b.

As the Council designee to the C/L/T PIC, Councilmember Cribbs welcomed newly appointed member Janet Strand, who was sworn in by City Clerk Herbers.

Mayor Hardison related her delight that Ms. Strand will be serving on the C/L/T PIC.

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9. **TRANSPORTATION/PUBLIC WORKS**

9a. **ORDINANCE RE ADDING STREETS TO LOCATIONS WITH A MAXIMUM SPEED LIMIT OF 35 MILES PER HOUR**

Recommendation

The Police and Planning Departments recommend that the City Council concur with the staff recommendation to amend Section 61.10.3 of the Torrance Municipal Code to add Subsection (p) which adds Maple Avenue and 235th Street from Sepulveda Boulevard to Crenshaw Boulevard to the list of locations within the City with a maximum speed limit of 35 miles per hour, pursuant to Section 22357 of the California Vehicle Code.

Noting her receipt of one telephone call pertaining to this item, Mayor Hardison clarified that, should the ordinance be adopted, the speed limit in the subject would not be raised.

Transportation Planner Buchman advised that a speed limit along Maple Avenue and 235th Street from Sepulveda Boulevard to Crenshaw Boulevard has never been declared; that, in order to do so, it would be appropriate to add this to the Torrance Municipal Code via the adoption of the proposed ordinance; that, per the required methodology, a survey was done; and that doing so would allow the use of radar to enforce the speed limit.

Ms. Jeannette Pierson, Civic Affairs Chairman - New Horizons Homeowners Association, related her understanding that the speed limit on residential streets is usually 25 mile per hour and that the study was based on fairly old information. She called attention to the potential increase of traffic in the area resulting from a forthcoming housing development. Ms. Pierson noted that none of the accesses into New Horizons have been marked with broken lines where the parking and bike lanes are.

Police Chief Herren advised that the radar survey conducted justified a speed limit of 35 miles per hour and that, should it be lowered, radar enforcement could not be used and that modifications made to Maple Avenue have had a calming effect on the traffic flow in the area.

Transportation Planner Buchman explained that this section of Maple Avenue is a collector street and, therefore, the speed limit is not automatically 25 miles per hour; that vehicle speeds have been reduced with the new configuration of Maple Avenue; that the speed survey was conducted at the beginning of the year and is good for five years; that it is possible to merge over into a turn from the main portion of the road way and cross the bike and parking lane to access New Horizons; and that staff would be willing to address any outstanding issues.

Mayor Hardison observed that, subsequent to the re-striping, traffic generally travels much slower on Maple Avenue.

Wendy Selogie
Recording Secretary

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City Clerk Herbers read aloud the number and title of Ordinance No. 3459.

MOTION: Councilmember Lee moved for the adoption of Ordinance No. 3459. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember Nakano.

ORDINANCE NO. 3459

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTION 61.10.3 OF THE TORRANCE MUNICIPAL CODE
RELATED TO POSTED SPEED LIMITS WITHIN THE CITY

10. **POLICE/FIRE**

10a. **DISPOSITION OF RETIRED SURPLUS FIRE ENGINE (UNIT NO. 169)**

Recommendation

The Fire Chief recommends that the City Council approve a resolution authorizing title transfer of retired surplus fire engine (Unit No. 169, VIN No. F1799, License No. 753554) to El Camino College.

This title transfer is in accord with Article 2 of Chapter 1 of Division 2 of the Torrance Municipal Code related to "Disposition of City's Obsolete Personal Property."

Fire Chief Bongard related El Camino College's pleasure with the opportunity to obtain this fire engine.

City Clerk Herbers read aloud the number and title of Resolution No. 98-138.

MOTION: Councilmember Lee moved for the adoption of Resolution No. 98-138. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember Nakano.

