

I N D E X

Torrance City Council - October 20, 1987

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Adjournment was at 11:10 p.m., to Tuesday,  
October 27, 1987, at 5:30 p.m.

# # # # #

Peggy Laverty  
Minute Secretary

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MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, October 20, 1987, at 5:40 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Applegate, Hardison, Mock, Nakano, Walker, Wirth and Mayor Geissert.

Absent: None.

Also present: City Manager Jackson, City Attorney Remelmeyer, and Staff representatives.

3. FLAG SALUTE/INVOCATION:

The salute to the flag was led by Boy Scout Troop 706 - Bill Kunz, Scoutmaster.

The invocation for the meeting was provided by Reverend Gene Vreeland, South Bay Baptist Church.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the City Council minutes of September 22, 1987, as recorded. His motion, seconded by Councilman Mock, was unanimously approved by roll call vote.

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MOTION: Councilman Applegate moved that after the City Clerk has assigned a number and read title to any resolution or ordinance on tonight's agenda, the further reading thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. His motion, seconded by Councilman Mock, carried unanimously by roll call vote.

5. MOTION RE POSTING OF AGENDA:

MOTION: Councilman Applegate moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. This motion was seconded by Councilwoman Hardison, and carried unanimously by roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

15c. EA 87-17, CUP 87-38, LITTLE COMPANY OF MARY HOSPITAL: City Manager Jackson requested that this item be deferred for one week (to October 27, 1987) - see Page 23.

An announcement was made by Councilman Applegate regarding 17a. ROLLING HILLS PLAZA SHOPPING CENTER LEASE. Due to the fact that the lease document was received by the Council only shortly prior to this meeting, Councilman Applegate suggested that it might be appropriate to postpone action on this agenda item for one week.

It was ascertained that the proponent was not present; therefore, the question of postponement was held pending his arrival (see Pages 13, 24 and 25).

7. COUNCIL COMMITTEE MEETINGS:

FINANCE AND GOVERNMENTAL OPERATIONS COMMITTEE

Wednesday, October 21, 1987, 4:30 p.m.

Subject: First Quarter Budget Review.

TRANSPORTATION COMMITTEE

Monday, October 26, 1987, 6:00 p.m.

Subject: Airport Concerns.

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\* \* \*

It was with a great deal of sadness that Mayor Geissert announced the recent passing of Mr. Fred Henry, a long-time resident of this City. Mayor Geissert requested that this meeting be adjourned in Mr. Henry's memory.

\* \* \*

Considered next out of order --

22a. Mayor Geissert reviewed the many outstanding events planned for the City's 75th Anniversary Celebration to be held on Saturday, October 24, at Wilson Park. All were invited to attend.

The regular agenda order was resumed.

8. COMMUNITY MATTERS:

8a. JARED SYDNEY TORRANCE AWARD PRESENTATIONS:

Mayor Geissert formally presented the prestigious Jared Sydney Torrance award to the following citizens of the City of Torrance who have rendered outstanding service to this community.

JOHN H. HULL (presented posthumously) --

Served as the first Superintendent of the Torrance Unified School District from its inception in 1947 to his retirement in 1970. Acceptance was by his widow, Doris.

\*

ALBERT ISEN (presented posthumously) --

Served as Mayor of City of Torrance from 1955 to 1970 (the longest tenured Mayor in the history of the City of Torrance). Acceptance was by his widow, Sara.

\*

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JUDGE JOHN SHIDLER --

Was named City Judge in 1941, (youngest in the State of California; Justice of the Peace in 1947; first Judge of the South Bay Municipal Court in 1953; and was appointed to the Superior Court in 1960, where he served until his retirement in 1981.

\*

GEORGE STEVENS --

First City Manager of the City of Torrance, was appointed to that post in 1948 and served until 1960. Mr. Stevens was unable to attend this evening and his award was accepted by his wife, Marjorie.

\*

POLLY WATTS --

Long career of community activism and leadership spanning from the early 1950's to the present day; an outstanding representative of dedication and service to the City of Torrance.

\* \* \*

8b. PRESENTATION OF SERVICE AWARDS:

It was with pleasure that Mayor Geissert presented an award for twenty-five years of service to the City to --

- Mr. Lee Compton, Transit Operations Supervisor.

Awards in appreciation of fifteen years of service to the City were presented by the Mayor to --

- Mr. Gene Barnett, Director of Parks and Recreation.
- Mr. Norm Reeder, Library Programs Administrator.

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8c. PROCLAMATION proclaiming October 21, 1987, as the official "Day-In-Court for Legal Secretaries."

SO PROCLAIMED by Mayor Geissert, and accepted by Ms. Pat Anderson, President of the South Bay Legal Secretaries Association and Debra Mattatall.

8d. KASHIWA TEACHERS' DELEGATION:

The following members of the Teachers' Delegation from Torrance's Sister City, Kashiwa, Japan, were introduced and extended a warm welcome by Mayor Geissert.

