

I N D E X

Torrance City Council - September 5, 1989

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Adjournment was at 2:07 a.m. to Tuesday, September 12, 1989, 7:00 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, September 5, 1989, at 5:34 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 Nelson, City Clerk Bramhall, and Staff representatives.

3. FLAG SALUTE/INVOCATION:

Mr. Dan McClain led in the salute to the flag.

The invocation for the meeting was provided by Reverend Charles Bullock, Torrance Church of the Nazarene.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the minutes of the City Council meeting of August 15, 1989, as recorded. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

MOTION: Councilman Applegate moved that after the City Clerk has assigned a number and read title to any resolution or ordinance on the agenda for this meeting, the further reading thereof be waived, reserving and guaranteeing to each

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Councilmember the right to demand the reading of any such resolution or ordinance in regular order. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

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, seconded by Councilman Mock, carried unanimously by roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

None.

7. COUNCIL COMMITTEE MEETINGS:

None scheduled.

8. COMMUNITY MATTERS:

8a. DANIEL J. McCLAIN COMMENDATION:

RESOLUTION NO. 89-208

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE CONGRATULATING AND  
COMMENDING DANIEL J. McCLAIN FOR HIS  
CONTRIBUTIONS TO THE CITY OF TORRANCE

MOTION: Councilman Nakano moved to adopt Resolution No. 89-208. His motion, seconded by Councilwoman Hardison, carried by unanimous roll call vote.

This resolution was accepted with sincere appreciation by Mr. Dan McClain.

8b. PROCLAMATION Commending those Companies and Individuals Supporting the Fourth Annual Oktoberfest Fund-raiser for Charities at Alpine Village.

SO PROCLAIMED by Mayor Geissert.

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Present to accept this proclamation were:

- Sonia Bailey for Hans and Teri Rotter -  
Alpine Village
- John O'Donnell - Republic Bank
- Bill Oberholzer - Republic Bank
- Brian Leamy - Starkist
- Mark Glattly - Cormier Chevrolet

8c. PROCLAMATION Declaring Friday, September 15, 1989, as  
"National POW/MIA Recognition Day" in the City of  
Torrance.

SO PROCLAIMED by Mayor Geissert.

Present to receive this proclamation was Mr. Matthew  
Eatman, representing the Veterans' Administration.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. AWARD OF CONTRACT FOR CONSTRUCTION OF CUL-DE-SACS AT  
VIA CORONA AND VISTA LARGO (B89-60).

RECOMMENDATION:

The Engineering Department recommends that your  
Honorable Body adopt the resolution to: (1) accept the  
bid from and award a contract to Excalibur Contracting,  
Inc. in the amount of \$82,831.50 for the subject  
project; (2) retain the guaranties of Ruiz Engineering  
Company and Bay District Paving Company until execution  
of a contract with Excalibur Contracting, Inc; and (3)  
reject all other bids; and that \$15,000 in Gas Tax  
Funds be appropriated for the subject project.

RESOLUTION NO. 89-209

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE, CALIFORNIA, TO AWARD  
A CONTRACT TO EXCALIBUR CONTRACTING, INC.  
FOR THE CONSTRUCTION OF CUL-DE-SACS AT  
VIA CORONA AND VISTA LARGO (B89-60), AND  
AUTHORIZING ITS EXECUTION

MOTION: Councilman Nakano moved to adopt Resolution  
No. 89-209, including appropriation. His motion was seconded by  
Councilwoman Hardison, and roll call vote was unanimously  
favorable.

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15. HEARINGS:

15a. CUP 89-8, PP 89-10, ESSICK ASSOCIATES:

Mayor Geissert announced that this was the time and place for Council consideration of a Councilmember appeal of a Planning Commission approval of a Conditional Use Permit and a Precise Plan of Development to allow the construction and operation of an automobile smog check facility on property located in the C-2 (PP) zone on the southwest corner of Pacific Coast Highway and Madison Avenue. CUP 89-8, PP 89-10: ESSICK ASSOCIATES.

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

Staff presentation was provided by Sr. Principal Planner Gibson and the Planning Department/Planning Commission recommendation for denial of the appeal and approval of the project was noted.

A brief discussion ensued during which Principal Planner Gibson responded to Council concerns regarding the proposed circulation pattern channeling traffic onto a narrow alley which provides access to residential streets. The dilemma represented by existing street alignments and resultant design constraints for this site were described by Mr. Gibson.

Mr. John Wilson, representing Auto Chek Centers, developers, 17922 Skypark Circle Drive, Irvine, described their proposed project and agreed to all suggested conditions of approval. This speaker maintained that this business will primarily serve the surrounding area and is compatible with the neighborhood.

During an exchange with members of the Council, the developer's representative agreed to an added condition requiring a color change from the midnight blue presently intended for the building. Renderings of optional finish materials were displayed for Council review.

Audience input was then invited by the Mayor.

