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TORRANCE CITY COUNCIL - OCTOBER 27, 1987

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* * *

Marlene Lewis
Minute Secretary

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MINUTES OF AN ADJOURNED
REGULAR MEETING OF THE
TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in joint session with the City of Torrance Redevelopment Agency at 5:36 p.m. on Tuesday, October 27, 1987, in the Council Chambers at Torrance City Hall (an adjourned regular meeting). Mayor Geissert announced that the early meeting time was requested for the purpose of a joint executive session to be held immediately.

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.

Considered at this time . . .

ADMINISTRATIVE MATTERS:

17a. EXECUTIVE SESSION:

At this time, Mayor/Chairwoman Geissert read the following statement into the record pertaining to City Council business:

> 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 confer with the City Attorney regarding the renegotiation of the lease of City owned property on the Civic Center to Paragon Cable. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.8.

The City Council will give instruction to the City Manager regarding the leasing of Del Amo Mall property to construct a Transit Parking Facility. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.8.

The Council/Agency recessed to a joint executive session at 5:37 p.m. At 7:17 p.m. the Council/Agency returned to consider the regular order of business for the City Council as recorded on the subsequent pages of these minutes. They remained in joint session for the purpose of a joint executive session to be held later in the evening.

* * *

October 27, 1987

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in joint session with the Redevelopment Agency of the City of Torrance at 7:17 p.m. on Tuesday, October 27, 1987, in the Council Chambers at Torrance City Hall.

Mayor Geissert announced that the City Council had met in joint session with the Redevelopment Agency at 5:30 p.m. (an adjourned regular meeting) for the purpose of a joint executive session (see Pages 1 and 2). She apologized for the late starting time for this meeting as a result of that executive session.

* * *

Prior to the commencement of business, Mayor Geissert announced, with sadness, the passing of Nikola Drakulich, a "true professional photographer" and friend to the City who was known by most people as "Mr. D." The Mayor requested that this meeting be adjourned in his memory.

* * *

2. ROLL CALL:

All seven Councilmembers were present; see Page 1.

3. FLAG SALUTE/INVOCATION:

At the Mayor's request, Mr. Bob Billett led in the salute to the Flag.

The invocation for the meeting was provided by Dr. Donald E. Wilson.

4. APPROVAL OF MINUTES/MOTION TO WAIVE FURTHER READING:

MOTION: Councilman Applegate moved to approve the City Council minutes of September 29, 1987, as recorded. His motion, seconded by Councilman Mock, carried by unanimous roll call vote.

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 receive and file the report of the City Clerk on the posting of the agenda. Councilman Mock seconded the motion, and roll call vote was unanimously favorable.

6. WITHDRAWN OR DEFERRED ITEMS:

None.

7. COUNCIL COMMITTEE MEETINGS:

Transportation Committee:

Met Monday, October 26, 1987.
Summary of public and Committee comments regarding Airport concerns forthcoming.

City of Torrance 75th Anniversary:

Held Saturday, October 24, 1987.

Heard out of order at this time . . .

22. ORAL COMMUNICATIONS:

22a. Mayor Geissert expressed thanks to everyone involved in making the 75th Anniversary celebration "a delightful day in the City of Torrance" and commented on the strong community spirit demonstrated on that occasion.

Returning to regular agenda order . . .

8. COMMUNITY MATTERS:

8a. COMMENDATION FOR BYRON DEERING AND STEVE ROOSA:

On behalf of the City Council and the people of the City of Torrance, Mayor Geissert presented plagues to General Telephone employees Byron Deering and Steve Roosa in recognition and appreciation of their meritorious actions on Tuesday, September 10, 1987, in averting a tragedy and possibly saving a life.

8b. FIFTEENTH ANNIVERSARY OF SISTER CITY AFFILIATION:

City Clerk Wilson assigned a number and read title to:

RESOLUTION NO. 87-247

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE
HONORING OUR SISTER CITY AFFILIATION
WITH KASHIWA, JAPAN

MOTION: Councilman Nakano moved to adopt Resolution No. 87-247. His motion was seconded by Councilman Mock and roll call vote proved unanimously favorable.

Mayor Geissert announced that this resolution will be delivered to the Mayor of Kashiwa by the Sister City delegation leaving on Sunday (November 1, 1987).

8c. COMMENDATION FOR ROBERT NAGAMOTO, M.D.:

At the Mayor's request, City Clerk Wilson read number and title to:

RESOLUTION NO. 87-246

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE
COMMENDING AND CONGRATULATING
ROBERT NAGAMOTO, M.D.
FOR HIS OUTSTANDING COMMUNITY SERVICE

MOTION: Councilman Nakano moved for the adoption of Resolution No. 87-246. Seconded by Councilman Mock, the motion carried by unanimous roll call vote.

Taken out of order at this time . . .

22. ORAL COMMUNICATIONS:

22a. Heard earlier; see Page 5.