RESOLUTION NO. 98-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING THE TITLE TRANSFER OF RETIRED SURPLUS 1980
CROWN TELESQURT FIRE ENGINE TO EL CAMINO COLLEGE

13. **ADMINISTRATIVE MATTERS**

13a. **EXTENSION OF MORATORIUM RE LICENSES FOR TAXICAB SERVICES**

Recommendation

The City Attorney recommends that the Council adopt a resolution extending the current moratorium on the issuance of additional licenses to operate taxicab services in the City of Torrance for two months, through January 5, 1999.

City Attorney Fellows outlined the information in the staff report.

With regard to fees, Councilmember Walker stated his opposition to devoting one patrol officer to do background checks full time.

Mayor Hardison voiced her understanding that staff intends to provide some fee alternatives for the Council's review at a future meeting.

City Attorney Fellows requested direction from the Council with regard to fees.

Councilmember Lee recommended that this matter should be handled by the Council Transportation Committee.

City Attorney Fellows suggested that, should this be returned to the Council Transportation Committee, the moratorium should be extended longer than January 5, 1999.

Councilmember O'Donnell asked staff to examine the idea of avoiding duplications in paperwork by obtaining background information on individuals applying for licenses to operate taxicab services in Torrance from other cities that have already done background checks on them. She voiced her concern over the safety of those taking taxicabs and over dragging the moratorium on.

City Attorney Fellows advised that Orange County has a County wide taxicab administration program and that it would be possible for the South Bay Cities Council of Governments to consider something along those lines.

MINUTE MOTION: Councilmember Lee moved to return this matter to the Council Transportation Committee for further discussion. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember Nakano.

Mayor Hardison voiced her support for extending the moratorium until January 5, 1999.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 98-139. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember Cribbs.

RESOLUTION NO. 98-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE,
Wendy Selogie
Recording Secretary

City Council
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CALIFORNIA, EXTENDING THROUGH JANUARY 5, 1999 AN EXISTING MORATORIUM ON TAXICAB PERMITS ISSUED PURSUANT TO CHAPTER 6 OF DIVISION 3 OF THE TORRANCE MUNICIPAL CODE

14. **HEARINGS**

14a. **APPEAL RE PRE 98-0013: GARY LANE (22320 REDBEAM AVENUE)**

Recommendation

The Planning Commission and Acting Planning Director recommend that the City Council deny the appeal and approve as conditioned PRE 98-0013 to allow the construction of first and second-story additions to an existing one-story, single-family residence on property located in the Hillside Overlay District of the R-1 zone at 22320 Redbeam Avenue.

Mayor Hardison related her intent to abstain from consideration of the item due to her on-going personal business relationship with the appellant. She subsequently exited the dais. Mayor Pro Tem Cribbs conducted the hearing.

Reading aloud from a prepared statement, Mayor Pro Tem Cribbs announced that this was the time and place for the public hearing.

City Clerk Herbers verified that the item was properly advertised.

With the aid of photographs of the subject property and surrounding properties, Senior Planning Associate Parkin-Tate provided a staff report. She advised that the appeal was filed by adjacent property owners concerned over potential impacts on view, light and air and privacy.

On behalf of the property owner, Project Designer Gary Lane, 500 S. Sepulveda Boulevard, No. 106, Manhattan Beach, explained efforts to reduce potential impact views and privacy, including recessing the second story back to lessen potential view impairment from 22314 Redbeam Avenue (Fitzer residence, appellant). He pointed out that a second story was added to the appellant's home and the view from the second story is, therefore, acquired and that approximately ten neighboring residents in favor of the project and desirous of adding second stories to their homes attended the Planning Commission hearing on this item.

Providing photographs to substantiate her concerns, Ms. Rosa Fitzer, appellant, 22314 Redbeam Avenue, requested a denial of the project due to potential impact on her light and air, privacy and view. She contended that the view impairment resulting from the project would be more severe than that which would have been caused by a previously proposed project on the subject property that was denied by the Planning Commission and the City Council. Ms. Fitzer commented that the view from her home, for which she paid a significant premium, was original and not acquired; that, when she remodeled her home, she lowered the roof line to reduce intrusion on adjoining neighbors; and that the applicant has made no effort to discuss the project with her. She asked that letters she previously sent to the City relating her concerns over the erosion of the hill on her property be made part of the record.