- Koshiro Watanabe, Principal (Group Leader)
- Katsuei Arakawa, Vice-Principal
- Etsuko Kawanabe, Teacher
- Masako Mitsushima, Teacher.

The delegation was accompanied by Ms. Mikko Haggott and by Mr. Vic Kilburn, Co-President of the Torrance Sister City Association.

8e. VISITORS BUREAU APPOINTEES OATH OF OFFICE:

City Clerk Donald E. Wilson administered the Oath of Office to the following recently appointed members of the City's Visitors Bureau.

- Mr. Michael Jackson
- Mr. Mike Lynn
- Mr. Kurt von Zumwalt.

8f. PROCLAMATION proclaiming week of October 25 through 31, 1987, as "Red Ribbon Week."

SO PROCLAIMED by Mayor Geissert. Present to accept the proclamation were Ms. Barbara Gejer and Ms. Marilyn Kuntz, Fifth Vice-President for Community Service, PTA.

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8g. PROCLAMATION proclaiming week of October 19 through 26, 1987, as "Teen Safe Rides Week."

SO PROCLAIMED by Mayor Geissert, and accepted by Miss Jenny Dalven, Teen Safe-Rides Coordinator.

Following an announcement by Miss Dalven of the service provided by "Safe Rides", Councilman Mock requested that the City Manager make pertinent information in this regard available to the community through the Cable network.

8h. PRESENTATION BY AUTO CLUB:

Ms. Susan Blacketer, Assistant Manager of the Torrance Automobile Club, presented the 1986 Pedestrian Safety Award of Merit to the City of Torrance. Mayor Geissert on behalf of her colleagues on the Council and the citizens of the community.

8i. PRESENTATION BY PAT BREWSTER:

Copies of her recently published coloring book, "Discovering Torrance" were presented to the Mayor and Council by Ms. Pat Brewster.

8j. PROCLAMATION proclaiming October 24 through 31, 1987, as "National Higher Education Week."

SO PROCLAIMED by Mayor Geissert.

8k. RESOLUTION HONORING DOMINGUEZ WATER CORPORATION:

RESOLUTION NO. 87-239

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE HONORING THE DOMINGUEZ  
WATER CORPORATION FOR SEVENTY-FIVE YEARS  
OF DEDICATED SERVICE TO THE TORRANCE  
COMMUNITY

MOTION: Councilman Nakano moved to adopt Resolution No. 87-239. His motion, seconded by Councilwoman Hardison, was unanimously approved by roll call vote.

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Considered next, out of order --

22b. Police Chief Nash took this opportunity to honor Ms. Eve Bissou with a special commendation in recognition of her 29 years of dedicated support to the Torrance Police Department. Her presentation of a Memorial Day cake to the Department for each of these 29 years was particularly noted by the Chief.

Special appreciation for Ms. Bissou's years of steadfast and loyal support to the community was voiced by Mayor Geisert on behalf of the Council, and best wishes were extended to this citizen on her imminent move to another State.

Ms. Bissou accepted, with sincere pleasure, these words of recognition and praise.

The Council now returned to its regular agenda order.

9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. LIBRARY COMMISSION REQUEST TO HOLD MEETINGS AT BRANCHES:

RECOMMENDATION:

The Library Commission requests permission to change its meeting time and location on the specific dates noted (in agenda material of record), in order to encourage greater public participation.

MOTION: Councilman Wirth moved to concur with the above stated request of the Library Commission. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

9b. REJECTION OF BIDS FOR WILSON PARK PAVILION/TENNIS COMPLEX REPAIRS:

RESOLUTION NO. 87-240

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REJECTING ALL BIDS FOR THE REPAIR OF THE CRACKED AND SPALLED TENNIS COMPLEX AT CHARLES WILSON PARK, MAKING CERTAIN FINDINGS, AND AUTHORIZING THE REPAIR WORK TO BE DONE BY CITY EMPLOYEES

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MOTION: Councilman Nakano moved to adopt Resolution No. 87-240. His motion was seconded by Councilwoman Hardison.

Prior to roll call vote on the motion, Parks and Recreation Director Barnett provided, at the request of Councilwoman Hardison, clarification as to the progression of events leading to the above proposal. Mr. Barnett projected that, with the above approval, the tennis courts are expected to be reopened in January of 1988.

Roll call on Councilman Nakano's above motion was un-animously favorable.

9c. APPOINTMENT OF THE 1987-88 YOUTH COUNCIL MEMBERS:

RECOMMENDATION:

The Selection Committee recommends that the City Council confirm the following people for the 1987-88 Torrance Youth Council:

Robert Beal - Bishop Montgomery High School  
Jean Chang - Torrance High School  
Jennifer Cummings - Member at Large  
Jennifer Dalven - El Camino College  
Kim Hale - El Camino College  
Leanna Harshaw - North High School  
Deborah Hershberg - West High School  
Shannon Kahn - West High School  
Scott Lacy - South High School  
Janel Lardizabal - South High School  
Amber MacArthur - West High School  
Andrew Oda - Torrance High School  
Jennifer Peters - Bishop Montgomery High School  
Deborah Underwood - North High School.