22b. On behalf of the Fire Department and its 75th Anniversary Committee, Fire Chief Adams presented each Councilmember and the City Manager with a replica of the original Torrance volunteer Fire Department badge. Chief Adams reported that research has revealed that the City's Fire Department was established at 8:00 p.m., November 12, 1912. Further information regarding the celebration of the Fire Department's 75th Anniversary will be forthcoming in late November, per Chief Adams.

The Council now returned to . . .

8d. APPOINTMENTS TO THE AIRPORT COMMISSION AND SENIOR CITIZENS COUNCIL:

AIRPORT COMMISSION:

Each applicant for the Airport Commission vacancy was invited to address the Council. Nominations were entertained, and Mr. William Sobko was duly appointed to fill the vacancy on the Airport Commission.

SENIOR CITIZENS COUNCIL:

Candidates for the vacant seat on the Senior Citizens Council were invited to speak, nominations were entertained, and the City Council duly appointed Ms. May Amemiya to the post.

Mr. Sobko and Ms. Amemiya were administered the oath of office by City Clerk Donald E. Wilson, whereupon Mayor Geissert extended congratulations to these new appointees.

The Mayor thanked all of the candidates for their interest in serving the City and urged those not selected to leave their applications on file for possible future Commission vacancies.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. APPROPRIATION OF GAS TAX FUNDS AND TRANSFER OF FEDERAL REVENUE SHARING FUNDS FOR FOUR ENGINEERING PROJECTS:

RECOMMENDATION:

The Engineering Department recommends that $277,500 in Gas Tax Funds be appropriated for the following projects:

1)	Design of the west side of Patronella Avenue;	$ 5,000
2)	Design and construction of roadway and median landscaping on Plaza Del Amo (Toledo Street) between Maple Avenue and Crenshaw Boulevard; and	$270,000
3)	Design for the Reconstruction of alleys south of 2118 Carson Street (First Baptist Church of Torrance);	$ 2,500

and that the balance of the Federal Revenue Sharing funds from the Storm Drain Channel Job No. 84146 ($248,182.55) be transferred to the Hollywood Riviera Storm Drain Job No. 84148.

MOTION: Councilman Applegate, seconded by Councilman Mock, moved to concur with the recommendation of the City Engineer (above). Roll call vote proved unanimously favorable.

10b. APPROPRIATION OF GAS TAX FUNDS FOR FOUR (4) STREET IMPROVEMENT PROJECTS:

RECOMMENDATION:

The Engineering Department recommends that $580,000 in Gas Tax Funds be appropriated for the following purposes:

1.	Reconstruction of Earl Street from Emerald Street to Michelle Drive and of Spencer Street from Anza Avenue to Hawthorne Boulevard (design).	$ 80,000

2. Van Ness Avenue, Phase I - Torrance Boulevard to Cravens Avenue (design and construction). $450,000

3. Van Ness Avenue, Phase II - Cravens Avenue to Dominguez Street/reconstruction of multi-point intersection at Border Avenue and Arlington Avenue (design). $ 30,000

4. Cabrillo Avenue - Torrance Boulevard to Sartori Avenue (design). $ 20,000

MOTION: Councilman Nakano moved to concur with the recommendation of the Engineering Department for the indicated amount (above). His motion was seconded by Councilman Walker and carried by unanimous roll call vote.

Councilwoman Hardison, having voted "Yes" with a comment, requested and received clarification from City Engineer Burtt that Project No. 1 (reconstruction of Earl Street) is not directly related to Agenda Item 12a (authorization to Jim Hinzdel and Associates, Inc., to prepare an Environmental Land Use Study for Little Company of Mary Hospital).

Relative to Project No. 1, Councilman Wirth reported that he received assurance from Engineering and Transportation staff that the design for street reconstruction on Earl Street would allow proper width for possible future improvements.

11. POLICE AND FIRE MATTERS:

11a. AGREEMENT WITH DEL AMO FASHION CENTER (TORRANCE COMPANY) FOR A POLICE SHOPPING CENTER DETAIL:

The City Clerk assigned a number and read title to:

RESOLUTION NO. 87-248

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF TORRANCE AND THE TORRANCE COMPANY FOR ESTABLISHMENT OF A POLICE SHOPPING CENTER DETAIL

MOTION: Councilman Nakano moved for the adoption of Resolution No. 87-248. His motion was seconded by Councilman Walker.

Supplementary material consisting of the Agreement for the Shopping Center Detail with Del Amo Fashion Center was noted by Mayor Geissert.

Roll call vote on the motion was unanimously favorable.

12. PLANNING AND ZONING MATTERS:

12a. CONTRACT WITH JIM HINZDEL AND ASSOCIATES, INC. FOR PREPARATION OF AN ENVIRONMENTAL LAND USE STUDY FOR LITTLE COMPANY OF MARY HOSPITAL MEDICAL OFFICES:

City Clerk Wilson read number and title to:

RESOLUTION NO. 87-249

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE THAT CERTAIN AGREEMENT BETWEEN THE CITY AND JIM HINZDEL AND ASSOCIATES, INC. FOR PREPARATION OF A LAND USE STUDY

MOTION: Councilman Nakano moved to adopt Resolution No. 87-249. The motion was seconded by Councilman Walker (the motion ultimately carried; see below).

There was a brief discussion prior to roll call.

Councilwoman Hardison expressed her concerns relative to the impact the proposed Medical Office Buildings would have on Torrance and Hawthorne Boulevards, deeming this proposal a matter of significant importance warranting an advertised evening hearing to allow for public input. It was her specific request that either an evening Environmental Review Board meeting be held for the review of the Land Use Study, or that the traffic and circulation portions of the proposal be sent to the Traffic Commission for review to provide an evening opportunity for public response.

Principal Planner Woodward noted that there was poor public response at the original Environmental Review Board hearing on this matter, which had limited notification. Elucidating that the notification area will be expanded for the return of this item upon the completion of the Land Use Study, Principal Planner

Woodward indicated that an irregular evening meeting of the Environmental Review Board could be held if there is sufficient interest.

Concerned about such an intensive use in the subject area, Councilman Wirth said he would be looking at the traffic portion of the proposal very carefully. Since Little Company of Mary Hospital was not represented at the meeting, he asked staff to put the applicant on notice regarding his concerns.

The importance of public notification for this matter was reinforced by Mayor Geissert, whereupon THE MOTION TO ADOPT THE RESOLUTION AUTHORIZING THE PREPARATION OF A LAND USE STUDY CARRIED by unanimously favorable roll call vote.

15. HEARINGS:

15a. EA 85-15 (ZC 85-2, CUP 85-4) SANTA FE ENERGY COMPANY:

Mayor Geissert announced that this was the time and the place for a public hearing on City Council consideration of a Councilmanic appeal of the Environmental Review Board finding regarding the Environmental Impact Report (EIR) for a secondary oil recovery project by waterflooding a 560 acre portion of the southeast Torrance oil field from a drill site at the northeast corner of Sepulveda Boulevard and Border Avenue Environmental Assessment 85-15, Zone Change 85-2, Conditional Use Permit 85-4, SANTA FE ENERGY COMPANY.

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

Reading aloud from correspondence dated October 21, 1987, (of record) Councilwoman Hardison announced that she is part owner of property in the proposed waterflood area and that the City Attorney has determined, based on his communications with the Fair Political Practices Commission regarding her position, that she would probably have a disqualifying interest under the Fair Political Practices Act and should abstain from voting or entering into the decision making process on any matters relating to the application of the Kelt Oil Company for permission to operate a waterflood project in southeast Torrance. Councilwoman Hardison therefore abstained in consideration of this item and left the dais at 7:58 p.m.

Background to the appeal was provided by Principal Planner Woodward, who described the proposal with the aid of overhead projections. Ms. Woodward reported that the Environmental Review Board determined at its meeting of September 16, 1987 that the

Draft Environmental Impact Report prepared for this project by BCL Associates, Inc. is both adequate and accurate. The decision of the Board was appealed to allow Council review of the Draft Environmental Impact Report, she said.

Noting that the material received by the Council consisted of the Draft Environmental Impact Report; comments; responses to comments; minutes of the September 16, 1987 Environmental Review Board meeting; and supplementary material consisting of two letters; Principal Planner Woodward apprised those present that all of these documents, the minutes of this hearing and any other hearings which may be held regarding the EIR, will constitute the final EIR.

Principal Planner Woodward clarified that the merit of the project would not be considered at this time and that public hearings would be held by the Planning Commission and City Council to consider the Conditional Use Permit and Zone Change necessary for this use. The Environmental Review Board and Planning staff's recommendation that the EIR be certified as adequate and accurate were noted by this speaker.

There being no response to her invitation for input on behalf of the proponent, the Mayor invited comments from the audience.

Stating his belief that the Draft EIR is inadequate because it does not contain an official list of abandoned wells from the State Division of Oil and Gas (DOG), Mr. John Bailey, 23404 Walnut Street, Torrance, requested that the Draft EIR be withheld until the DOG completes its study on possible problem wells in southeast Torrance. Mr. Bailey further requested that the DOG's completed study be made a part of the EIR, and the EIR be made a part of the Conditional Use Permit on the project.

Speaker Bailey said his concerns are related to abandoned wells in the residential area of southeast Torrance, methane gas problems and contamination of fresh water aquifers. It was his observation that the EIR does not contain a well-by-well mitigation program to monitor improperly capped or deteriorated wells.

For the benefit of the audience, Mayor Geissert confirmed Mr. Bailey's announcement that the City had received, this date, a letter from the State of California, Department of Conservation, Division of Oil and Gas (which she read aloud) advising the City that the DOG is conducting a study of all wells within the proposed project; that the study would be completed within 60 days; that the study will include a list of possible problem wells within the influence of the proposed project; that the DOG would place conditions in their approval of the project that

certain measures be required to mitigate possible difficulties that may be encountered due to the problem wells; and that this list of wells will be available to be used in the EIR on the proposed project, if desirable.

It was Councilman Walker's opinion that a 60-day hold on this item pending completion of the DOG's list would be appropriate as requested and he asked that information regarding the October 1, 1987, earthquake be brought forward as well.

Responding to inquiries by Councilman Mock, Mr. Bailey explained that the DOG indicated it would complete its study within 60 days, at which time they would meet with Kelt Energy to review the problem areas and establish a list of mitigation measures. A continuation long enough to allow for completion of this process was suggested by this speaker.

Mayor Geissert recommended using the period of postponement to explore other areas of concern regarding the project and she entertained audience comments in this regard.

Ms. Sue Herbers, President of Southeast Torrance Homeowners Association (SETHA), 2264 West 230th Street, supported the need for accurate identification of problem wells in the project area. Noting a recent article in the Sunday edition of the Los Angeles Times regarding the City's water supply, Ms. Herbers suggested identification of the source of water for the project, method of conveyance and any related impact to the environment before this matter goes forward. Ms. Herbers reported that SETHA's other concerns are included in their comments of record on the original Draft EIR.

Addressing the areas of concern mentioned thus far, Principal Planner Woodward advised that the subject of water is covered in the EIR to the extent possible based on the design of the project at this time; that the subject of well abandonment was addressed in September in the Responses to Comments; that the abandoned well list to be provided by the DOG will actually become part of the final design of the project; and, in fact, the project cannot proceed without that list.

Mayor Geissert reiterated Principal Planner Woodward's earlier statement that all comments made at this meeting will go forward as part of the EIR. She echoed this assurance throughout the hearing.

Anticipating that the City may face serious water supply problems within the next five years, Councilman Wirth said he is greatly concerned about the source of water for this project and

would suggest that a condition be imposed as part of the Conditional Use Permit process that would prohibit the use of fresh water for this purpose.

Next to speak was Mr. Grant Tidmarsh, 2151 Middlebrook Road, who commented on the abundance of abandoned underground pipelines and improperly capped wells in the City and expressed his concerns about the likelihood of related methane gas problems and property damage.

Following Mr. Tidmarsh to the podium, Ms. Marjorie Maxwell, 4309 West 231st Street, said she favored an earthquake study as suggested by Councilman Walker. Ms. Maxwell expressed her concerns about the use of water for the project; related impacts therefrom; the potential for methane gas problems; and the abandonment of wells. The Council was urged by this speaker not to allow the Zone Change for this use. A postponement of 60 days or longer to respond to concerns was favored by Ms. Maxwell.

The audience was reminded by Mayor Geissert that the adequacy of the EIR was under consideration at this time and not the merits of the project itself.

As no one else from the audience indicated a desire to speak at this time, Councilman Applegate, seconded by Councilman Walker, moved to close the public hearing. Councilwoman Hardison having abstained from consideration of this matter, the motion carried by majority roll call vote as reflected below:

AYES: Councilmen Applegate, Mock, Nakano, Walker, Wirth and Mayor Geissert.

NOES: None.

ABSTAIN: Councilwoman Hardison.

After a brief discussion regarding an appropriate length of time for a postponement, a motion was offered.

MOTION: Councilman Walker moved to hold Item 15a for 90 days to February 2, 1988, a 5:30 p.m. meeting. He further moved that the information and questions brought forth by the speakers at this hearing be made part of the EIR with emphasis on those areas discussed. The motion was seconded by Councilman Applegate and ultimately carried; see Page 14.

In response to Councilman Nakano's questions, Director of Building and Safety Grippo elucidated, pursuant to his conversation with Mr. Fields of the Division of Oil and Gas this date,

that DOG's basic recommendation will be that producing wells be slant drilled to capture the bottom hole of improperly abandoned wells, thereby relieving any pressure.

At the City Attorney's recommendation, Councilman Applegate, seconded by Councilman Wirth, moved to reopen the public hearing to allow the proponent's representative to speak. The motion carried by majority vote with Councilwoman Hardison's abstention.

Mr. Greg Martin, Petroleum Engineer and Project Manager, 3878 Carson Street, said he had no objection to a 90-day postponement and believed that amount of time would be adequate for completion of the study by the DOG and a determination of mitigation measures.

Councilman Applegate moved to close the public hearing. Seconded by Councilman Wirth, his motion carried by majority roll call vote, Councilwoman Hardison having abstained from consideration of this matter.

Councilman Wirth requested that staff provide information relative to methods to combat the methane gas issue for further discussion upon the return of this item to Council.

In response to inquiries by Mayor Geissert, Mr. Dave Riser, BCL Associates, Inc., preparer of the EIR, reviewed the conceptual plan submitted for the project and reported that a portion of the facility will be below grade. Design information contained in the EIR, F-25 and F-26, Pages 4-34 and 4-35, was also referenced by Mr. Riser for the Mayor's benefit.

It was the Mayor's expressed desire to see a comparison between a below-grade facility, as recommended by the Building Department, and a facility at grade -- a matter she wanted to discuss more thoroughly in 90 days.

The motion to hold this item until February 2, 1988 then carried by majority roll call vote with Councilwoman Hardison abstaining:

AYES: Councilmen Applegate, Mock, Nakano, Walker, Wirth and Mayor Geissert.

NOES: None.

ABSTAIN: Councilwoman Hardison.

Councilwoman Hardison returned to the dais at 8:32 p.m.

15b. APPEAL OF ENVIRONMENTAL REVIEW BOARD DECISION REGARDING EA 87-21: DAN REICH:

Mayor Geissert announced that this was the time and the place for City Council consideration of an appeal of the Environmental Review Board determination of a Negative Declaration regarding the environmental impacts which may result from the remodeling of a single-family home at 312 Via Pasqual, EA 87-21: DAN REICH.

The proof of publication provided by City Clerk Wilson was filed without objection.

Background to the appeal was provided by Principal Planner Woodward pursuant to the written material of record on this agenda item. She augmented her presentation with slides of the project site depicting a silhouette of the structure as originally proposed and with photographs depicting the silhouette before and after the height of the roof was reduced by the contractor. During the slide presentation, Ms. Woodward pointed out a large tree located in the property owners' yard that she indicated was also of issue.

Reviewing the circumstances in this case, Principal Planner Woodward explained:

- That customarily a single family home that is not in the Hillside Overlay area requires no review and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA);

- That the subject request involves a special excavation permit which, according to the City Attorney, shifts it into the discretionary category excepting it from exempt status and making it subject to environmental assessment;

- That the significant environmental issue in this Environmental Assessment (EA 87-21) involves a partial loss of scenic view on two properties located south of the project on Via Alameda (belonging to Appellant Audrey Muensterman and Mr. and Mrs. Richard Bergan);

- That at the first Environmental Review Board hearing on this matter the contractor indicated the roof pitch could be lowered to reduce the view loss to affected properties and the matter

was continued two weeks to allow the contractor time to modify the plans and for modification of the silhouette, accordingly;

- That the height reduction did not dramatically change the view loss;

- That at the continued hearing the Environmental Review Board issued a Negative Declaration agreeing that the project would not create a significant adverse environmental impact;

- That the Board's decision was appealed by Audrey Muensterman in an effort to preserve her view; and

- That the Environmental Review Board and Planning staff recommend denial of the appeal and affirmation of the Negative Declaration.

In response to Councilwoman Hardison's queries, Contractor Dan Reich, 121 Paseo de la Concha, Torrance, clarified that the difference between the original roof pitch and that now proposed is 2.9 feet. Per Mr. Reich, the initial plan was 5.5 feet higher than the original roof line of the house and was lowered when they realized there was opposition to the proposal and found that the roof pitch could be lowered without compromising the design. Contractor Reich verified, in response to the Mayor's question, that a complete redesign would be required to further lower the roof line.

Appellant Audrey Muensterman, 213 Via Alameda, came forth to explain her position:

- That the reduced silhouette still obliterates her view of City lights;

- That she appealed the Environmental Review Board's decision because it appeared to her that some of the Board Members were not adequately informed;

- That she engaged a realtor who placed an estimated $50,000 value on the view loss she would suffer if this project goes forward as proposed; and

- That the subject realtor was present to share comparative data in support of her findings.

In response to the Mayor's request for guidance, City Attorney Remelmeyer explained that economic factors can be considered in an environmental assessment as an adjunct to an identified environmental impact.

Supporting the view that an environmental assessment is appropriate in this case, Ms. Muensterman referenced the memorandum (of record) from Assistant City Attorney Quale wherein it states that an environmental review is particularly applicable when, as in this case, an environmental issue has already been raised by the affected neighbors.

Mayor Geissert elucidated that this is the first time, to her knowledge, the City has considered whether or not to require an Environmental Impact Report on a single family home -- an observation affirmed by the City Attorney.

The real estate person retained by Ms. Muensterman, Ms. Karen Odom, 214 Via Pasqual, of Larry Moore and Associates, identified herself as a 14-year resident of the Riviera, who has held a real estate license for 10 years, 9 of which she has specialized in the Riviera area. Having established her credentials, Ms. Odom stated her opinion that a view in the Riviera area is a real property value worth between $30,000 and $100,000. Examples of otherwise comparable houses were presented by this speaker to illustrate the additional value placed on those properties with a view.

Mr. Richard Bergan, 215 Via Alameda, said half of his remaining view is being threatened by the subject proposal. Reading aloud from a written statement Mr. Bergan urged the Council to take one of several courses of action proposed by him:

1. Disapprove of construction;

2. Approve construction provided the new roof line does not exceed the height of the original house; or

3. Actively lead the effort to resolve the differences through arbitration or negotiation.

Before leaving the podium, Mr. Bergan submitted his statement for the record and informed Councilman Walker that the previous roof line of the Stovall house was barely visible to him. Mr. Bergan indicated that he had written correspondence to the City airing his views, with copies to the City Council, which included photographs of the Stovall property before and after the roof was removed and after the silhouette had been adjusted. (These photographs were not available at the meeting.)

Next to speak was Mr. Irvin Lemon, 321 Via Pasqual, (located on the opposite side of the property in question and within the Hillside Overlay District), who told of his futile efforts to preserve his view before the Hillside Ordinance was established; noted the view impact caused by trees in the subject area; and expressed his concern as a property owner that real estate outside the Hillside Overlay District was being subjected to environmental review.

Councilman Mock requested clarification by the City Attorney as to the reason the subject property fell subject to environmental review.

Referencing the Assistant City Attorney's memorandum to the Mayor and City Council (dated July 22, 1987, of record), City Attorney Remelmeyer explained:

- That the City Council asked for direction from counsel as to its options when this matter was originally introduced as an Oral Communication at a previous Council meeting (July 7, 1987).

- That Assistant City Attorney Quale checked with the Building Department and found that this case has the capacity for not being purely ministerial because there is discretion with regard to the need for a soils report and the Building Superintendent's authority to require the re-engineering of the house as a result thereof.

- That neither the law or the Environmental Quality Act are very clear in this regard, the basic theory of the Act being that a project is not ministerial if it involves any discretion on the part of an agency officer, in this case the Director of Building and Safety; and, if it isn't ministerial but discretionary, that an environmental assessment is required.

- That there is a question of judgment as to how much discretion is required and in this case there have been no guidelines adopted.

- That the Act provides that a City can narrow the scope of the environmental requirement and preclude hearing this kind of a case by the adoption of such guidelines.

- That the courts have leaned toward requirement if there is a question as to whether or not an environmental assessment should be required.

- That the scope of the Director of Building and Safety's discretion in this case is sufficient, in their opinion, to warrant an Environmental Review Board determination, which provided an opportunity for Council to review the project.

- That if the Council does not wish to hear this type of case in the future and considers that the amount of the discretion involved is too small to trigger an environmental assessment, this can be considered a unique case and such rules can be adopted.

Further clarification was provided by staff at this time as to the options before the Council.

Discussion then turned to the establishment of the Hillside Overlay District and the reason for the exclusion of the area in question.

Councilman Walker commented on the evolution of increasingly stringent controls imposed as a result of the Hillside Overlay District and stated his desire that the environmental review process not be used as another vehicle to stop residential projects.

Contrary to the decision of the Environmental Review Board, Mr. David Gerhardt, 220 Via Alameda, maintained that there would be a significant adverse view impact and dollar loss from this project as substantiated by the evidence presented.

Relative to the view obstruction from a tree on the Stovall property, Contractor Reich indicated the property owners would be willing to trim the tree but not to remove it. He deferred to his clients for further comment in this regard.

Representing the property owners, Attorney Stan Denis, Spierer, Woodward, Willens and Denis, 707 Torrance Boulevard, Redondo Beach, noted the landmark nature of this hearing relative to a single family residence being subjected to environmental assessment and stated his opinion that such action was inappropriate and should never have taken place.

Attorney Denis took issue with the City's interpretation of CEQA requirements and with it's interpretation of the Friends of Westwood court case. Reading aloud from the decision of the Court in the Westwood case, Mr. Denis contended that this document applies only to the approval process for "a project unusual in size, dimension and location," in this case a 26-story project in Westwood Village.

Several arguments were presented by Attorney Denis:

- That there is nothing unusual about the size, dimension or location of the Stovall project;

- That clearly the loss of two or three views would not be of substantial enough environmental consequence either in degree or magnitude to trigger the environmental review process, in his opinion;

- That the Stovalls purchased their property five years ago knowing it was not in the Hillside Overlay District and they are now being asked to comply with the same type of restrictions imposed by the Hillside Ordinance;

- That the Stovalls have acted in good faith, endured the environmental review process, lowered their roof line, discussed concerns with their neighbors, and they are willing to trim their tree;

- That a two-story design would have been permitted by the City and it was only because the Stovalls chose to go subterranean to keep the height of the house lower that the City felt the permit for excavation was discretionary and the environmental review process was triggered;

In conclusion Attorney Denis said he did not agree that the discretionary aspects of this case should have triggered an environmental review. Observing the voiced concern that a precedent would be set by the requirement for an EIR in this matter, he urged the City Council to end the Stovall's four and a half month vigil by concurring with the staff recommendation for a Negative Declaration.

Appellant Audrey Muensterman, 215 Via Alameda, offered clarification in response to certain of the comments made by Attorney Denis and admitted that she viewed the environmental review process as a possible vehicle to preserve her view.

In rebuttal to the arguments by Attorney Denis, City Attorney Remelmeyer stated his opinion that the precedent applied in this matter lies within the court's interpretation of CEQA in the Westwood case and would be applicable to either a 26-story building, a small commercial building, or a single family residence.

Councilman Applegate moved to close the public hearing. Seconded by Councilman Wirth, the motion carried without objection.

Stating his desire to return single family residences to the categorically exempt status relative to CEQA requirements, Councilman Walker requested and received guidance in formulating a motion to accomplish this end. Based on the information provided by the City Attorney he offered the following.

MOTION: Councilman Walker moved to deny the appeal and concur with the staff recommendation for a Negative Declaration in the matter of EA 87-21: DAN REICH and further to direct the City Attorney to draft guidelines to preclude Council consideration of such matters. Councilman Wirth seconded the motion. (This motion was later amended; see Page 22.)

The Council's option to grant a Mitigated Negative Declaration and provide for the trimming of trees was entertained by Mayor Geissert.

Notwithstanding the Council's concern regarding hillside views, Councilman Wirth said he considered this case a different issue, one which would be "opening Pandora's Box" if Council should decide in favor of some kind of environmental consideration in this instance.

In response to a volley of queries by Councilwoman Hardison, Principal Planner Woodward clarified that the Environmental Review Board voted for a Negative Declaration on this project at the reduced height.

Director of Building and Safety Grippo said it was his feeling at the Environmental Review Board hearing on this matter that a mitigation measure could have been imposed to provide for the trimming of trees in the view zone, particularly the City tree.

Of issue to Councilman Applegate were the precedent-setting aspects of this case, it being his belief that this matter was improperly subjected to environmental review. He wanted the voluntary lowering of the roof line by the property owners to be a non-issue and not to be later misinterpreted as a requirement of the Environmental Review Board's recommendation.

With guidance from the City Attorney on how to accomplish his goal, Councilman Applegate asked that the following statement be included as part of the motion to further explain the decision by the Environmental Review Board:

> That the lowering of the roof line by the proponent was not an instructed or required act on behalf of the Environmental Review Board and was strictly a voluntary act on behalf of the proponent.

Councilman Walker observed that the property owners had nodded their concurrence to this clarification (from the audience) and SO AMENDED HIS MOTION to include the above noted language recommended by Councilman Applegate. Having seconded the original motion, Councilman Wirth stated his agreement to this amendment.

As a staff member who was present at the Environmental Review Board meeting when action was taken on this matter, Principal Planner Woodward verified (for the benefit of Mayor Geissert) that the Board did not require that the roof line be lowered, but upheld that the project would not have a significant adverse effect as shown in the revised plans (with the lowered roof line).

Councilman Walker's amended motion (to concur with the staff recommendation and deny the appeal with an explanation that the lowering of the roof line was not required as part of the Environmental Review Board's recommendation) carried by unanimous roll call vote.

Mayor Geissert felt it was the prevailing attitude of the Council that something should be done to restore the view to homes on Via Alameda and (having been reminded by staff that it is not the City's policy to top trees for the purpose of preserving views) she requested the Street Maintenance Superintendent to review the City trees in that area. The Mayor also prevailed upon contractor Reich to work with the Stovall's tree to remedy the situation, to which he agreed.

Commenting that she did observe a view impact from this project, Councilwoman Hardison said she did not have a full understanding of why the subject area was excluded from the Hillside Overlay District. Ms. Hardison placed staff on notice that she would be requesting to hear the tapes of meetings associated with that decision.

17. ADMINISTRATIVE MATTERS:

17a. EXECUTIVE SESSION:

See Pages 1 and 2, and Page 27.

* * *

The Redevelopment Agency's regular order of business was considered at 9:55 p.m., the Council/Agency having remained in joint session from an earlier executive session (see Pages 1 and 2). Council/Agency companion agenda items 17b and 3a, respectively, were considered concurrently at this time. (See the Redevelopment Agency minutes of this date for other agency business.)

* * *

Considered concurrently by the Council/Agency:

Redevelopment Agency Item:

3a. PROMISSORY NOTE AND AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND THE CITY OF TORRANCE:

Supplementary material (of record) on Agency Agenda Item 3a was noted by Executive Director Jackson.

Clerk of the Agency Wilson read number and title to:

RESOLUTION NO. RA 87-21

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF TORRANCE APPROVING AND AUTHORIZING EXECUTION OF A PROMISSORY NOTE AND AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF TORRANCE AND THE CITY OF TORRANCE

MOTION: Agency Member Nakano moved to adopt Resolution No. RA 87-21. His motion was seconded by Agency Member Walker and unanimously approved by roll call vote.

City Council Companion Item:

17b. PROMISSORY NOTE AND AGREEMENT BETWEEN THE CITY OF TORRANCE AND THE REDEVELOPMENT AGENCY:

City Clerk Wilson read number and title to the following City Council resolution at the Mayor's request:

RESOLUTION NO. 87-250

A RESOLUTION OF THE CITY OF TORRANCE APPROVING AND AUTHORIZING EXECUTION OF A PROMISSORY NOTE AND AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF TORRANCE AND THE CITY OF TORRANCE

MOTION: Councilman Nakano moved to adopt Resolution No. 87-250 and his motion was seconded by Councilwoman Hardison. Roll call vote was unanimously favorable.

* * *

The regular City Council agenda order was resumed at 9:56 p.m., the City Council/Redevelopment Agency remaining in joint session for the purpose of a joint executive session to be held later in the evening.

* * *

22. ORAL COMMUNICATIONS:

22a. Heard earlier; see Page 4.

22b. Heard earlier; see Page 6.

22c. City Manager Jackson extended his personal appreciation to various City Departments for their extraordinary work on the 75th Anniversary celebration.

22d. City Attorney Remelmeyer echoed the City Manager's praises to staff relative to the 75th Anniversary celebration.

22e. The "beautiful community spirit" witnessed at the 75th Anniversary picnic was acknowledged by City Clerk Wilson.

22f. It was requested by City Clerk Wilson that the date of January 12, 1988 (a 7:00 p.m. meeting) be set for Commission appointments for terms expiring January 15, 1988. Council concurrence was indicated.

22g. Councilman Applegate concurred with City Manager Jackson and others that staff did a high-caliber job on the City's Anniversary celebration and commented on the tremendous community support of this occasion.

22h. The community pride demonstrated at the City's Anniversary festivities at Wilson Park was also recognized by Councilwoman Hardison, who deemed this event an example of a small town gathering within a big City.

22i. Staff was congratulated by Councilman Mock for a grand job on the 75th Anniversary celebration. He also extended appreciation to the Daily Breeze and the Los Angeles Times for their coverage of this event.

22j. Councilman Mock wished fellow Councilmen Applegate and Nakano well on their trip to Japan as part of the Sister City delegation.

22k, City staff was again commended for a great job on the 75th Anniversary celebration by Councilman Nakano.

22l. Expressing his concern about some of the diseases to which public safety personnel are subjected in the course of their employment, Councilman Nakano said he would like to see a protective policy in place and suggested the formation of a task force to address these concerns.

City Manager Jackson recommended existing policy be reviewed prior to further action and advised that staff would follow through on this matter.

22m. Councilman Walker:

- Commented on the City's 75th Anniversary celebration.

- Commented on the Volunteer Fire Department badge distributed by Fire Chief Adams and reminisced about the Junior Fire Marshals' badge handed out in years past by Dave Hayward.

- Congratulated "a very athletic" Mayor Geissert for riding 23 miles in the Bike Ride for Diabetes.

22n. Councilman Wirth extended appreciation to City staff for their participation in the 75th Anniversary celebration and congratulated the Mayor, personally, for her part in making it a great celebration.

22o. Sharing her comments on the 75th Anniversary celebration, Mayor Geissert related a mishap that occurred, observed that the people who attended this event obviously had a good time, noted that the occasion drew forth a great deal of community pride and expressed appreciation to the press for their good coverage of this occasion.

22p. Mayor Geissert applauded the excellent job by Los Angeles Times reporter George Stein on his prospective of Torrance 75 years hence, a recently published article.

22q. Also recognized by the Mayor were the historical perspectives included in the two-page pull-out in a recent issue of the the South Bay New Times.

22r. Long-term efforts to alleviate traffic problems on Calle Mayor, particularly speeding between Pacific Coast Highway and Palos Verdes Boulevard, were related by Mr. Kenneth Poiry, 5507 Calle Mayor, who read from correspondence with the City in this regard dating back to October 21, 1967. A petition containing 67 signatures of residents of the subject area was submitted by this speaker requesting the City to continue the parkway east of Riviera Way (on Calle Mayor) down to Newton Street to remedy racing two abreast on Newton; and to slow speeding traffic.

For the benefit of Mr. Poiry, City Attorney Remelmeyer clarified that no action could be taken on this matter because it was not on the agenda.

Mr. Poiry was advised by Councilman Wirth and members of staff that this matter had already been referred to the Transportation Department for further action and that information from that department would be forthcoming. The procedure to be followed in processing this request was reviewed by the City Manager and Mayor Geissert noted that the petition submitted by Mr. Poiry would be made part of the official record.

The Council now returned to consideration of . . .

17a. EXECUTIVE SESSION:

The City Council/Redevelopment Agency having remained in joint session from an earlier executive session held during an adjourned regular meeting of the Council/Agency (see Pages 1 and 2 of these minutes), the Mayor read the following statement into the record concerning City Council business:

> 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 confer with the City Attorney regarding the renegotiation of the lease of City owned property on the Civic Center to Paragon Cable. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.8.
>
> The City Council will give instruction to the City Manager regarding the leasing of Del Amo Mall property to construct a Transit Parking Facility. Authority for holding an executive session for this purpose is contained in Government Code Section 54956.8.

The Council/Agency took a brief recess at 10:24 p.m. followed by a joint executive session at 10:50 p.m.

* * *

Councilman/Agency Member Applegate left the meeting at 11:44 p.m.

* * *

The Council/Agency returned to Council Chambers at 11:45 p.m. for formal adjournment of both bodies. There was no action taken as a result of the joint executive session.

23. ADJOURNMENT:

MOTION: Councilman/Agency Member Wirth moved to adjourn the City Council/Redevelopment Agency meeting at 11:47 p.m. to November 3, 1987 at 5:30 p.m. His motion was seconded by Councilwoman/Agency Member Hardison and carried without objection by those present (Councilman/Agency Member Applegate was absent).

The meeting was adjourned in memory of "Mr. D," Nikola Drakulich.

* * *

Katy Geissert
Mayor of the City of Torrance

Donald E. Hickson
Clerk of the City of Torrance

Marlene Lewis
Minute Secretary

City Council
October 27, 1987