Mr. Larry Towne, 22402 Redbeam Avenue, stated his full support of the project. He noted that neighboring residents' have been impacted by the many windows added to Ms. Fitzer's home; that the premium Ms. Fitzer paid for her home was not due to the view, but because her house is much larger than others in the area; and that it is important to understand the facts and improve neighborhoods by enlarging homes so that families can occupy them.

Ms. Betsy Miller, 22326 Redbeam Avenue, urged the Council to approve the project in that owner-occupied homes are bound to be better cared for than rental properties.

Relating his support for the project, Mr. Scott Roecker, 22426 Redbeam Avenue, indicated that he plans to add a one-story addition to his home.

Ms. Sondee Wolff, 22402 Redbeam Avenue, expressed her feelings that the setbacks on the second story of the proposed addition would have the least impact on views, light and air and privacy, particularly from the Fitzer residence; that the previously proposed addition to the subject residence was a poor design; and that the Fitzer's would probably object to any two-story home on the subject property. Referencing concerns voiced by Ms. Fitzer relative to the project, Ms. Wolff related her opinion that bathrooms would be the best place to have view impairment.

Mr. Steve Duckworth, 22329 Redbeam Avenue, maintained that remodels improve and help preserve neighborhoods. He voiced his hope that a remodel he plans to build in the distant future will be accepted by neighboring residents.

Ms. Tricia Tangen, 22432 Redbeam Avenue, stated her support for the project.

Mr. Jeff Henderson, 22308 Redbeam Avenue, favored the project. He related his concern over the possibility of the appellant dictating the type of homes and quality of life in the neighborhood. Mr. Henderson mentioned his plans to add onto his home in the future and the need for additions to homes in the neighborhood to accommodate growing families.

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

MINUTE MOTION: Councilmember Walker moved to concur with the Planning Commission recommendation, thereby approving the project and denying the appeal. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Nakano.

City Clerk Herbers read aloud the number and title of Resolution No. 98-140.

MOTION: Councilmember Walker moved for the adoption of Resolution No. 98-140. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Nakano.

RESOLUTION NO. 98-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE,
Wendy Selogie
Recording Secretary

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CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2, OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND-STORY ADDITIONS WITH A FAR EXCEEDING 0.5 TO AN EXISTING ONE-STORY, SINGLE-FAMILY RESIDENCE LOCATED IN THE R-1 ZONE IN THE HILLSIDE OVERLAY DISTRICT AT 22320 REDBEAM AVENUE

Mayor Hardison returned to the dais to conduct the remainder of the meeting.

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At 8:40 P.M., there was a recess until 9:00 P.M., when the meeting reconvened in regular agenda order.

14b. **APPEAL RE ENVIRONMENTAL BOARD DECISION RE EAS 98-0025:
ANASTASI DEVELOPMENT CORPORATION (BEGONIA VILLAGE)**

Recommendation

The Acting Planning Director recommends that the City Council consider the appeal of the Environmental Review Board's decision to grant a Negative Declaration. The Acting Planning Director and the Environmental Review Board recommend that the City Council deny the appeal and uphold the issuance of a Negative Declaration with respect to the potential environmental impacts associated with the proposed development of 45 residential condominium units designed as a "horizontally integrated" mixed-use project with an adjacent retail building (at 4140 Pacific Coast Highway) on property located in the C-2 zone at 4134-64 242nd Street (the former Palos Verdes Begonia Farm Nursery) and 4134-64 Pacific Coast Highway.

Reading aloud from a prepared statement, Mayor Hardison announced that this was the time and place for the public hearing. Supplemental written material of record distributed at the meeting included an October 16, 1998 letter addressed to the City Council from Mr. Mike Botello; a letter received by the Planning Department on September 21, 1998 addressed to Mayor Hardison from Mr. David Brunnenmeyer; a September 9, 1998 letter addressed to the Planning Commission from Mr. Jim Gates; and an October 17, 1998 letter addressed to City Manager Jackson from Ms. Barbara Schneider.