MOTION: Councilman Wirth moved to approve the recommendation of the Selection Committee as above noted. His motion was seconded by Councilwoman Hardison, and roll call vote proved unanimously favorable.

City Clerk Wilson then administered the oath of office to the above appointees.

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10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. LICENSE AGREEMENT WITH MOBIL OIL CORPORATION FOR FOUR  
ADDITIONAL GROUNDWATER MONITORING WELLS:

RESOLUTION NO. 87-241

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE AUTHORIZING THE EXECUTION  
OF THAT CERTAIN LICENSE AGREEMENT DATED  
OCTOBER 20, 1987, BETWEEN THE CITY OF  
TORRANCE AND MOBIL OIL CORPORATION PERMITTING  
THE INSTALLATION OF FOUR MONITORING WELLS  
IN CITY STREETS AND ON CITY PROPERTY

City Attorney Remelmeyer advised that the City Manager has requested the insertion of an amendment to the above resolution stating that the City, by this resolution, does not release or waive any of the City's claims against Mobil Corporation by reason of the underground contamination on the Honda site that the City is selling to the Honda Corporation.

MOTION: Councilman Nakano moved to adopt Resolution No. 87-241 as above amended by the City Attorney. His motion was seconded by Councilman Wirth and roll call vote was unanimously favorable.

10b. SOUTHWEST CORNER OF ERMANITA AVENUE AND 182ND STREET -  
ACCEPTANCE OF ROAD EASEMENT:

RESOLUTION NO. 87-242

A RESOLUTION OF THE CITY OF TORRANCE  
AUTHORIZING AND DIRECTING THE MAYOR  
AND CITY CLERK TO ACCEPT AND EXECUTE  
A ROAD EASEMENT GRANTED BY SOUTHERN  
CALIFORNIA EDISON COMPANY INCLUDING  
TERMS THEREWITH FOR THE PURPOSE OF  
RECONSTRUCTING THE CURB RADIUS AT THE  
SOUTHWEST CORNER OF ERMANITA AVENUE  
AND 182ND STREET

MOTION: Councilman Nakano moved to adopt Resolution No. 87-242. His motion, seconded by Councilwoman Hardison, carried unanimously by roll call vote.

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10c. FY 1987-88 UMTA SECTION 9 GRANT APPLICATION:

RESOLUTION NO. 87-243

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO FILE AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A FY 1987-88 FORMULA ASSISTANCE GRANT UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

MOTION: Councilman Nakano moved to adopt Resolution No. 87-243. This motion was seconded by Councilman Wirth and roll call vote was unanimously favorable.

Director of Transportation Horkay announced that this represents a total of 37 buses that Transit Manager Ray Schmidt and his staff have purchased at a total value of approximately \$5.5 million.

15. HEARINGS:

15a. CUP 87-36, SERGIO NAVARRO AND LINDA BOUGNEIT:

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal of a Planning Commission denial of a request for a Conditional Use Permit to allow a take-out restaurant in an existing neighborhood shopping center in the C-2 Zone at 20204 Anza Avenue: CUP 87-36, SERGIO NAVARRO AND LINDA BOUGNEIT.

Proof of publication was provided by City Clerk Wilson and it was filed without objection.

Staff presentation was provided by Principal Planner Gibson and it was noted that the Planning Commission and Planning Department recommend denial of this appeal and denial of the Conditional Use Permit.

During the following expanded clarification (as requested by Council), the absence of parking design flexibility in the subject center was noted, as was the statement on plans submitted for center modification: "ALL RETAIL - NO FOOD", and the close proximity (some 17 feet) from the nearest residential unit.

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The Mayor then invited the proponent to address the Council.

Ms. Linda Bougneit, 2016 Matthews, Redondo Beach, advised of their intent to install special filtering equipment to effectively handle cooking odors, and noted their concurrence with the conditions prohibiting video games and alcoholic beverage sales on the premises.

Discussion ensued as to the Council's firm intention that there be no food service (either take-out or sit-down) at this location. During the discussion, Ms. Bougneit noted her understanding that a take-out establishment was not considered a restaurant at the time she signed her lease.

Events leading to Code revisions regarding parking and Conditional Use Permit requirements for take-out food establishments were reviewed. Concerns voiced by Council included: parking inadequacies; proximity to residential uses; etc.

Mr. Doug Hyle, 2210 Calle Jallapa, West Covina, representing Windsor Financial Corporation (developers of the site), noted that the subject center was constructed with the intention of putting in several take-out food establishments. Approval of this application was requested.

Upon the determination that no one else in the audience wished to speak to this matter, Councilman Walker moved to close the hearing. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

His support of the subject proposal was voiced by Councilman Wirth who pointed out that the subject use was first proposed some time ago and, in his opinion, would be acceptable at this location.

Councilman Walker was also of the opinion that this is a reasonable usage and one that could benefit the neighborhood. The applicant's proposal to provide Mexican food, rather than fried chicken, etc., would tend to create fewer odor problems for the nearby residential neighborhood, in Mr. Walker's opinion.