Speaking in FAVOR of the project were:

- Ms. Pat DeSimone, 2733 Palos Verdes Drive North, Palos Verdes [daughter of property owner] -- reviewed points set forth in her correspondence included in the agenda packet;

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- Mr. Gary Beck of Auto Chek Centers;
- Mr. Dave Crilley, 2309 Aztec Avenue, Ventura -- obtained most of the 83 signatures on a petition [original earlier submitted to Councilman Mock and provided by him for official record].

Factors set forth for consideration included: misinformation circulated in neighborhood regarding traffic flow from the project; low traffic generation from the proposed development; lengthy period of time the property has been vacant; desire of the owner to develop the property; and cooperation of the developers in attempting to alleviate problems.

Members of the audience who voiced OPPOSITION to the project were:

- Mr. Philip Mercier, 3432 Cricklewood Street;
- Ms. Fay Urejian, owner of property at 24241 Madison Street;
- Mr. Jim Burley, 24233 Madison Street;
- Ms. Lillian Doaze, 24280 Ward Street;
- Mr. Les Haddon, 24228 Ward Street [speaking for the community of Walteria] -- read aloud letters of opposition from Lisa Bridges Johnson, 24253 Ward Street and Barbara Guajaca, 3409 Cricklewood Street [both letters submitted for the record]. A petition registering opposition containing some 100 signatures was also submitted for the record.
- Mr. Martin Nugent, 24230 Madison Street.

Reasons given in support of their opposition included: heavy traffic congestion; proximity to school; ingress and egress design problems; noise; pollution; aesthetics; and the overall inappropriateness of this use for the subject property. It was alleged that misinformation was provided residents at the time signatures were obtained in favor of the project, and the existence of another smog test facility in the area was noted.

There being no further audience comments, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Wirth and roll call vote was unanimously favorable.

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Council discussion followed which centered around the incompatibility of the subject use with the neighborhood and its inappropriateness for this location.

Noting his concerns regarding traffic flow and how that would impact the neighborhood, Councilman Mock offered the following --

MOTION; Councilman Mock moved to grant the appeal and deny the project [CUP 89-8, PP 89-10: ESSICK ASSOCIATES]. His motion was seconded by Councilman Walker.

Prior to roll call vote on the motion, Councilman Aplegate addressed the design of the structure proposed and suggested that the applicants consider conformity with the area in any future proposal for the City of Torrance.

The Council, as a whole, expressed concerns regarding the issue of safety and the inappropriateness of a commercial use opening onto a residential alley.

Mayor Geissert acknowledged the difficulty in developing this site and suggested that the DeSimone family might wish to discuss with the Planning Department the feasibility of combining the subject lot with the adjacent parcel [also under their ownership] for possibility of developing the property with a professional use which would be more compatible with the adjacent residential area.

Roll call vote on the above motion for denial of the project was unanimously favorable.

15b. PP 89-19: RONDA DOBENS:

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow construction of a first- and second-story addition to an existing one-story residence in the Hillside Overlay District in the R-1 zone located at 5622 Andrus Avenue. PP 89-19: RONDA DOBENS.

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

During the staff presentation on this agenda item it was noted by Sr. Principal Planner Gibson that the Planning Department recommends denial of the appeal and approval of the project as conditioned in the staff report; the Planning Commis-

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sion recommends denial of the appeal and approval of the project as conditioned by the Planning Commission [adding the following conditions]:

- That the fence on the westerly property line shall be no higher than five feet excluding the retaining portion; and
- That the second-story balcony and sliding glass door shall be removed and replaced with a window to minimum Code standards, to the satisfaction of the Building and Safety Department.

The proponents, Mike and Ronda Dobens, 5622 Andrus Avenue, explained the rationale behind their design noting that the addition of the desired square footage on the first level, only, would take up the majority of their rear yard -- further, the present configuration, in addition to being affordable, is less massive in appearance and represents less view blockage than would occur if the second story were moved closer to the street.

Individual members of the Council voiced concerns resulting from their personal visits to the site, particularly as the proposed addition would impact the property to the rear [McCarthy residence]. Councilwoman Hardison stated that she would rank privacy for neighbors' rear yards higher than the matter of compatibility from the front of the property.

Further audience comments were invited by the Mayor.

Mr. Jan Van Leeuwen, 5633 Andrus Avenue, reviewed various points set forth in correspondence from residents of the neighborhood [included in agenda packets]. During his presentation, this speaker quoted from the Torrance Municipal Code relative to on height increases, noting his opinion that the necessary finding of hardship has not been demonstrated in this case, and deeming this of primary interest to him.

This speaker further maintained that, inasmuch as he had "paid extra for a view lot" anything that would infringe on that view would be subject to civil litigation and extended court proceedings. Upon being questioned by Mayor Geissert following considerable discussion along these lines, Mr. Van Leeuwen advised that the subject proposal impacts his view to a very slight extent -- "maybe 5% or 10%."

Mr. Van Leeuwen's comments were addressed by City Attorney Nelson, who advised the Council of the necessary finding of fact with supportive evidence in order for the Council to grant the applicant's request. Mr. Nelson also advised that it

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is possible, although not common practice, to purchase rights to a view; however, the purchase of such an easement would actually have to have been recorded by way of a legal document against surrounding properties.