City Clerk Herbers verified that the item was properly advertised.

The staff report was presented by Senior Planning Associate Parkin-Tate. She explained the Environmental Review Board's decision in favor of a Negative Declaration and the Acting Planning Director's recommendation to deny the appeal.

With regard to discussion concerning the potential impact of the project on school facilities at the Environmental Review Board hearings on this project, City Attorney Fellows advised that, according to California Governmental Code Section 65995, the City of Torrance is precluded from denying projects because of inadequate school facilities and from imposing school mitigation measures other than fees designated by the Government Code. He, therefore, recommended that any testimony pertaining to potential impact on schools would be irrelevant and that any such discussion be discouraged.

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Mayor Hardison clarified that the issues before the Council at this time are centered around environmental, and not planning, aspects.

On behalf of the applicant, Mr. Scott Anastasi, Vice President, Anastasi Development Corporation, 5309 Arvada Street, stated his agreement with the staff recommendation to deny the appeal and uphold the Environmental Review Board's recommendation to issue a negative declaration. Mr. Anastasi related his impression that opposing parties' concerns appear to be centered around planning/design issues and that they have not presented significant evidence to substantiate their concerns. He offered input on Anastasi Development's efforts to cooperate with the community by making significant modifications to the design.

Explaining why he filed this appeal, Councilmember Messerlian expressed his feeling that there was substantial public controversy surrounding the environmental aspects of the project and, therefore, it was important for the City Council to review it.

In answer to questions from the Council, Senior Planning Associate Parkin-Tate advised the following: that, notwithstanding the reciprocal easement, this mixed-use property on which the project would be built is independent of the adjacent commercial development; that, should the project be approved as proposed, some architectural elements would be integrated to help create a cohesive appearance with the adjacent commercial development; that this would be the first residential project in Torrance where access would be through a commercial development with the entrance approximately 500 feet away; that the traffic study referred to in the Initial Study was funded by the applicant and extensively reviewed by Transportation Planning staff and the City did the traffic counts and provided them to the consultant; that, in preparation for the 1992 General Plan, the City studied the topic of depleting commercial zones through the construction of residential projects and concluded that it would be of benefit to use some of the under-utilized commercial properties for mixed-use developments; and that the project would comply with the type of development and impact anticipated to be developed on the site according to the General Plan.

Transportation Planner Buchman advised that the City conducted the traffic counts for the traffic study and that the consultant relied on those figures.

Mr. George Acosta, Sr., 4130 Newton Street, thanked the Council for hearing this appeal and, particularly, Councilmember Messerlian for listening to his constituents.

Ms. Josey Vanderpas, 4308 Newton Street, related her understanding that the California Environmental Quality Act (CEQA) addresses the issue of the effects of projects on schools and she asked the council to listen to input pertaining to schools. Ms. Vanderpas contended that additional soils reports are warranted, particularly since an investigation pending with regard to hazardous chemicals in the soil is pending; that any hazardous materials found must be removed in a safe manner; and that, therefore, an Environmental Impact Report (EIR) is needed.

Mr. Herbert Funk, 4307 Newton Street, drew attention to existing traffic difficulties in the area due to excessive speeds and unsafe driving. Should the project be approved, he recommended against a Newton Street access. Referring to the opinions of various experts in the areas of traffic, Mr. Funk discussed the issue of cut-through

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traffic on Newton Street, the cumulative effect of the project on existing traffic difficulties in the area, the need for traffic calming devices in the area and the need for a full EIR. He related his understanding that the traffic study funded by the developer grossly overstated previous daily vehicle trips and understated daily vehicle trips generated by the project.