Both Councilmen Walker and Wirth concurred with the Planning Commission's condition prohibiting any video games in connection with this establishment.

A differing opinion was expressed by Councilman Applegate. In reviewing the sequence of proposals originally submitted for this center, Councilman Applegate recalled that at the

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time of approval of the 800-foot increase to the building size, the Council firmly stated NO FOOD service at this location and the owners indicated they did not want any food establishments -- the additional space was approved because of the "retail only" understanding.

Mr. Applegate pointed out that there will likely be 10-15 employees for the stores in this center (4 employees for the proposed use, per Ms. Bougneit), with only 28 total parking spaces provided -- thus, customers will be forced to park on nearby residential streets.

Additional concerns voiced by Councilman Applegate included the impact of cooking odors on the closest residential units, as well as the anticipated patronage of students from the nearby high school who will likely congregate on walls in front of the nearby homes to eat, creating additional problems of litter, etc. for the residents.

The addition of any kind of food service at this location "would make a bad situation worse", per Mr. Applegate, and he offered the following --

**MOTION:** Councilman Applegate moved to concur with the Planning Commission and Planning Department in DENIAL of the appeal and DENIAL of CUP 87-36. His motion was seconded by Councilman Nakano.

Prior to roll call vote on the motion, further Council comments were voiced.

The inadequacy of parking provisions was of concern to Councilman Nakano, as was the anticipated congregation of young people from the nearby high school and the impact of cooking odors on nearby neighbors.

Mayor Geissert pointed out that the Code was modified by Council to include take-out food establishments in order to protect nearby residential uses.

Like concerns were voiced by Councilwoman Hardison who was very firm in her understanding at the time Council approved the additional square footage for this center that there would be no food use whatsoever -- the close proximity to a residential neighborhood and the absence of any flexibility regarding parking were major concerns to Mrs. Hardison.

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The above motion for DENIAL carried by way of the following roll call vote.

AYES: COUNCILMEMBERS: Applegate, Hardison,  
Mock, Nakano and Mayor  
Geissert.

NOES: COUNCILMEMBERS: Walker and Wirth.

\* \* \*

Observing that Mr. LaCaze (proponent on Agenda Item 17a) had arrived, Mayor Geissert requested that the earlier suggestion for continuation of that item (see Page 2) be addressed at this time.

17a. ROLLING HILLS PLAZA SHOPPING CENTER LEASE:

Councilman Applegate reiterated his previously expressed concerns regarding not having had sufficient time to read the subject lease documents and his suggestion that the Council's decision on the matter be postponed for one week.

Mr. LaCaze approached the podium and urged that the Council hear the matter this evening because of the significant economic adversity which would be represented by a delay.

During the ensuing discussion, Councilman Applegate suggested that the City might authorize Mr. LaCaze to proceed with the drawing of loan documents but with a disclaimer indicating that there is no legal obligation involved until the matter is returned in one week for final approval (all Councilmembers having then had an opportunity to read the lease agreement).

It was generally agreed that this approach was worthy of further discussion during the consideration of this item in its regular agenda order. (See Pages 24 and 25).

\* \* \*

At 7:45 p.m., Mayor Geissert called a recess. The Council reconvened at 8:07 p.m., to continue with its regular agenda order.

\* \* \*

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15b. EA 87-19, CITY OF TORRANCE:

Mayor Geissert read the following statement into the record.

This is the time and place for a public hearing on an appeal of the issuance of a Negative Declaration by the Environmental Review Board in the assessment of Ordinance 3191 and proposed amendments thereto.

A Negative Declaration is a finding that a given project will have no significant adverse effect on the environment. The appellants in this case have disagreed with that finding and have stated that the ordinance and its proposed amendments would have a variety of adverse effects.

If, after we have considered the testimony tonight, the Council majority agrees with the appellants, we have the choices of --

- Ordering an Environmental Impact Report,
- Asking for more information, and/or
- Returning the matter to the Environmental Review Board for further consideration.

If the Council agrees with the issuance of a Negative Declaration by the Environmental Review Board, that finding will stand and the R-3 ordinance and proposed amendments will be brought back to the Council for our action.

Proof of publication was provided by City Clerk Wilson, and it was filed without objection.

For the benefit of the audience present, Mayor Geissert emphasized that the issue tonight does not involve the merits of the ordinance itself, but only whether or not a significant adverse environmental impact could reasonably be expected as a result of the ordinance.

It was requested by the Mayor that the comments from those who wish to speak be limited to the environmental effects only.

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Staff presentation was provided by Principal Planner Woodward.

During her discourse, Mrs. Woodward highlighted information contained in the written material on this agenda item, and related staff's specific responses to the appellants' stated reasons for appeal, as follows.

Appellants' statement: That Ordinance 3191 and its proposed amendments would result in increased traffic congestion due to a reduced number of residential units and an increased number of industrial and commercial units.

Staff's response: That the ordinance would affect R-3 properties only and the number of units would be affected only at the option of the developer.

\*

Appellants' statement: That the ordinance renders all existing buildings that do not conform to the new standards unbuildable to their current size if they are destroyed.

Staff's response: Some 65% - 70% of R-3 developments were nonconforming prior to the adoption of Ordinance 3191, having been constructed prior to the major change in the R-3 development standards in 1972.

\*

Appellants' statement: That the ordinance will result in increased cost of rents and single-family houses.

Staff's response: There is no reasonable evidence that either of these factors would be affected by the ordinance or proposed amendments -- further, these are economic issues and not properly considered as environmental effects, per the California Environmental Quality Act guidelines.

\*

Principal Planner Woodward noted that the Planning Department and Environmental Review Board recommend DENIAL of the appeal and adoption of a Negative Declaration.

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\* \* \*

Audience input was then invited by Mayor Geissert, who requested, once again, that comments be directed to the environmental issues of the ordinance.

First to speak was Mr. Derf Fredericks, President of the Torrance/Lomita/Carson Board of Realtors, 22833 Arlington Avenue. Mr. Fredericks strongly objected to Ordinance 3191, and noted his understanding that this ordinance was adopted without benefit of a public hearing; approximately 2,000 property owners were adversely affected and only 30 were notified; and this downzoning is an erosion of private property rights.

[Note: On several occasions during Mr. Fredericks' presentation, Mayor Geissert requested that he limit his remarks to environmental issues. City Attorney Remelmeyer also interjected clarification as to the appropriate issues to be addressed at this time, which he noted to be environmental rather than economic or social effects.]

Continuing with his prepared statement, Mr. Fredericks noted his opinion that the greatest consequence of the ordinance will be to label all R-3 properties as legal non-conforming uses, thus effectively lowering property values.

Councilwoman Hardison pointed out, for the record, that the subject ordinance has nothing to do with decreasing the number of allowable units on a site (a concern voiced by Mr. Fredericks).

\* \* \*

Next to speak from the audience was Mr. Connor Everts, 2351 Sonoma Street, who indicated his concurrence with the decision of the Environmental Review Board for a Negative Declaration.

\* \* \*

Ms. Mary Deane, 3210 Merrill Drive, expressed uncertainty regarding the future of her "co-op" in the case of a major disaster which would require rebuilding of the property, advising that a notice was placed on their bulletin board regarding this meeting which caused her grave concerns in that regard.

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Mayor Geissert provided clarification as to the non-conforming aspects of R-3 properties in the City, some 60% to 70% of such properties which were placed in a non-conforming status in 1972 when the Code was modified to that effect.

City Attorney Remelmeyer noted that the subject ordinance, if adopted in final form, will have minimal effect on the ability of property owners to reconstruct their dwellings.

Further reassurance in response to Ms. Deane's concerns was provided by Planning Director Ferren, who noted the City Council has the option of granting a Variance or other means to allow rebuilding of a property as it previously existed.

Ms. Deane indicated that she still feels apprehension regarding the effects on her co-operative units of any requirement to rebuild to more stringent standards. She also requested that co-ops and condos be notified of any future meetings on this subject.

\* \* \*

Mr. Robert Cousins, owner of a 14-unit building at 235th and Maple Avenue, requested and received information regarding public notification prior to the adoption of Emergency Ordinance 3191 and expressed concerns because of a substantial insurance rate increase resulting from the ordinance.

City Attorney Remelmeyer noted that an increase in insurance rates because of the subject ordinance would, to him, appear inappropriate, and he indicated his willingness to meet with Mr. Cousins in an effort to resolve that question.

\* \* \*

One of the appellants in this case, Mr. Sanford Cohen, 3407 West 190th Street, stated that, rather than asking that an Environmental Impact Report be prepared, he is appealing the "decision of the Environmental Review Board that an adequate Environmental Assessment was prepared."

This speaker then reiterated his previously stated concerns and objections regarding the environmental report, CEQA guidelines, etc. (reference Planning Commission minutes July 8, and July 22, 1987; and ERB minutes August 12, 1987).

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Mr. Cohen distributed copies of a sketch (of official record) of his R-3 zoned lot, illustrating the potential for over-building, and he also suggested that identification of R-3 properties should have been included in the Environmental report to allow for an informed decision.

This speaker also expressed his opinion that this is a taking of private property without compensation. He requested that Ordinance 3191 be rescinded and that it be returned to staff to be properly analyzed on an area-by-area basis, said analysis to include R-1, R-2 and R-4 properties. Mr. Cohen maintained that a significant controversy exists and a more substantial environmental document is needed.

At the request of Mayor Geissert, City Attorney Remelmeyer responded to Mr. Cohen's remarks essentially as follows.

The Emergency Ordinance was for purposes of a holding action pending further study, rather than imposing a more restrictive moratorium on all construction. Mr. Remelmeyer pointed out that Mr. Cohen did not, at the time of its adoption, challenge the ordinance on the grounds of the declaration of an emergency.

Continuing, the City Attorney stated that, to his knowledge, it has never been held in court that reasonable zoning regulations are deemed to be a taking of land -- basically the law has been that the property owner must be deprived of all reasonable use of his property for there to be a taking.

As to economic and social issues, Mr. Remelmeyer declared that the Council should not ask for an EIR on those issues by themselves, but must first find that there is some physical change in the environment.

Addressing the question of controversy, the City Attorney pointed out that a substantial controversy must be considered in the light of the necessity of having a genuine environmental issue -- just because there is opposition to the ordinance or opposition to the Environmental Assessment, does not create a genuine controversy within the meaning of CEQA, in Mr. Remelmeyer's opinion.

Continuing, Mr. Remelmeyer declared that if an EIR were required, that EIR would have to address all of the practical and sensible alternative solutions; however, it is not necessary for the Environmental Review Board to consider all of the possible solutions to all of the zoning problems of the City in order to approve a Negative Declaration.

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Mr. Cohen returned to clarify that he had not challenged the emergency ordinance at the time of its adoption because he was not notified of that hearing. The existence of an emergency, as defined by CEQA, was still questioned by this speaker.

City Attorney Remelmeyer responded by stating that the City Council considered that an emergency existed because, had the pre-existing conditions for construction in R-3 zones continued, there would be a significant problem that could not then be reversed. In Mr. Remelmeyer's opinion, the Council acted within its legal discretion -- the adoption of the ordinance as a temporary measure was in response to concerns raised by the community over a considerable period of time.

In conclusion, City Attorney Remelmeyer advised that the Council has the option of sending the matter back to the ERB for reconsideration, should it so desire.

Mr. Cohen returned once again to inquire as to whether the language dealing with "emergency" in the CEQA Guidelines was specifically discussed with the Council.

Mr. Remelmeyer was not able to recall whether or not that language was discussed specifically.

\* \* \*

The next audience speaker was Ms. Kathleen Quadrato, 1860 Plaza Del Amo, who requested and received clarification as to the time elements involved in the subject consideration. This speaker urged that there be no further delays.

\* \* \*

Mr. Tony Kriss, 18528 Gramercy Place, Chairman of the Housing Element Advisory Committee of the Torrance/Lomita/Carson Board of Realtors, provided background information relative to his heretofore unsuccessful efforts to impart "practical, realistic advice" to the City and his earlier stated objections (of record) to the adoption of an emergency ordinance.

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Mr. Kriss then addressed specific areas of the Environmental Assessment Report, noting that 19 of the 37 items were discounted as being irrelevant because of the absence of a specific project. In his opinion, the report does not address the effect that the change in conditions will have on the physical characteristics of the community or the public health, safety and welfare. Mr. Kriss suggested that there should be another forum created more intelligently related to the issue at hand.

Specific items were then reviewed as follows.

Item 5, re displacement of citizens. Mr. Kriss maintained that if the property owner is unable to rebuild with the same number of units, there will be tenant displacement and no provision has been made for the protection of that individual nor for the property owner.

Item 17, re air quality. Transparencies were provided (copies of the charts depicted thereon were submitted for the record on this agenda item) and Mr. Kriss explained his rationale that a reduction in density would compound the traffic problem by causing those who have been displaced as residents to drive into the City to do business.

Items 23, 24 and 38, dealing with the availability of water for increasing consumption and provision for fire suppression. Mr. Kriss stated that he had ascertained from Fire and Water Department personnel that these systems are in order; therefore, he questioned the identification of these items in the report as possible problem areas.

Item 37, regarding possible cumulative impact. Transparencies were displayed dealing with population growth and assessed value. Copies of the charts depicted on these transparencies were submitted as part of the official record on this agenda item. Mr. Kriss then explained the charts and noted his conclusion that anything that restricts the ability to build and absorb more residents in the community compounds the problem of traffic and other conditions that are of concern.

It was suggested by this speaker that the City consider bidding for or sending out requests for quotes from an urban planner that could take into consideration the problems that affect the totality of Torrance. It was suggested that Redevelopment Agency powers might be utilized to cope with the need for shelter, thus reducing the demand on surface transportation, reducing the parking problem, and improving the quality of life

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in the City. Further, this would, per Mr. Kriss, enable property owners to fully realize the benefits of their long-term real estate investments.

\* \* \*

There being no one else in the audience who wished to speak to this matter, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

\* \* \*

Council comments were then invited by the Mayor.

Councilman Walker recalled that this process was started in order to consider what many citizens in the Downtown area felt was overbuilding -- the problem was addressed by way of numerous meetings and hearings, and there still remains the need for further debate.

Mr. Walker stated his inability, however, to relate the problem to an Environmental Impact Report. The suggestion imparted by Mr. Kriss that the construction of fewer units creates traffic and parking problems stretches credibility, in Mr. Walker's opinion, and he deemed a Negative Declaration an appropriate action in this case.

Councilman Applegate inquired of the City Attorney as to whether or not the City is required to establish findings when an emergency, such as Ordinance 3191, is declared.