The next audience speaker, Mr. Lawrence Kirby, 5625 Andrus Avenue, voiced support of the project pointing out the dense foliage in evidence now, which prevents the enjoyment of views.

Ms. Bettie Tierney, 5628 Andrus Avenue, submitted three photographs taken from inside her home which illustrate the impact on her view of an existing fence on the applicant's property. It was her request that this fence be lowered to five feet in height [see Planning Commission's recommended condition No. 5]. Ms. Tierney also stated that the proposed addition will further impact her view; will restrict the air flow, sunlight and privacy to her home; will adversely affect her property value; and will be precedent-setting for the area.

Owner of property to the west of the proposed development, Mr. Brian McCarthy, 5531 Emerald Street, agreed with Mr. Van Leeuwen's statement that the need for a second story has not been demonstrated and noted his opinion that the design as proposed will severely impact his privacy and the quality of life, as well as value, of his property. It was his request, should a second story be approved, that consideration be given to moving it either over the garage or over the easterly portion of the house.

Mr. Dan Zirin, 4742 Deelane Street, spoke in favor of a second story addition in order that rear-yard area might be retained for the enjoyment of the family.

Speaking as legal counsel for Virginia McCarthy and Bettie Tierney, Mr. Ken Gaugh, 23125 Samuel Street, maintained that the project, as proposed, would dramatically infringe upon his clients' quality of life and property values.

It was Mr. Gaugh's position that the slides displayed during staff's presentation of this case were "not a true depiction of potential view loss." He objected, at this point, to the inclusion of any of the photographs in the record other than for demonstrative purposes to assist the Council in reaching a decision tonight. Further, Mr. Gaugh stated his opinion that Sr. Principal Planner Gibson, not the Dobens', has been the plan's primary advocate and referenced Mr. Gibson's "selective photography" as an example of this.

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Continuing, Mr. Gaugh responded to each of the applicant's substantiating statements on the Precise Plan application, maintaining that there is sufficient room for a single-story addition and that the proposed design is impractical for the neighborhood, negatively impacting surrounding property values, as well as setting a bad precedent.

In conclusion, Attorney Gaugh suggested that his clients enter into a dialog with the proponents, their architect and the Planning Department in order that alternatives, including moving the second story to the easterly side of the house, might be considered.

Mayor Geissert pointed out that moving the second story to the easterly part of the house would have a massive impact on the neighbor to the east [29 feet above their building pad] because of the difference in elevation of the two properties.

The applicant, Ms. Ronda Dobens, 5622 Andrus Avenue, returned to address their attempts to consider privacy for neighbors. Mayor Geissert stressed her concerns regarding the proximity of the second story to the McCarthy rear yard and patio area and the impact represented thereby.

There being no further audience comments, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable.

Councilman Applegate responded to Mr. Gaugh's negative remarks with regard to City staff by pointing out that rather than "pushing this through", it is the job of the Planning Department to take a stand on projects based upon good zoning and planning practices. Mr. Applegate also took great exception to Mr. Gaugh's statement that Mr. Gibson might be taking pictures that are slanted in one direction or the other, explaining that similar pictures are displayed by staff for every hillside case that comes before the Council.

Councilman Wirth concurred with his colleague's comments, upholding Mr. Gibson's integrity and objectivity in fulfilling his job. For the purpose of allowing interested parties to consider a mutually-acceptable modification to the plans, Mr. Wirth offered the following...

**MOTION:** Councilman Wirth moved to continue Agenda Item 15b [PP 89-19, RONDA DOBENS] to the City Council meeting of October 3, 1989, 5:30 p.m. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

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Mr. Dobens indicated his concurrence with the above action.

Certain concerns were outlined by Mayor Geissert, i.e. that a second story over the garage would not be architecturally pleasing; that a second story on the east side would appear overwhelming from the house below; that the structure as designed appears unreasonably close to the McCarthy yard; and that the proposed second story cuts off Ms. Tierney's view of the mountains.

Councilwoman Hardison added her personal opinion that the side yard now being utilized for the storage of recreational vehicles should be retained for that purpose and not utilized for part of a single-story addition. She suggested the possibility of reducing the size of the master bedroom and moving the study to the first story in order to lessen the impact on the McCarthy's property.

Planning Director Ferren announced that this case would not be readvertised prior to the October 3, meeting.

\* \* \*

At 8:02 p.m. a recess was called by the Mayor. The Council reconvened at 8:30 p.m.

\* \* \*

15c. RECOMMENDED CHANGES TO R-1 DEVELOPMENT STANDARDS:

Mayor Geissert announced that this was the time and place for a public hearing on recommended changes to the R-1 Development Standards and requested options.

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

The staff presentation was provided by Principal Planner Bluman, who set forth the following staff recommendation.

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#### PLANNING DEPARTMENT RECOMMENDATION

The study research was predicated on the development of a set of standards that would be applied consistently through the zoning regulations to provide the most objective, and thus most equitable means to deal with the study concerns. The recommended 0.6 floor area ratio, including garages, is intended to serve as a bulk control limit.

The recommended FAR of 0.6 represents a compromise between the desire for larger homes and their compatible integration into existing neighborhoods. The list of attached addresses provides examples of the compatibility concerns which formed the original study issues. The design and over-all size of the homes, as viewed individually, is not the perceived concern. It is the size of the home relative to the size of the lot, and its perceived impact upon the neighborhood. In most cases this impact is not experienced at the street frontage. It is the imposing bulk of the structure and its effect at the rear yards. The desire for these larger homes is not at issue. The issue is to provide standards that require the lot to be large enough to accommodate the size of the house being built.

The recommendations of Ordinance A are based on the premise that the FAR should not be exceeded unless additional requirements are applied to control the bulk created by an increase in floor area. The wider sideyard requirements define the compensation for the excess floor area up to 0.7 FAR. Codifying the additional sideyard requirements allow projects to exceed the FAR standard without a new layer of public review. Optional sideyard requirements are included for discussion, and are intended as an alternative to provide a greater flexibility for existing homes (e.g., an addition over the garage).

If your Honorable Body wishes to codify any of the options provided in the previous discussion, an ordinance would need to be drafted and returned for your consideration.

If the City Council wishes to establish the FAR as a finite bulk control limit, staff recommends that the ordinance be modified to exclude the Precise Plan approval provision for projects in excess of the maximum floor area ratio. Modifying either Ordinance A or Ordinance B in this manner, assures that no new layer of costly and time-consuming public review would be required.

If the City Council wishes to provide that projects with floor area ratios of 0.7 or more be allowed upon approval of a Precise Plan, staff recommends concurrence with the recommendation of the Planning Commission, and adoption of Ordinance A as written.

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Both the Building and Safety Department and the Planning Department recommend that the City Council grandfather all projects impacted by the proposed R-1 development standard revision that have been filed for plan check or filed for land use entitlement.

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A brief Council discussion developed at this point.

Councilwoman Hardison indicated her support of Ordinance A, and listed her concerns in order of personal priority as follows:

- rear yard setback and privacy issue,
- side yard setback,
- compatibility with the neighborhood.

The establishment of a maximum house size or cap at which point a Precise Plan requirement would be triggered was also recommended by this Councilmember.

Mayor Geissert also supported the concept of a maximum house size regardless of the size of the lot.

Personal observations when visiting various sites in the City were offered by Councilman Nakano, who commented on the importance of design, noting that an example of .56 FAR appeared extremely bulky while another design at .63 - .68 FAR gave the appearance of compatibility. Placement and size of windows to minimize intrusion on neighbors' privacy was acknowledged as an important consideration by Mr. Nakano.

Audience input was then invited by the Mayor.

Mr. Mike Mauno, 2845 Onrado Street, quoted from a document titled Protective Restrictions Palos Verdes Estates [submitted as part of the official record] and indicated his support of the .6 FAR including garage. The privacy issue, sunlight and movement of air were cited by this speaker as important considerations.

Ms. Iku Kiriyaama, 1934 West 232nd Street, urged flexibility in the ordinance to allow for additions on smaller lots.

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Mr. Dan Zirin, 4742 Deelane Street, basically opposed any floor area ratio restriction, but requested that if one is to be instituted, the allowable building size be as large as possible. This speaker also voiced his opinion that the residents of the City should have been notified of this consideration by way of water bill inserts.

Stating that she represents approximately 12 people in her neighborhood, Ms. Anita Hall, 2414 West 236th Place, urged support of the .6 FAR. This citizen also called attention to the importance of retaining sufficient open ground to assure needed water absorption for future use.

The Southeast Torrance Homeowners' Association representative, Mr. Ed Liebersbach, 2330 230th Place, voiced that organization's support of Ordinance A.

Mr. Michael McLaughlin, 2901 Onrado Street, expressed concerns regarding what he termed a lack of decisiveness and representation in the subject matter and questioned the motivation of Councilmen Applegate and Walker in their actions heretofore on this subject. Ratification of an all-inclusive .6 FAR was requested by this speaker.

Councilman Walker strongly objected to Mr. McLaughlin's allegations and implications and firmly stated his personal position in the matter, including reiteration of his desire that all owners of R-1 properties in the City be notified by mail regarding this consideration.

Ms. Pam O'Brien, 5005 Sepulveda Boulevard, speaking for herself and for the Southwood Homeowners Association Board, noted support of Ordinance A.

Mr. Tracy Cramer, 1504 Date Avenue, pointed out that a majority of builders doing work in this City, as well as their subcontractors, live in the City of Torrance.

Expressing his strong opinion that existing restrictions should not be changed, Dr. Norman Kamai, 3632 West 171st Street, requested rejection of both ordinances under consideration.

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Ms. Mary Papavasiliou, 5405 Linda Drive, recommended Ordinance A, with modifications including a cap on size and with established guidelines to avoid a Precise Plan requirement except in extreme cases.

Ms. Fran Lyn Mauno, 2845 Onrado Street, concurred with the .6 FAR including all structures [Ordinance A] as an acceptable compromise.

Noting his concern and that of other builders regarding quality of development in the City of Torrance, Mr. Tommy May, 3406 West 226th Street, recommended Ordinance B [.65 FAR].

Ms. Cynthia Logan, 2849 Onrado Street, indicated support of Ordinance A.

Expressing his opinion that each lot should be considered on an individual basis, Mr. Rick Gaunt, 2812 West 232nd Street, noted that although he can accept the concept of .65 FAR, he cannot totally approve of any floor area ratio as a means of regulating building.

Mr. Sam Burescia, 2619 West 232nd Street, recommended, in the spirit of compromise, a .65 FAR including the garage, with a 10% side yard setback [Ordinance B].

Owner of property at 22955 Cabrillo Avenue, Mr. James Turner, presently residing at 2300 Maple Avenue #186, expressed his opinion that anything less than a .65 FAR would be a disservice to the community.

Mr. Ken Kustra, 3613 Courtney Way, agreed with the concept of .6 FAR including the garage.

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

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Discussion developed regarding the optional ordinance changes submitted by staff for Council deliberation. Specific issues of concern to individual members of the Council were also considered.

Councilman Applegate took this opportunity to respond to earlier remarks by Mr. McLaughlin [see Page 13] and to demonstrate the rationale behind Council's earlier action in requesting that staff bring forth a .65 FAR proposal as an option in addition to the .6 which was earlier presented. Mr. Applegate expressed his opinion that the citizens who will be most affected by the proposed ordinance change will be those who wish to remodel, and he stressed his personal concerns that all aspects of the subject at hand should be addressed.

Commenting on citizen participation and awareness, Councilwoman Hardison expressed her opinion that ample opportunity has been provided for concerned citizens to provide input. She further suggested that neither ordinance presented would limit additions to homes -- problems represented by small remodels could be dealt with administratively.

Mayor Geissert indicated her preference for Ordinance A and recommended that it be adopted by the Council tonight, except for the following subsections which she recommended be held in abeyance pending additional information and discussion.

SECTION 91.4.11 FLOOR AREA RATIO

- d) In the event any person proposes to construct a new single-family dwelling, or to remodel an existing single-family dwelling in such a manner that the F.A.R. will exceed .6 to 1., but will be less than .7 to 1., the following conditions must be met:
1. The sideyard setbacks must be either:
    - A- twenty percent (20%) of the lot width per side at the second story level; or
    - B- fifteen percent (15%) of the lot width per side at both first and second story levels; and
  2. At any height over twenty one (21 feet, no portion of the building, except for chimneys, antennas and flues, may intersect a plane commencing at the minimum sideyard setback, and extending toward the center of the site at an angle of forty five (45) degrees.

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e) No single family dwelling shall be constructed, and no single family dwelling shall be remodeled with a F.A.R. of .7 to 1. or more unless a Precise Plan shall first have been approved by the Planning Commission, or the City Council on appeal.

f) No Precise Plan shall be approved unless the Planning Commission, or City Council on appeal, shall find that:

1. The design provides an orderly and attractive development in harmony with other properties in the vicinity;
2. The design will not have a harmful impact upon the land values and investment of other properties in the vicinity;
3. Granting the application will not be materially detrimental to the public welfare and to other properties in the vicinity;
4. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity;
5. The proposed development has been designed to be compatible in scale and bulk with the neighborhood;
6. There are practical difficulties relating to the size, shape or topographical features of the site.

After noting her desire that staff return with information regarding a cap [maximum size] and buildable pad, Councilwoman Hardison offered the following.

MOTION: Councilwoman Hardison moved that the City Council adopt Ordinance A, holding Section 91.4.11 d), e) and f) for further information. Her motion was seconded by Councilman Wirth.

Councilman Mock requested that further information be provided regarding the handling of the review process on the cap issue.

A SUBSTITUTE MOTION was offered by Councilman Applegate to adopt Ordinance B. This motion DIED FOR LACK OF A SECOND.

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The main motion carried by way of the following roll call vote --

AYES: Councilmembers Hardison, Mock, Nakano, Wirth and Mayor Geissert.

NOES: Councilmembers Applegate and Walker.

City Attorney Nelson pointed out that, because of the complexity of the ordinance, it may be necessary to return a modified version for a first reading.

ORDINANCE A

ORDINANCE NO. 3283

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING ARTICLE 4 OF CHAPTER 1 OF DIVISION 9, AMENDING SECTIONS 91.6.1, 91.6.5, 91.6.6, 91.6.10, 91.7.1, 91.7.6, 91.7.9, 91.8.1, 91.9.1, 91.9.6, 91.12.5, 91.13.1, 91.13.6, 91.13.9, 91.41.3, 92.5.2, 92.5.4, 92.5.5, 92.5.6, 92.5.7, 92.5.8, 92.5.11, 93.5.2 AND REPEALING SECTIONS 91.2.11, AND 91.2.79 AND ADDING A NEW SECTION 91.2.82 ALL DEALING WITH THE DEVELOPMENT STANDARDS FOR SINGLE FAMILY DWELLINGS AND THE R-1 ZONE AND RELATED REFERENCES

MOTION: Councilman Nakano moved to approve Ordinance No. 3283, AS AMENDED, at its first reading. His motion was seconded by Councilwoman Hardison and carried by way of the following roll call vote.

AYES: Councilmembers Hardison, Mock, Nakano, Wirth and Mayor Geissert.

NOES: Councilmembers Applegate and Walker.

Director of Building and Safety Grippo called attention to his department's recommendation [per supplementary material on this agenda item] that the Council grandfather all projects impacted by the proposed R-1 Development Standards Revisions that have been filed for plan check prior to the effective date of the Ordinance.

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MOTION: Councilman Wirth moved to grandfather the projects as recommended by the Building and Safety Director. His motion was seconded by Councilman Mock.

In response to a question by Mayor Geissert, Mr. Grippo advised that staff will return with a verification that all projects fall within the .6 FAR. Any that do not fall within the .6 FAR will not be grandfathered, per Mr. Grippo.

Councilman Wirth then AMENDED his motion to state that all projects which meet the temporary emergency .6 FAR standard will be grandfathered, per the recommendation of the Building and Safety Director.

Roll call vote on the amended motion was unanimously favorable.

\* \* \*

At 10:47 p.m. Mayor Geissert called a recess. The Council returned at 11:10 p.m.

\* \* \*

16. APPEALS:

16a. SPECIAL ANIMAL PERMIT 89-5 TO KEEP RACING PIGEONS:

Mayor Geissert announced that this is an appeal of an Environmental Quality and Energy Conservation Commission denial of Special Animal Permit 89-5 to keep approximately 100 racing pigeons.

The staff presentation was provided by Environmental Quality Officer Roelen, who noted the following recommendations.

ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION  
COMMISSION RECOMMENDATION:

The Commission recommends denial of the request to keep more than four (4) pigeons or doves at 23342 Los Codona Avenue.

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BUILDING AND SAFETY DEPARTMENT RECOMMENDATION:

The Building and Safety Department concurs with the Commission's recommendation for denial. If Council denies the Special Animal Permit, it is recommended that a reasonable time be given to relocate the pigeons.

If Council approves a Special Permit, staff recommends:

1. Limit all Special Permits to a maximum of 60 pigeons
2. Limit number flown at any one time to 25
3. Limit days and hours flown
  - a) not on Saturdays, Sundays or holidays
  - b) not after 8:00 a.m. or before 6:00 p.m.  
(may wish to adjust during winter)
4. Test 10% of pigeons for Chlamydia psittaci with report to City
5. Stipulate that more than one illness-caused pigeon death within any one-month period will require a postmortem study by a veterinary laboratory with report to City
6. Report all suspected or proved cases of psittacosis and ornithosis to county public health authorities.

Mr. Roelen responded to Council questions, following which Mayor Geissert invited the appellant to address the Council.

Mr. Roger Mortvedt, 23342 Los Codona Avenue, provided extensive background information regarding his request for a permit to keep approximately 100 racing pigeons. Mr. Mortvedt advised that he, personally, has no rodent problems [a question raised earlier relating to the keeping of pigeon feed] and submitted photographs depicting sea gulls in the area which, in his opinion, are responsible for the problem of defacing of property, rather than his pigeons. An extremely unfavorable situation involving the keeping of pigeons by another neighbor whose property is presently for sale was described by this speaker.

Mr. Mortvedt reviewed each of the conditions recommended by staff, agreeing with all requirements with the following exceptions.

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Condition #1 -- Reducing the number of pigeons to 60 would require approximately two months to accomplish.

Condition #3 -- Explaining that flying after dark would be dangerous, he requested 1.5 hours in the evening before dark and 1.5 hours in the morning after sunrise. He further noted that the pigeons are raced on Saturdays and Sundays and on those days return to the loft one at a time.

Councilman Applegate suggested that investigation of the situation involving the other pigeon owner in the area be aggressively pursued by staff. It was also this Councilman's recommendation that the improper disposal of trash by restaurants in the area be thoroughly investigated -- Mayor Geissert so directed staff.

It was further noted by Environmental Officer Roelen, in response to a comment by Councilman Nakano, that staff will look into the correct manner of disposing of pigeon waste.

Members of the audience who spoke in OPPOSITION to the subject application were:

- Mr. Ken Kustra, 3613 Courtney Way.
- Mr. Jack Walser, 2558 232nd Street -- submitted drawing with overlay indicating flight pattern of pigeons in the area.
- Mr. John Perparas, 23338 Los Codona Avenue -- submitted a map of the area; letter from Litsis Realty; disclosure form; procedure for disclosure and California Real Estate Principles.
- Ms. Christine Perparas, 23338 Los Codona Avenue.
- Ms. Helen Nicholan, 3927 West 231st Place.
- Ms. Dorothy Robley, 23334 Los Codona Avenue.
- Mr. Dave Brent, 3614 Eleda Drive.

Reasons cited for their position included: defacing of property; annoyance and nuisance factor; detriment to enjoyment of home, yard and patio; negative impact to surrounding property values; possibility of interference with small aircraft; health hazards; precedent-setting aspects; etc.

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Speaking in SUPPORT of the request were:

- Mr. Paul Woehlcke, 3620 Courtney Way.
- Ms. Ann Mortvedt, 23342 Los Codona Avenue.
- Mr. Ross Shetrone, 7874 Deckford Avenue, Los Angeles [secretary of pigeon racing club].

These speakers' remarks included rebuttal to statements regarding health hazards related to racing pigeons; referenced ordinance controls established by the City of Los Angeles; etc.

The following speakers did not specifically recommend for or against the requested permit.

- Mr. Mike Moore, 3208 Danaha Street -- recommended a decision involving a compromise.
- Mr. Larry Robley, 23334 Los Codona Avenue -- urged that the Council weigh all testimony before reaching a final decision.
- Mr. Ron Mortvedt, 23342 Los Codona Avenue -- urged that the consequences for all be considered.

The proponent, Mr. Mortvedt returned to point out that the Perparas' had signed his original petition indicating acceptance of the pigeons, and only recently voiced opposition, citing as part of their objection the fact that the number of pigeons had increased. Mr. Mortvedt submitted, for the record, photographs taken in July of 1986 showing the Perparas' in front of the larger loft area.

Mr. Perparas returned to the podium to explain that containment of the larger number of birds is acceptable to him -- it is their frequent flying over his patio area which he finds objectionable.

There being no one else in the audience who wished to speak to this issue, Council discussion ensued.

Councilman Nakano voiced his conviction that the keeping of pigeons is a nuisance and does not belong in a residential area. With that, Mr. Nakano offered the following...

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**MOTION:** Councilman Nakano moved to deny the appeal on Special Animal Permit S89-5, and concur with the recommendation of the Environmental Quality and Energy Conservation Commission. This motion was seconded by Councilwoman Hardison.

Councilman Wirth advised that, upon his personal visits to the area he was not able to determine that the problem was a result of the particular pigeons owned by the Mortvedt's.

A SUBSTITUTE MOTION was then offered by Councilman Wirth to grant the appeal for Special Animal Permit S89-5, adding the conditions recommended by staff, with the exception of the limitation on hours and days flown. This motion was seconded by Councilman Mock.

Discussion continued.

Councilwoman Hardison indicated her belief that the pigeons constitute a nuisance to those neighbors who have the low flying birds over their back yards and patio areas, thus her support of the main motion.

Councilman Walker was of the opinion that the unanswered questions should be addressed: i.e., the possible impact of the other pigeons in the area [owned by people whose property is presently for sale] and a determination of whether pigeons or sea gulls are causing the problem on the Walser property.

Councilman Applegate indicated his support of the main motion because of what he deemed to be a severe problem caused by the pigeons flying over the adjacent neighbors' properties.

Judging the flying of these pigeons to be of an intrusive nature, particularly as it relates to the Perparas', Mayor Geissert recommended that the permit be granted for a six-month trial period with the matter to be returned to the Council at the end of that time.

The Mayor suggested that, during that trial period, enforcement measures be enacted concerning the pigeon-keeping in the area which is under questionable circumstances. Councilman Walker requested, during that time period, that the applicant work with the Walser's regarding the problem of defacing his building.

Councilman Wirth AMENDED his SUBSTITUTE MOTION to grant SPECIAL ANIMAL PERMIT 89-5 for a six-month trial period, subject to staff conditions, with Condition #3 modified to note that loft

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flying shall be restricted to 1.5 hour blocks between sunrise and 9:00 a.m. and 5:00 p.m. to sunset on weekdays; no loft flying permitted on Saturdays, Sundays and holidays.

The substitute motion, as amended, was then seconded by Councilman Walker.

As a further statement of clarification, Councilman Wirth explained the intent of his motion to be that while training flights are not allowed on weekends or holidays, the birds would be allowed to return to the loft from races.

Roll call vote on the SUBSTITUTE MOTION as AMENDED was as follows:

AYES: Councilmembers Mock, Walker, Wirth and Mayor Geissert.

NOES: Councilmembers Applegate, Hardison and Nakano.

City Manager Jackson affirmed that this matter will be returned to the Council for further consideration after the six-month trial period in order to determine whether or not the modifications have provided substantial relief to the neighbors experiencing problems. Mayor Geissert noted that if substantial relief has not been provided to the immediate neighbors, further Council action will be warranted.

20. CONSENT CALENDAR:

20a. INVESTMENT REPORT - JANUARY THROUGH JULY, 1989:

RECOMMENDATION:

It is recommended that the Council receive the investment reports for information only.

20b. APPROPRIATION ACTION on award of contract to conduct computer information system analysis of Torrance Police and Fire Departments.

RECOMMENDATION:

The Finance Director recommends an appropriation from the Police Asset Forfeiture Fund in the amount of \$26,363 for contract awarded.

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20c. COUNCIL AUTHORIZATION to renew contract for the rental of City work uniforms for another year, utilizing "special opportunity" pricing.

Annual Expenditure: \$64,877.00.

RECOMMENDATION:

Staff is requesting Council approve the following:

- A. To authorize continuation of the uniform program as it is now established with the Aratex Services, Inc. company;
- B. To accept the new "negotiated" \$.05 per garment cost reduction on the service just achieved (approximately \$2,000.00 per year), and to apply that savings towards providing a clean uniform every day to all employees who now only get 3 uniform changes per week; and
- C. Authorize renewal of contract for another year at the new cost of \$.60 per uniform change per week in the anticipated annual total amount of \$64,877.00.

20d. COUNCIL AWARD OF CONTRACT - To furnish and install carpeting at the City of Torrance Police Department - first floor.

Ref: Bid No. B89-58

Expenditure: \$38,206.41 (including sales tax).

RECOMMENDATION:

The Purchasing Division and the Police Department request that your Honorable Body award a contract to furnish and install carpeting at the City of Torrance Police Department - first floor, to Westchester Carpets, Inc. of Inglewood. Total expenditure is \$38,206.41.

MOTION: Councilman Applegate moved to concur with staff recommendations on Agenda Items 20a, 20b, 20c and 20d\*\*. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable.

\*\*See Page 25, Item 22b, for further action concerning Agenda Item 20d.

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\* \* \*

At 1:45 a.m., the City Council met in joint session with the Redevelopment Agency of the City of Torrance. The regular Council agenda order was resumed at 1:46 a.m., the Council/Agency remaining in joint session for purposes of a joint executive session later in the meeting [see Page 26].

\* \* \*

22. ORAL COMMUNICATIONS:

22a. City Manager Jackson stated that, contrary to the agenda cover announcement, adjournment to the next meeting should be to the regular hour of 7:00 p.m.

22b. Assistant Finance Director Flewelyn requested that Agenda Item 20d [see Page 24] be modified regarding the funding source to indicate that this project will be financed by the Department of Building and Safety out of the current 1989-90 budget.

Councilman Wirth SO MOVED. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

22c. Councilman Nakano requested that staff contact the organization responsible for installing slo-pitch softball and basketball signs on the west side of Western Avenue between Artesia and Torrance Boulevards. Mr. Nakano noted this as a recurring problem wherein utility poles are used for this advertising.

22d. Mayor Geissert expressed appreciation to those individuals recently appointed to serve on the Total Count Committee for the City of Torrance, which will work with the United States Census Bureau during the upcoming census.

22e. Mayor Geissert congratulated City Clerk Bramhall on the Community Calendar.

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23. EXECUTIVE SESSION:

23a. EXECUTIVE SESSION MATTERS:

The City Council/Redevelopment Agency having remained in joint session [see Page 25] 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 and/or the City Attorney on the following subjects:

- Salaries, salary schedules and compensation for certain unrepresented employees, represented employee groups, elected and appointed officials, as well as certain other personnel matters;
- Pending litigation entitled People of the State of California, ex rel., vs. Mobil Oil Corporation, et al., Los Angeles Superior Court Case No. C 719953;
- Pending litigation entitled John Rastello, et al., vs. Rollo Green, et al., Los Angeles Superior Court Case No. SWC 74882.
- As the City Council and the Redevelopment Agency Board, pending litigation entitled Redevelopment Agency of the City of Torrance vs. Thomas G. Woolson, et al., Los Angeles Superior Court Case No. C 544910.
- Potential litigation regarding real property at the Torrance Airport (Keeney).

Authority to hold an executive session for these purposes is contained in Government Code Sections 54957 & 54957.6(a); 54956.9(a); and, 54956.9(b)(1).

At 1:55 a.m., the City Council/Redevelopment Agency of the City of Torrance recessed to joint executive session.

NOTE: Mr. Walker absented himself from the meeting room during discussion of the Redevelopment Agency matter because of his association with the Water Quality Control Board.

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The Council/Agency returned to Chambers at 2:05 a.m. and the following Council-related action was taken.

RESOLUTION NO. 89-210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH CERTAIN CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE CITY ATTORNEY'S ASSOCIATION RESOLUTION NO. 89-159

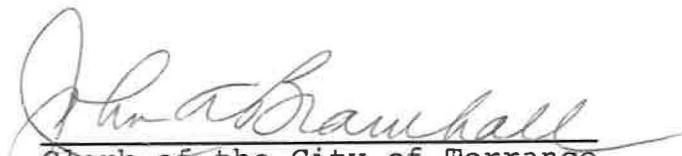
MOTION: Councilman Nakano moved to adopt Resolution No. 89-210. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

24. ADJOURNMENT:

At 2:07 a.m. [Wednesday, September 6, 1989] the September 5, meeting of the Torrance City Council was formally adjourned to Tuesday, September 12, 1989, 7:00 p.m.

# # # # #

  
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Mayor of the City of Torrance

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

Peggy Laverty  
Minute Secretary

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