Referencing written material of record he distributed to the Council, Mr. Mike Botello, 4718 Newton Street, explained his opinion that the cumulative effects of the proposed development would be significant, particularly due to the mass of the project and potential impacts on traffic and views. Mr. Botello maintained that the issue of access was not adequately addressed in the traffic study; that the primary access should be from Pacific Coast Highway and access onto Newton Street should be restricted to emergency vehicles; that, although the primary access would be from Pacific Coast Highway, the project would apparently be marketed as a residential development off of Newton Street; that, in order to reduce the floor area ratio, the project would encroach approximately six feet into Walnut Street; and that seismic activity on Newton Street should be addressed in the Negative Declaration. He pointed out that nearby commercial developments were constructed so as to preserve views and, should it be approved, Mr. Botello asked that this project do the same.

City Attorney Fellows advised that school-related issues such as the construction of schools should not be addressed, but the traffic generated by drivers taking children to school can be considered as long as there is some related evidence; and that the Council should make a determination as to whether or not they intend to consider the potential impacts on schools.

Ms. Christine Plungas, 24243 Ocean Avenue, explained her understanding that, according to case law and a Torrance Unified School District Board Member, the City has the right to consider potential impacts on schools when making determinations on projects. She elaborated on the potential impact of the project on Riviera Elementary School.

Ms. Trudy Ponder, 3815 Newton Street, discussed the topics of neighborhood compatibility and quality of life. She felt that a single-family development on the subject property would be more acceptable than the proposed development.

Mr. Robert Donaldson, 4222 Newton Street, shared his opinions that the project would be too dense and that it would significantly impact noise, traffic, parking, pollution and the safety of children walking, bicycling, skating, skateboarding and rollerblading to school as a result of the proposed access to the project. He entertained the idea of imposing a moratorium against building in the area until a solution to the problems surrounding this project can be reached.

Mr. Douglas Shepardson, 4812 Newton Street, indicated that he could support the project as a detached condominium/patio home development with environmental mitigations, including that there shall be a maximum of 40 units; that the units next to Newton Street or 242nd Street shall be no higher than two stories and shall be further reduced in height by grading down the soil under the units by a minimum three feet; that, with the exception of an aesthetically designed emergency vehicle crash gate, the entrance on Newton Street shall be eliminated and replaced with an aesthetically pleasing solid perimeter wall along Newton Street side of the project; and that the project

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shall have a Pacific Coast Highway address with access only from Pacific Coast Highway. He stated that the project would conflict with the General Plan in that the proposed height, impact on views and light and air and the visual impact of the project relative to the surrounding community have not been adequately addressed, which is a CEQA violation and, therefore, requires mitigation and the issuance of a Mitigated Negative Declaration.

Mr. Armand Glenn, 4136 Newton Street, offered input on his efforts to achieve the existing "No Left Turn" at Vista Montana and Newton Street, on the excessive amount of traffic on Newton Street (particularly traveling east) and on safety concerns due to traffic on Newton Street.

Returning to the podium, Mr. Acosta urged the preparation of an EIR and the adoption of a Mitigated Negative Declaration.

Mr. Morgan Tookey, 4124 Newton Street, voiced his understanding that the traffic counts taken in September 1997 were conducted by the applicant and that those taken in March 1988 were conducted by the City. Mr. Tookey commented on the potential impact on traffic resulting from drivers taking children living in the project to school and he stated his willingness to assist in the development of this plan. He expressed his concern over converting this commercially zoned property to residential and Mr. Tookey read aloud a letter he sent to Anastasi Development Corporation regarding the inability to develop an agreement with mitigation measures for environmental issues between the community and Anastasi Development.

Mr. Steve Williams, 5314 Paseo De Pablo, related his impression that residents feel this project will be pushed through the City's process, which should be investigated by the Federal Bureau of Investigation; that the project has not been properly advertised; and that vehicle trips associated with daily services (such as gardeners, maids, etc.) used by residents of the development should be included in the traffic counts.

Mr. Larry Manning, 200 Avenue F, Redondo Beach, mentioned his use of Newton Street rather than Pacific Coast Highway.