City Attorney Remelmeyer quoted from SECTION 5 of the ordinance, as follows --

The City Council declares this to be an emergency ordinance, the immediate passage of which is necessary to protect the public health, safety and welfare. The facts substantiating such urgency are as follows:

A report from the Director of Building and Safety indicates that there are not less than thirteen pending building permit applications for development of multiple-family residential projects, several of which are located in an area which has been the subject of

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intense study by the Planning Department and the Council Community Design and Planning Committee. To permit the issuance of these pending building applications and development of the subject sites without complying with the requirements of these revised development standards would defeat the purpose of the study and contribute to increased traffic, parking and overcrowding conditions within the City; therefore, it is necessary that these revised development standards take effect immediately.

While noting that he would not favor returning the matter to the Environmental Review Board, Mr. Applegate did, however, suggest that staff might address the issue raised by Mr. Cohen: additional parking requirements, etc. which would force a smaller building footprint and, thus, a taller building.

It was Mr. Applegate's opinion that the matter should be returned to the Council as soon as possible with input from those parties affected, in order that problems involving insurance, etc. may be addressed.

Councilwoman Hardison expressed concerns because of misconceptions on the part of certain members of the public as to the impact of Ordinance 3191 on their property. Mrs. Hardison noted the Council's efforts -- by way of many meetings and extensive notification (5000 notices sent out in some instances) -- to give interested citizens an opportunity for input.

Mrs. Hardison equated the proposal for less density or bulk to fewer people and a lessening of traffic/parking problems. The need to debate the ordinance in its final form, rather than the environmental issues, was voiced by Mrs. Hardison.

Mayor Geissert noted that by-and-large, the arguments heard this evening have been economic in nature which, while very important, that is not the issue before the Council at this time.

The Mayor recalled that the proposed modification was precipitated by the concerns and alarm expressed by citizens as to what was happening on many smaller, narrow lots which had traditionally been used for single family or two unit dwellings and were being redeveloped under maximum density. The ordinance was designed to address the issues of crowding, overbuilding, traffic and parking, the Mayor explained.

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Concerns were expressed by Mayor Geissert that misleading notices of the City's intent served to alarm citizens (see testimony of Ms. Deane, Pages 16 and 17 of these minutes). The need to proceed at this time with the ordinance itself was noted by the Mayor who also acknowledged existing flaws therein, i.e., the approach to small vs. large projects, etc., but noted that she had heard nothing tonight that would justify a reversal of the decision of the Environmental Review Board and require an Environmental Impact Report.

MOTION: Councilman Walker moved to DENY THE APPEAL and concur with the Environmental Review Board's determination of a Negative Declaration on EA 87-19, CITY OF TORRANCE. His motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote.

15c. EA 87-17, CUP 87-38, LITTLE COMPANY OF MARY HOSPITAL:

The earlier announced request for a one-week's continuance on this matter was noted (see Page 2).

MOTION: Councilman Walker moved to continue EA 87-17, CUP 87-38, Little Company of Mary Hospital, to Tuesday, October 27, 1987. His motion was seconded by Councilwoman Hardison, and roll call vote was unanimously favorable.

15d. PROPOSED UNDERGROUND UTILITY DISTRICT NO. 12:

Mayor Geissert announced that this was the time and place announced by the Council at its September 22, 1987 meeting, when and where any and all persons having any protests or objections to the proposed Underground Utility District may appear before the City Council of the City of Torrance and show cause why the subject area should not be designated an underground utility district.

Proof of publication of the notice of this hearing was presented by City Clerk Wilson and it was filed without objection.

City Clerk Wilson advised, in response to a question by Mayor Geissert, that no written protests have been filed with his office.

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MOTION: Councilman Applegate moved that the City Engineer's report be received and filed. His motion was seconded by Councilwoman Hardison, and carried unanimously by roll call vote.

In response to the Mayor's inquiry regarding further information from the Underground Utility Committee or City staff, City Engineer Burttt advised that supplementary material in the hands of Councilmembers indicates addresses affected with service conversions. Mr. Burttt also noted that Mr. Ted Porter of Southern California Edison was present in the audience.

There being no response to the Mayor's invitation for audience input, either for or against the designation of this area as an underground utility district, Councilman Applegate moved to close the public hearing. His motion was seconded by Councilman Wirth, and roll call vote was unanimously favorable.

RESOLUTION NO. 87-244

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE DESIGNATING CARSON STREET  
BETWEEN MADRONA AVENUE AND CRENSHAW BOULEVARD  
AS UNDERGROUND UTILITY DISTRICT NO. 12 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: Councilman Nakano moved to adopt Resolution No. 87-244. His motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

17. ADMINISTRATIVE MATTERS:

17a. ROLLING HILLS PLAZA SHOPPING CENTER LEASE:

Continuing the discussion regarding this agenda item (see Pages 2 and 13), it was the ultimate consensus of the Council that a recess would be in order at this time to allow review of the lease documents.

Consequently, at 9:50 p.m., Mayor Geissert called a brief recess. The Council returned at 9:55 p.m., to take the following action.