Coming forward again, Mr. Robert Donaldson recommended that the accuracy of traffic projections be examined and he noted that the traffic strip in front of his home was picked up much later than the others.

Mr. Robert Tapp, 3950 Newton Street, commented on the cut-through traffic on Newton Street. He requested that the issue of traffic be further examined.

Mr. Floyd Putnam, 4000 Newton Street, provided input on the traffic difficulties on Newton Street and he asked that something be done to help reduce traffic speeds in the area.

Mr. Darryl Nyznyk, Anastasi Development Corporation, 1200 Aviation Boulevard, Suite 203, Redondo Beach, clarified the intent of his August 5, 1998 letter of record addressed to the Environmental Review Board, was to recommend the issuance of a Negative Declaration (and not a Mitigated Negative Declaration). He addressed issues raised by opposing parties as follows: that the issues in the agreement referred to earlier in this discussion by Mr. Tookey were centered around design and planning and

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the agreement was pulled off of the table because the community would not sign it; that the major issue is the impact of the project on the physical environment, and not on individuals; that sufficient soils studies were done and, with the exception of trace amounts of pesticides which do not leach into the soil, nothing was found; that the only traffic analyses done were performed by the applicant's engineer and the City; that the project would have less impact than the existing commercial uses; that the applicant's traffic study contemplated all the possibility of all traffic from the project exiting onto Newton Street and, even under those circumstances, there would be no significant impact; that the 1992 Traffic Study contemplated a denser project on the property; that Anastasi would be happy to continue to deal with the community at the design stage and discuss the idea of constructing patio homes; that school impacts can be taken into account when considering General Plan and zone change amendments; that parking would be sufficient and is a design issue; and that the depletion of commercial developments have been adequately addressed. Mr. Nyznyk contended that there has been no substantial evidence presented with regard to environmental impacts and he asked the Council to deny the appeal and go forward with the Negative Declaration.

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At 11:20 P.M., there was a recess until 11:25 P.M., when discussion of Agenda Item No. 14b (EAS 98-0025: Anastasi Development Corporation [Begonia Village]) continued.

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City Attorney Fellows advised that, according to California Government Code, the only levies that can be applied against the development of projects are school impact fees; that questions of significant environmental impact must be based on substantial evidence and, in order to require an EIR, there must be substantial evidence to support a fair argument that the project would have a significant environmental effect; that erroneous or incomplete information can be subsequently corrected or completed; that that argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence and evidence of social and economic impacts that do not contribute to and are not caused by physical impacts on the environment do not constitute substantial evidence; that facts, reasonable assumptions predicated on facts, expert opinions supported by facts and related to the expert's area of expertise and made by an expert having no interest in a project constitute substantial evidence; and that personal observations regarding traffic would be adequate only if they establish an adequate factual foundation.

Responding to questions from the Council, Senior Planning Associate Parkin-Tate provided input regarding the applicant's ability to propose 81 units on the subject property. She advised that an apartment complex or other types of multi-family residential developments could be considered under the R-3 Development Standards.

Councilmember O'Donnell related her opinion that this project would be preferable in that it would involve ownership rather than rentals.

Councilmember Messerlian clarified that this is a C-2 zone where residential uses are permitted subject to the approval of an entitlement. He related his understanding that, had significant impacts been determined and an EIR prepared, it would have included information regarding the overcrowding of public facilities (such as schools).

Councilmember Lee stated his impression that the project would be gated and, therefore, traffic could not cut through the development.

Senior Planning Associate Parkin-Tate confirmed that the proposed project would not be an extension of Ladeene Avenue; that it would be gated; and that the driveway along the west of the site is private, that it belongs to the adjacent property and that there is a vehicular access easement shared with the applicant; that it is currently possible to access the subject property from Pacific Coast Highway; and that the most recent communication about the project from the School District was dated July 20, 1998.