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RESOLUTION NO. 87-245

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE APPROVING THAT CERTAIN  
LEASE BETWEEN THE CITY AND ROLLING HILLS  
PLAZA SHOPPING CENTER, A PARTNERSHIP FOR  
THE ROLLING HILLS SHOPPING CENTER, AND  
AUTHORIZING THE MAYOR AND CITY CLERK TO  
EXECUTE AND ATTEST SAID LEASE ON BEHALF  
OF THE CITY

MOTION: Councilman Nakano moved to adopt Resolution No. 87-245. His motion, seconded by Councilman Walker, carried unanimously by roll call vote.

\* \* \*

At 9:57 p.m., the City Council convened in joint session with the Redevelopment Agency. At 9:58 p.m., the regular Council agenda order was resumed, but the Agency/Council remained in joint session for purposes of a joint executive session later in the meeting (see Page 27).

\* \* \*

17b. EXECUTIVE SESSION:

See Page 27.

22. ORAL COMMUNICATIONS:

22a. See Page 3.

22b. See Page 7.

22c. Councilman Applegate announced the November 15th YMCA Annual Pancake Breakfast and Christmas Craft Boutique.

22d. Councilwoman Hardison conveyed the sincere appreciation of residents of 235th Place for the City's endeavors in accomplishing full streets for that area. Mrs. Hardison extended a special note of appreciation to Sr. C.E. Associate Perkins for his untiring efforts, and to Mrs. Rhodabarger for her dedication of land involved.

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22e. Councilwoman Hardison requested Transportation staff to follow up on dual street name identification needs at Toledo and Plaza Del Amo, this being of particular concern to businesses in the area. Transportation Department to follow through.

22f. Councilman Nakano concurred with the above request of Councilwoman Hardison regarding street sign needs, noting that homeowners in the area are also affected.

22g. Councilman Walker reflected on the significance of the recent successful rescue of "Baby Jessica" from an abandoned well in Midland, Texas, and the overwhelming rallying of the entire country behind this effort.

22h. Councilman Wirth congratulated Water System Superintendent O'Cain and Water Department staff on the recent dedication of the Ben Haggott Reservoir. The programs on water conservation being aired over the City's cable network were also praised by Mr. Wirth.

22i. Mayor Geissert requested staff investigate the need for signage regarding street name identification on Torrance Boulevard and Van Ness. City Manager Jackson indicated that the matter will be looked into by staff.

22j. Mayor Geissert expressed appreciation to Mr. Mike Lynn and the Daily Breeze for the center spread ad in that newspaper regarding the City's 75th Anniversary Celebration.. The Mayor acknowledged this as a "fine gift from the Breeze."

22k. Councilman Applegate requested staff follow up on street sign needs on Hawthorne Boulevard and Carson Street. Director of Transportation Horkay advised that efforts in this regard have thus far been unsuccessful at the State Highway Department level.

Mayor Geissert requested that appropriate correspondence in this regard be forwarded to Senator Beverly and State Representatives.

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The Council now returned to --

17b. EXECUTIVE SESSION:

The City Council/Redevelopment Agency having remained in joint session, Mayor/Chairwoman Geissert read the following statement into the record.

The City Council will now recess to closed session to confer with the City Manager regarding salaries, salary schedules and compensation for certain represented employee groups. Authority for holding an executive session for this purpose is contained in the provisions of Government Code Section 54957.6 (a).

The City Council will also receive advice from the City Attorney regarding problems arising from the architectural contracts with H. Wendell Mounce for the Theatre Arts Complex and the General Aviation Center. Authority for holding an executive session for this potential litigation purpose is contained in Government Code Section 54956.9 (b).

The Council will also confer with the City Attorney regarding the renegotiation of the lease of City owned property at Crenshaw Boulevard and Pacific Coast Highway to Rolling Hills Plaza Shopping Center, a California limited Partnership, whose General Partner is Norman R. LaCaze. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.8.

The City Council will receive advice from the City Attorney regarding potential litigation arising from the widening of Torrance Boulevard, the property location being 1889 Torrance Boulevard, Aable Muffler. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.9 (b).

The City Council acting as the Redevelopment Agency of the City of Torrance will receive advice from the Agency's Counsel regarding a dispute between Gascon-Mar, Inc. and the Agency over terms of their Owner Participation Agreement. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.9 (b).

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At 10:10 p.m., the City Council/Redevelopment Agency recessed to joint executive session, returning at 11:10 p.m.

No action was required as a result of the executive session and at 11:10 p.m., the City Council and the Redevelopment Agency of the City of Torrance formally adjourned to Tuesday, October 27, 1987, at 5:30 p.m. for purposes of an early executive session.

\* \* \*

Adjournment was dedicated to the memory of Mr. Fred Henry.

# # # # #

  
\_\_\_\_\_  
Mayor of the City of Torrance

  
\_\_\_\_\_  
Clerk of the City of Torrance

Peggy Laverty  
Minute Secretary

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