City Attorney Fellows advised that the City is not in a position of weighing competing evidence; that, should the Council believe there is substantial evidence to show there are substantial environmental impacts, the project should either be returned to the Environmental Review Board for the issuance of a Mitigated Negative Declaration or an EIR should be required; and that, according to the United States Supreme Court, there must be a direct proportionality between the mitigation measures imposed and the impacts created by a project.

MOTION: Councilmember Lee moved to close the public hearing. The motion was seconded by Councilmember O'Donnell and, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember Nakano).

Councilmember Walker observed that many of the concerns addressed by opposing parties are planning issues. He related his support for the Environmental Review Board's decision to issue a Negative Declaration. However, Councilmember Walker related his concern over the possibility of traffic backing up to access a gated community and he stated his desire that, should the project be forwarded for the Planning Commission's consideration, the issues of traffic, the height of the project at street level and the appearance of the project should be examined.

Councilmember Messerlian commended Senior Planning Associate Parkin-Tate's excellent performance with regard to this project. He discussed the traffic counts for the project, the existing traffic difficulties in the area, the traffic problems that would be created should there be access onto Newton Street and the cumulative impacts of the project.

Councilmember Lee related his feeling that the concerns of the neighborhood could best be dealt with by the Planning Commission. He offered the following motion.

MOTION: Councilmember Lee moved for the denial of the appeal, thereby upholding the Environmental Review Board's decision in favor of issuing a Negative Declaration. The motion was seconded by Councilmember O'Donnell and ultimately passed by a 5-1 majority roll call vote.

Discussion prior to roll call vote began with Councilmember O'Donnell explaining her support of the project. She related her opinion that a number of concerns expressed by opposing parties could be addressed by the Planning Commission.

Councilmember Cribbs indicated that she has not been convinced that a Mitigated Negative Declaration could provide anything more; that she could not support

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the preparation of an EIR; that the applicant should continue working with neighboring residents in an effort to mitigate potential impacts; and that she could support the project as proposed since a number of concerns would be addressed by the Planning Commission. Councilmember Cribbs voiced her appreciation of opposing parties' attention to this project.

Mayor Hardison pointed out that staff is tenacious with regard to soils-related issues; that compatibility and aesthetics would be dealt with by the Planning Commission; and that the City should take another look at traffic difficulties on Newton Street irrespective of this project. She explained that her support of the Environmental Review Board's issuance of a Negative Declaration does not mean the issues brought forward were not important, but they will be dealt with by the Planning Commission; that she does not necessarily support the proposed design, but it will be looked at by the Planning Department and the Planning Commission; and that the motion to deny the appeal could be amended to direct staff to prepare a set of mitigating measures to forward to the Planning Commission as part of the approval process.

The motion to deny the appeal was passed by a 5-1 majority roll call vote, with Councilmember Messerlian dissenting and Councilmember Nakano absent.

Planning Manager Gibson advised that a resolution with the appropriate findings of fact will be brought forward for the City Council's consideration; that a date has not yet been set for the Planning Commission's consideration of the project; and that interested parties will be informed of the date the matter will be considered by the Planning Commission.

18 **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Parks and Recreation Director Barnett highlighted upcoming events to take place at the Halloween celebration at Wilson Park on Saturday, October 31, 1998.

19b. Councilmember Lee asked staff to look into the possibility of traffic enforcement and other options to help reduce traffic speeds on Halison Street near Anza Avenue.

Police Chief Herren confirmed that enforcement efforts will be increased on Halison Street.

19c. In answer to a question from Councilmember Messerlian, City Attorney Fellows advised that staff is working on an ordinance to regulate adult-oriented businesses and that, while doing so, AB726 will be examined.

20. **EXECUTIVE SESSION**

Considered earlier in the meeting (see page 1).

21. **ADJOURNMENT**

Wendy Selogie
Recording Secretary

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At 12:40 A.M., the meeting was adjourned to Tuesday, November 10, 1998, 5:30 P.M., for a closed session, to be followed by the regular meeting at 7:00 P.M.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance