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Valerie Whippie
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 19, 1989, at 5:35 PM, in the Council Chambers of 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:

Ms. Sue Herbers led in the salute to the Flag.

The invocation for the meeting was provided by Councilman Wirth.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the minutes of the City Council meeting of August 22, 1989, as recorded. The motion was seconded by Councilwoman Hardison, 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. The 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 WITHDRAWN OR DEFERRED ITEMS: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.

8. COMMUNITY MATTERS:

8a. PROCLAMATION declaring September 22, 1989, as "American Business Women's Day" in the City of Torrance.

SO PROCLAIMED BY Mayor Geissert.

Present to receive this proclamation was Ellen Poorman of the DeOceana Chapter of the American Business Women's Association.

8b. PROCLAMATION naming September and October, 1989, as "PTA Membership Enrollment Months" in the City of Torrance.

SO PROCLAIMED BY Mayor Geissert.

Present to receive this proclamation were:

Barbara Gejer, Membership Chairwoman
Sue Herbers, President of the Torrance Council PTA
Vi Brown, President of Torrance High PTSA.

Other representatives included Marlene Sakamoto;
Dianne Webber; and Marsha Hatanaka.

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8c. PROCLAMATION designating September 1989 as "Adjustable Wrench for Gas Meter Shut-Off Month.

SO PROCLAIMED BY Mayor Geissert.

Present to receive this proclamation was:

Greg Hill, Area Manager for the Southern California Gas Company.

8d. Update on the Honda project by Tony Piazza, Senior Manager of Facilities - Corporate Procurement, for Honda Corporation.

Subsequent to an introduction by Mayor Geissert, Mr. Tony Piazza provided a slide presentation illustrating the current status of development at the Honda Corporation.

10. TRANSPORTATION/PUBLIC WORKS MATTERS

10a. AWARD OF CONTRACT- CONSTRUCTION OF WHEELCHAIR RAMPS AT VARIOUS LOCATIONS AND RECONSTRUCTION OF CRENSHAW BOULEVARD FROM 230TH PLACE TO 231ST STREET (B89-63).

RECOMMENDATION

The Engineering Department recommends that your Honorable Body: (1) adopt the attached Resolution accepting the bid from and award a contract to Damon Construction Company in the Amount of \$167,153.50 for the subject project; and (2) appropriate \$16,000.00 in Gas Tax Funds for the subject project.

RESOLUTION NO. 89-217

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, TO AWARD A CONTRACT TO DAMON CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF WHEELCHAIR RAMPS AT VARIOUS LOCATIONS AND RECONSTRUCTION OF CRENSHAW BOULEVARD FROM 230TH PLACE TO 231ST STREET (B89-63) AND AUTHORIZE ITS EXECUTION

MOTION: Councilman Nakano moved to adopt Resolution No. 89-217. The motion was seconded by Councilman Mock and ultimately carried, see below.

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Mr. Dick Johnson, 23059A Nadine Circle, commended the Council for consideration of pending action.

Roll call on the above motion proved unanimously favorable and after a brief explanation from the City Engineer, the following was offered:

MOTION: Councilman Wirth moved for approval of the appropriation of \$16,000.00 [Resolution No. 89-217]. The motion was seconded by Councilwoman Hardison, and roll call vote reflected unanimous approval.

13. ENVIRONMENTAL/BUILDING AND SAFETY MATTERS

13a. PROPOSED CHANGE TO ORDINANCE #2784, SECTIONS 46.8.9 AND 51.4.1 EXTENDING THE AIRPORT CURFEW HOURS

AIRPORT COMMISSION RECOMMENDATION

The Airport Commission recommends no changes be made to the curfew hours.

BUILDING AND SAFETY AND TRANSPORTATION DEPARTMENT RECOMMENDATION

The Building and Safety and Transportation Directors recommend that your Honorable Body adopt the attached ordinance amending Sections 46.8.9 and 51.4.1 of the Torrance Municipal Code extending the Airport curfew hours to 7:00 AM on weekdays, and 8:00 AM on Saturdays, Sundays, and holidays.

Curfew Hours/Recommendations

Existing Curfew Hours: 11:00 PM - 6:30 AM Daily.

Airport Commission Recommendation: No Change.

Building & Safety/Transportation Recommendation:

11:00 PM - 7:00 AM Weekdays

11:00 PM - 8:00 AM Sat./Sun./Holidays

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Environmental Quality Officer Roelen summarized staff report, noting among other things, that various agencies consider the hours of 10:00 PM to 7:00 AM as nighttime hours when intrusive noise is most significant.

Mr. Roelen further noted that while the late evening through early morning hours [most sensitive times for the community] are the least busy for Torrance Airport, some pilots would be inconvenienced by pending action because exemptions are never issued for reasons such as vacations or recreational flights. He added that requests for Curfew exemption would be processed in the existing manner, requiring a bona fide business flight and/or emergency departure and that all aircraft must meet lower nighttime noise levels.

He noted that the joint Building & Safety and Transportation Departments recommendation [set forth above] was made in the interest of bringing the aircraft curfew hours more in line with other agencies and airports, while at the same time setting reasonable hours for the community.

In response to Councilman Mock who inquired about the possibility of an increase in requests for exemptions if the proposed recommendation were adopted, Mr. Roelen speculated that any increase in requests would be minimal.

At the request of Councilwoman Hardison Mr. Roelen, assisted by Airport Manager Cagaanan, addressed the AIRCRAFT DEPARTURE SURVEY (Attachment "K" to staff report.) The rationale for using a breakdown of 9:00 PM to 11:00 PM for evening departures, was explained, with Mrs. Hardison stating that she would have been interested in the percentage of departures which occur between the hours of 10:00 PM to 11:00 PM.

Mr. Roelen at this time explained the rationale and background to the joint Building & Safety/Transportation Departments recommendation noting that when this issue appeared before the Airport Commission [June 8, 1989], the Transportation Department had recommended that only the morning curfew hours be changed from 6:30 AM to 7:00 AM. The Building and Safety Department he noted, recommended a change in the evening hours from 11:00 PM to 10:00 PM, and a change in the weekday morning hours from 6:30 AM to 7:00 AM -- weekends and holidays from 6:30 AM to 8:00 AM.

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During his presentation it was pointed out that the Airport Commission recommended that no change be made to the existing curfew hours because it was felt by a majority that such an adjustment would not be equitable and could negatively impact existing and potential businesses at the Airport. It was explained that subsequent to Commission action, a compromise recommendation was reached which would benefit the community while serving the Airport users. Because the evening hours had the fewest departures, and weekend and holiday mornings represented the most sensitive times for residents, the departments agreed not to recommend a change in evening hours, and to recommend that morning hours be changed to 7:00 AM on weekdays and 8:00 AM on Saturdays, Sundays, and holidays.

Mayor Geissert invited audience participation and a procession of proponents and opponents addressed the Council.

Proponents [listed below] for the most part, discussed the impacts of aircraft noise and early morning departures; flight patterns; and an increasing noise problem at the Airport. One proponent suggested closing the airport and selling the land. A majority of proponents favored changing the curfew hours to:

10:00 PM - 7:00 AM Weekdays
10:00 PM - 8:00 AM Sat./Sun./Holidays.

Opponents [listed below] generally felt a change to be unnecessary and unwarranted, based upon statistics of record. Many referred to pending action as one of many restrictions placed upon the Airport which will negatively impact its viability and safety. Some pilots discussed their personal need to depart the Airport at 6:30 AM in order to meet their business demands.

Several opponents felt that aircraft noise was no more intrusive than noise from lawnmowers/leaf blowers and that pilots were being discriminated against by the proposed change. Discussion abounded in this vein as both proponents and opponents offered various distinctions between aircraft noise and noise from lawnmowers/leaf blowers.

During the succession of proponents/opponents, Mr. Tom Nosek, Chairman of the Airport Commission, 4422 Paseo de las Tortugas, came forth to clarify the position of the Commission at

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its June 8, 1989 meeting. He noted that the recommendation presented to the Commission was different from that presented to the Council. Unable to ascertain whether this would have made a difference in Commission action, he offered the following explanation of action taken.

Mr. Nosek stated that while Airport Commissioners were able to see the rationale in extending the curfew hours to provide relief for those impacted by aircraft noise [particularly in the morning hours], the division in opinion occurred between those who felt that relief from noise at the end of the day was also desirable, and those who felt that such a small number of flights were involved that extending the evening curfew hours was unnecessary.

Building & Safety Director Grippo clarified certain aspects of the Noise Ordinance in response to inquiries in that regard.

Proponents:

Mr. Dick Johnson, 23059 A Nadine Circle.

Mr. Jim McIntyre, 3910 W. 234th Place, representing the Southwood Riviera Homeowners Association who recommended an extension of both morning and evening curfew hours.

Mr. Dan Cloud, 4014 W. 234th Place.

Ms. Nancy Martin, 4422 W. 233rd Street.

Mr. Frank Rizzardi, 23544 Carlow Road.

Mr. Richard Katz, 4018 W. 234th Street.

Mr. Paul Jacobsen, 22927 Audrey Avenue, representative of Southwood Riviera Homeowners Association.

Mr. Robert Miller, 23142 Galva Avenue.

Mr. Joe Arciuch, 23521 Kathryn Avenue, reference letter of record dated March 2, 1989.

Mr. Boris Fritz, President of the Palo Del Amo Homeowners Association, 2936 W. 234th Street.

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Mr. Roger Lyle, 3923 W. 232nd Street.

Mr. Wallace Haddlestead, 23518 Evelyn Avenue.

Ms. Yvonne Tressel, 4558 Cathann.

Mr. Ed Koyama, 22817 Galva Avenue.

Opponents:

Mr. Dan Marks, 4602 Paso de las Tortugas, representing Torrance Airport Boosters Association.

Mr. Ted Stinis, Torrance Area Pilots Association, 4118 Via Lado.

Mr. Barry Jay, 2514 Brian Avenue, President Torrance Airport Boosters Association.

Mr. Richard Seals, 24223 Madison Street.

Mr. Mike Trerotola, 13 Marvela, San Clemente.

Mr. Jim Wayne, 25321 Balanca Way.

Mr. Wade Beckman, 3924 W. 234th Street.

With no one else wishing to be heard, Council discussion ensued. Councilman Walker reported that he was unable to ascertain any potential damage to the Airport-using community by increasing the curfew restrictions and that he felt the proposed change would lead to a reasonable compatibility between the homeowners and the users of the Airport. He subsequently offered the following:

MOTION: Councilman Walker moved to concur with the recommendation of the Building & Safety/Transportation Departments.* The motion was seconded by Councilwoman Hardison.

* While said recommendation applied to morning curfew hours only, it was Mr. Walker's and Mrs. Hardison's intent to extend the evening curfew hours as well (10:00 PM - 7:00 AM Weekdays; and 10:00 PM - 8:00 AM Sat./Sun./Holidays, as clarified subsequent to Councilman Wirth's comment.

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Councilman Wirth, indicating that he would support a motion changing both the morning and evening curfew hours, discussed the disturbing impact of noise from early-morning and late-night aircraft departures. Councilman Walker, echoed by Councilwoman Hardison, clarified the intent of the above motion at this time -- that it was to apply to morning and evening hours.

Councilwoman Hardison, having determined that Airport users were primarily concerned about morning departures, reported that she favored a change in both the morning and evening hours and drew attention to the exemption policy for those pilots who could demonstrate a need to depart before 7:00 AM.

Councilman Applegate reported that at the very least, the Noise Ordinance as a whole should be consistent throughout the City and that no intrusive noise should be permitted before 7:00 AM, whether it be from aircraft or construction. He noted that one noisy aircraft in the morning can be heard throughout the entire City and discussed the negative impacts of intrusive noise in general [including leaf blowers]. He stressed the importance of preserving the quality of life in Torrance and noted that he, too, would be supporting the motion.

Noting that he appealed the action of the Airport Commission because of his concern about the noise generated from early morning departures, Councilman Nakano felt that any impact to the Airport user by extending the evening and morning curfew hours, would be minimal.

Mayor Geissert felt that that the matter before the Council represented a fairly minor adjustment to the existing curfew hours while bringing them into conformity with the standards used by various agencies. She noted that while the change might effect a hardship on some pilots whose livelihood is enhanced by early morning departures, she felt there were a far greater number of City residents impacted by the noise generated by aircraft departures during the hours that are considered most important for quiet.

Roll call now taken proved unanimously favorable on the motion to extend the curfew hours to:

10:00 PM - 7:00 AM Weekdays
10:00 PM - 8:00 AM Sat./Sun./Holidays.

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After a brief discussion regarding the proposed Ordinance as written, it was ultimately deemed that reference to 11:00 PM could be editorially changed to 10:00 PM throughout, with the amended language included at the time of its second reading.

ORDINANCE NO. 3284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING THE PROVISIONS OF SECTION 46.8.9 AND 51.4.1 OF THE TORRANCE MUNICIPAL CODE RELATING TO THE AIRPORT DEPARTURE CURFEW HOURS

MOTION: Councilman Nakano moved to approve Ordinance No. 3284, AS AMENDED, at its first reading. The motion was seconded by Councilman Walker and carried with roll call vote proving unanimously favorable.

At 7:30 PM Mayor Geissert ordered a recess. The Council reconvened at 8:00 PM.

15. HEARINGS

15a. PP 89-22, MR. AND MRS. HENRY HESS

Mayor Geissert announced that this was the time and place for Council consideration of a Councilmember appeal of a Planning Commission approval of a Precise Plan of Development to allow construction of a new two-story residence on property located in the Hillside Overlay District in the R-1 Zone at 4817 Bindewald Road.

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

Staff presentation was provided by Senior Principal Planner Gibson who noted that the Planning Commission and the Planning Department were recommending denial of the appeal and approval of the project.

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Councilmembers requested information pertaining to the degree of slope at the site (1-1/2:1); buildable lot area and size of proposed structure; potential view impairment to residents of Reese Road; the difference in elevation between the flat portion of subject lot and building pads on Reese Road [later defined to be significant]; recent construction on other lots in the area; and interior dimensions and size of proposed attic [not calculated as living area.]

Proponents Henry and Mary Ann Hess, 4817 Bindewald Road, approached the Council requesting favorable consideration of their project.

Having earlier discussed with Mrs. Hess the concept of terracing down the back slope to provide a back yard area, Mayor Geissert inquired if this were still a potential for consideration. Mr. Hess, after noting that a deck [previously proposed over the rear slope] had been eliminated from the plan, stated that while terracing was a possibility, financing for same had not yet been explored. He requested that Council give consideration to the house itself, after which Mrs. Geissert noted her concerns of bulk [particularly as viewed from Reese Road] as well as absence of a useful back yard.

For the benefit of Councilman Mock, Mrs. Hess discussed efforts to work with neighbors and noted that some, previously opposed to the project were now supportive of their application. She stated that there is no intention at this time or any future time to construct a deck.

Opponents Jackie and Paul Decker, 4824 Reese Road, approached the Council and Mrs. Decker stated that the nature of the Hess lot is such that almost half of it slopes downhill, resulting in a buildable pad far too small for the project proposed. Mrs. Decker felt that better guidelines should be explored for hillside lots such as those along Bindewald Road, in that future development could have an overall negative impact on the ambience of the neighborhood. She expressed her concern that adequate soil and engineering studies be conducted.

Discussion focused on various inquiries from the Council at this time with Senior Principal Planner Gibson providing summations of the degree of slope; difference in elevations; and

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interior dimensions of proposed attic, which Councilwoman Hardison felt contributed significantly to the bulk of the structure. Mr. Gibson also provided information pertaining to new construction in the area specifically in terms of livable area.

Speaking in support of the project, and improvements to homes in general, was Ms. Beverly Smith, 4810 Bindewald Road, who resides across the street from the Hess property. In response to Councilwoman Hardison, this speaker provided specifics about the scope of fairly recent construction at her home, specifically as it related to square footage of livable area.

MOTION: Councilman Applegate moved to close the public hearing. The motion was seconded by Councilman Mock.

Prior to roll call vote, one more supporter addressed the Council as follows:

Mr. Michael Stall, 4818 Bindewald Road (across the street from the Hess property) felt the proposed construction would be an enhancement to the neighborhood.

Roll call vote to close the public hearing proved unanimously favorable at this time.

Councilman Applegate said that whereas he was able to see the Decker's initial concerns, the overall height had been reduced and the deck eliminated prior to Planning Commission consideration. Noting that trees at the site would shield neighboring properties from potential impacts, he stated that the proponents had gone out of their way to mitigate concerns of neighbors, as evidenced by those who now support the project. With that, he offered the following:

MOTION: Councilman Applegate moved to deny the appeal and approve the project. The motion was seconded by Councilman Walker. (This motion was ultimately superseded by a Substitute Motion for continuance; see final action.)

Councilwoman Hardison, after receiving additional input from Principal Planner Gibson regarding the width of the lot, objected to the bulk of the proposed project stating that she felt

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increased side yard setbacks would alleviate the problem. She subsequently indicated she would not be supporting the motion.

Noting that the proposed rear yard setback (8' from slope) renders this house different from others, Councilman Walker observed that while there is a 1-1/2:1 slope, there are trees at the bottom of the property and the rear wall is 60' to 80' away from the neighbors, which he felt to be a positive factor. He further noted many of the neighbors had switched from a position of opposition to a position of support. For these reasons Mr. Walker stated, he seconded the motion.

Mayor Geissert reiterated that she had been hopeful of viewing plans which would have incorporated a useful back yard in place of the deck which was eliminated, particularly with such a large home. Without a commitment to provide a useful back yard, perhaps by terracing down and using a portion of the slope, she indicated that she would have difficulty voting for the motion.

Addressing the view from the Decker and Grodin residences on Reese Road, Councilman Nakano reported that from their back yards he could not view the silhouette because of the trees. It was not until he viewed the site from the street that he could see the silhouette, which indicated to him that the project would be very imposing in terms of bulk. As such he indicated he would not support the motion.

Councilman Walker expressed an interest in hearing the proponents' viewpoints on the prospect of terracing downhill and was reminded by Mayor Geissert that Mr. Hess, when asked by her earlier, reported that he did not wish to discuss such a concept at this time.

Councilman Wirth felt the proposed hillside application to be atypical from others in that it was lacking the usual negative impacts accompanying such matters. He expressed concern however, about the lack of a back yard and the bulk of the project. In response to his inquiry, Senior Principal Planner Gibson provided the square footage of the proposed play room, as well as the dimensions of the hallway on the second floor, and discussion resumed as to the scope of the project.

Councilman Applegate detailed the project in toto providing figures related to square footage, buildable lot and

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open space. Citing examples of lots elsewhere in the City which have significantly lower buildable space and absolutely no back yards due to downward slopes, he stated that this particular building stands on its own and serves as a very good example of utilization of space.

Councilman Wirth, after requesting additional input from staff regarding the front setback (20'), offered the following:

SUBSTITUTE MOTION: Councilman Wirth moved to continue Council consideration of PP 89-22 to provide the applicant with an opportunity to consider modifications that would deal with the back yard area and the slope and the potential for a terraced area. Councilman Mock seconded the motion. (This motion ultimately carried, with the added wording of the City Attorney; see page 18.)

Senior Principal Planner Gibson was consulted for input regarding an appropriate date and potential time frames involved in presenting a modified design.

Councilman Applegate feeling that proposed action represented an injustice and disservice to the proponent, cited the economic hardship involved by continuing the matter for the purpose of having him consider the potential for a back yard area.

Councilwoman Hardison noted that her concerns about the bulk of the project and the attic were clearly communicated to the applicant at the time of her visit to the site.

Discussion returned to the prospect of a continuance, and Mr. Hess was asked to return to the podium. Opposed to a continuance at this point in time he reiterated that he had not explored the economic feasibility of terracing.

MOTION: Councilman Wirth moved to reopen the public hearing. The motion was seconded by Councilwoman Hardison and carried with roll call vote reflecting unanimous approval.

Discussion focused for some time on the prospect of a continuance. Various Councilmembers reiterated their concerns as

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they related to the lack of a useful back yard and discussion returned to the potential of terracing the slope. Cognizant staff members noted that exhaustive geological testing would be necessary to determine whether terracing the slope would indeed be an option open to the applicant. In response to Councilman Applegate, City Attorney Nelson addressed the issue from a legal standpoint as to the City's future liability were a condition imposed requiring utilization of the slope area.

Councilman Applegate cautioned against requiring utilization of the slope, feeling that even with appropriate testing, the City could be party to a law suit in that terracing was not a part of the original plan. He questioned the intent of his colleagues, readdressing the project by noting that it meets all the necessary requirements established by this Body.

The following individuals approached the Council to lend their support to the project:

Ms. Joanne Reyes, 5234 Bindewald Road, who noted that if the proponents were to build a single-story house at 14', no public hearing would be required and construction could consume the entirety of what is considered buildable lot. She noted that as proposed, the applicants are providing a bigger house -- with a playroom -- and an 8' setback from the slope.

Mr. George Porter, 4822 Bindewald Road, urged favorable consideration feeling potential action to be unfair to the proponents.

Referencing the Substitute Motion for continuance, Planning Director Ferren at this point suggested continuing the matter indefinitely to be readvertised at a later date, with the applicant's concurrence.

Mr. Duff Whitman, 2355 Dalemead Street, addressed the same scenario described by Ms. Reyes, above, and expressed his individual frustration with tonight's proceedings.

Mrs. J. Yost, 26302 Delos Drive, requested and received clarification with respect to the potential for terracing of the slope and discussed her viewpoints as to whether such an area would actually be useful as a back yard area in terms of safety.

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Addressing the apparent frustration of certain speakers Councilman Wirth provided an in-depth summary of the process to which hillside cases are reviewed and the purview of the City Council in considering such matters.

Councilman Mock inquired at this time if the proponents were willing to continue the matter. Mr. Hess responded in the affirmative but stressed a need for guidelines as to what the Council expects in terms of terracing and requested a definition of usable land. Mrs. Hess addressed the Council pointing out the numerous delays to which the project has been subjected and the resulting hardships her family has endured. She urged a timely decision noting that only one individual objects to the project, with all other neighbors supporting it.

Counsel was offered by the City Attorney who noted the options open to the Council; to take action on the project at this meeting or to secure concurrence from the applicant to a continuance for a period not to exceed 90 days.

In response to the applicant's requests for guidance, Councilmembers reiterated their concerns as follows:

Mayor Geissert reiterated her concern about a total plan for the lot. She noted that the house is too large in proportion to the amount of lot which is usable and that she would like the applicant to explore whether part of the slope could be incorporated into the usable lot.

During discussion, Senior Principal Planner Gibson expressed some conceptual ideas for the benefit of Mr. Hess relative to utilization of the slope and indicated that he would be willing to work with the applicant in this regard.

At the applicant's continued urging to relay concerns apparently not heretofore understood, Councilwoman Hardison reiterated what she expressed earlier, that she felt the proposed home too large for a small lot, viewing it from the standpoint of buildable area. She indicated she would be looking for some reduction in the bulk, suggesting as a possibility increased side yard setbacks and subsequently clarified the term "buildable lot" at the request of Mr. Hess.

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Mr. Hess noted at this point that he could build on the entire lot if he elected to do so [apparently referring to single-story construction,] which he pointed out would make the whole lot "buildable lot." With respect to further comments he made about what he could do, Mayor Geissert pointed out that he would always be subject to the edicts of the Hillside Ordinance.

Councilman Nakano reiterated that his concerns related to bulk and informed the applicant that he would like to see the size of the house reduced.

The lack of back yard was Councilman Wirth's primary area of concern. He noted that he could not recall a hillside case which so eliminated a back yard area.

Senior Principal Planner Gibson addressed the waiver application process in response to Mr. Hess's inquiry about the prospect of moving the house forward to gain a back yard. Councilman Wirth commented that if such action brought the home out distinctively in front of other homes in the neighborhood his reaction to such a proposition would be negative.

While commending the proponent for his design, Councilman Walker also stated that he felt it reasonable to explore the options of creating a usable area in the back. Reiterating his previous position he stated that he could not recall a hillside case where there was such a showing of support from the neighborhood.

Mr. Hess agreed to a continuance at this point in time requesting that the matter be processed in a timely fashion in view of his economic position.

Building & Safety Director Grippo interjected that a thorough evaluation of the slope and its stability would have to be established prior to any decision to terrace it. He noted that the slope is very critical at this location and study could prove that terracing may not be a feasible option.

Planning Director Ferren again recommended continuing the matter indefinitely, returning it to Council when the applicant is ready and the matter has been readvertised. He noted

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that staff will work with the applicant, after which Mr. Hess again agreed to a continuance of the matter.

MOTION: Councilman Mock moved that the hearing be closed. The motion was seconded by Councilman Wirth and carried, with roll call vote reflecting unanimous approval.

Attention now focused on the SUBSTITUTE MOTION for continuance with City Attorney Nelson suggesting that the matter be continued for a period not to exceed 90 days and that it be returned to City Council duly noticed at such time as Staff is ready to make a presentation.

As maker of the SUBSTITUTE MOTION, Councilman Wirth, echoed by Councilman Mock, accepted the language of the City Attorney pertaining to time.

The SUBSTITUTE MOTION for continuance carried, with all but Councilman Applegate's approval.

At 9:20 PM, Mayor Geissert ordered a ten-minute recess, with the Council reconvening at 9:30 PM.

15b. PP 89-21, MARGO McATEER

Mayor Geissert announced that this was the time and place for Council consideration of an applicant appeal of a Planning Commission denial of a Precise Plan of Development to allow construction of a first- and second-story addition to an existing residence on property located in the Hillside Overlay District in the R-1 Zone at 26230 Delos Drive.

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

Staff presentation was provided by Senior Principal Planner Gibson who reported that the roof of the project had been modified since the Planning Commission hearing in an effort to lessen potential view impacts. Mr. Gibson noted that the

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Planning Commission denied the project by a 4-2 vote at its July 19, 1989 meeting [one Commissioner absent], and that the Planning Department was recommending approval of PP 89-21, as conditioned and redesigned.

Following the presentation, Mr. Gibson affirmed that the three opponents of record acquired a view through the addition of a second-story. He also affirmed that the homes on the opposite side of Delos Drive at subject location are not a part of the Hillside Ordinance and provided the history and rationale related thereto. In response to Councilwoman Hardison he stated that it would be difficult to design a second-story addition at the subject location without impacting views on the opposite side of Delos Drive.

Frank and Margo McAteer, 26230 Delos Drive, came forth and Mr. McAteer discussed his family's need for the proposed project, noting design restrictions due to limited usable back yard space. Addressing the design of the project and efforts to work with neighbors, Mr. McAteer noted that all opponents to the project live outside the Hillside Overlay District and acquired their views [on non-view lots] through the addition of a second-story. He felt it unfair that those opponents were able to scrutinize his project when he had no say-so regarding their construction by virtue of the boundaries of the Hillside Overlay District.

The designer of the project, Jim Forge, 26339 Regent Avenue, Lomita, affirmed that the proponents have made a sincere effort to mitigate the concerns of their neighbors. He subsequently detailed modifications to the roof [made since Planning Commission review] which he said reduced the width of the ridge substantially.

Ms. Mary Anne Strehler, 4225 Paseo de las Tortugas, who referred to her letter of record [September 14, 1989] spoke in support of the project. Her comments about view rights prompted a clarification from City Attorney Nelson that views are not owned. Mr. Nelson also noted that one of the primary purposes of the Hillside Ordinance is to provide the City Council with the discretionary power to determine a balance amongst neighbors relative to hillside construction.

Ms. Stephanie Ewing-Warner, 2571 Plaza Del Amo, representing her mother Ila Ewing, 26334 Delos Drive [letter of record

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dated September 13, 1989] approached the Council to support the project and express her strong viewpoints about original view lots and the inequity of restricting construction on them, to preserve views which were attained by second-story additions.

Ms. Karen McKittrick, 26317 Delos Drive, residing across the street from the proposed project, clarified the nature of opponents' objections as being related to preserving as much of the view as possible. She went on to note that she purchased her home with the intent of constructing a second-story to obtain a view, unaware that she was located outside the Hillside Overlay District. Ms. McKittrick circulated photographs of the view from her property, discussed potential view loss and various aspects of construction in general, with cognizant staff members addressing several of her remarks.

Other proponents/opponents included the following individuals:

Mr. Steve Warner, 2571 Plaza Del Amo, echoed the viewpoints of his wife who spoke earlier in the hearing, supporting the project.

Opponents Donald and Lorraine Gumm, 26301 Delos Drive, residing across the street from the McAteer's, circulated photographs of the view from their home, which Mr. Gumm confirmed he was able to attain through the construction of a second-story addition. He proceeded to state that modifications to the roof of the applicant's project have had little effect on the amount of view he stands to lose. Mr. Gumm reviewed the revised plan and presented various alternatives which he maintained would lessen the impact to his residence.

Ms. J. Yost, 26302 Delos Drive, supported the project reporting on the impact the Gumm addition has had upon her home. Her supportive comments about the project were echoed by Ms. Jerry Hayden, 26146 Delos Drive.

Mr. Spencer Chan, 2405 Grand Summit Road, opposed the project because of its potential impact to his view which he discussed in detail.

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MOTION: Councilman Applegate moved to close the public hearing. The motion was seconded by Councilman Walker, and roll call vote proved unanimously favorable.

While feeling it unfortunate for one to lose a view they acquired for a time through the addition of a second-story, Councilman Applegate stated that he felt this in itself should not pre-empt others from making additions to their homes. He noted that the opponents to the project were located outside the boundaries of the Hillside Overlay District and that the proponents had made constructive corrections to the initial design. He then offered the following:

MOTION: Councilman Applegate moved to grant the appeal and approve the project. The motion was seconded by Councilman Wirth.

Prior to roll call, Councilmembers generally echoed the sentiment expressed by Mr. Applegate, with Councilman Wirth questioning whether any second-story addition could be made on the east side of Delos Drive without causing problems for second-story homes on the west side of the street. Councilman Nakano stated that he could not foresee any change in the present plans which would mitigate potential view impact, and Mayor Geissert noted that the proponents presented a tasteful design to meet the needs of their expanding family while impacting their neighbors to the least degree possible.

At the request of Mayor Geissert, City Clerk Bramhall assigned a number and read title to:

RESOLUTION NO. 89-218
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE, CALIFORNIA, APPROVING
A PRECISE PLAN OF DEVELOPMENT AS PROVIDED
FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2 OF
THE TORRANCE MUNICIPAL CODE TO ALLOW THE
CONSTRUCTION OF A FIRST- AND SECOND-STORY
ADDITION TO AN EXISTING RESIDENCE ON PROPERTY
LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN
THE R-1 ZONE AT 26230 DELOS DRIVE
PP 89-21: MARGO McATEER

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MOTION: Councilman Nakano moved to adopt Resolution No. 89-218. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

17. ADMINISTRATIVE MATTERS

17a. DAN WALKER INITIATIVE LEGAL DEFENSE FUND

RECOMMENDATION

It is recommended by the City Treasurer and City Attorney that your Honorable Body adopt the attached resolution authorizing a contract with the law firm of Orrick, Herrington & Sutcliffe and appropriating monies to accomplish the stated purpose.

A summary of staff material of record was provided by City Treasurer Rupert.

At the request of Mayor Geissert, City Clerk Bramhall assigned a number and read title to:

RESOLUTION NO. 89-219

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, APPROVING A CONTRACT WITH THE LAW FIRM OF ORRICK, HERRINGTON & SUTCLIFFE, AND APPROPRIATING THE SUM OF \$22,000

MOTION: Councilman Nakano moved to adopt Resolution No. 89-219, including the appropriation. The motion was seconded by Councilman Wirth and ultimately carried [see below.]

Councilman Walker offered his viewpoint of proposed action feeling it to be a veiled attempt to defeat the Dan Walker Initiative by stating that it has the possibility of costing the people of the City \$20 million.

Inferring that the figure was grossly exaggerated he questioned the City Treasurer as to whether the \$20 million figure was assessed by O'Melveny and Myers, the law firm who removed themselves from the matter when they discovered they represented Mobil Oil Corporation.

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Mr. Walker received a "qualified yes" to his question subsequent to which Mr. Rupert provided the rationale for the Legal Defense Initiative while addressing the integrity of representatives from O'Melveny and Myers.

Mr. Walker again aired his personal beliefs as to the intent of the Legal Defense Initiative and a brief debate ensued with Mayor Geissert reviewing the history to the matter appearing before this Body.

It was subsequently confirmed by City Treasurer Rupert that the firm of Orrick, Herrington & Sutcliffe has no ties with Mobil Oil whatsoever. The scope of services to be provided by the law firm and information pertaining to various deadlines in relation to the March 6, 1990 general election were addressed by Mr. Rupert in response to various inquiries.

With no one else wishing to be heard, roll call was taken on the motion for adoption of Resolution No. 89-219. The motion carried with all but Councilman Walker's approval.

Mayor Geissert referring to the ANALYSIS section of staff report suggested the formation of a legislative committee of the Council to review draft ballot arguments and/or responses to ballot propositions for the March 6, 1990 general election and there appeared to be a general consensus in this vein. Councilwoman Hardison and Councilmen Applegate and Mock volunteered to serve on such a committee.

At 10:45 PM, the City Council recessed and reconvened as the Redevelopment Agency. The Redevelopment Agency was adjourned at 10:46 PM, and the Council resumed regular agenda order.

22. ORAL COMMUNICATIONS

22a. Councilman Applegate praised the author of a recent letter submitted to the Daily Breeze with respect to the Rostello vs. Green trial.

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22b. Councilwoman Hardison commended efforts behind the Senior Ride Program and requested updates from time-to-time.

22c. Councilwoman Hardison requested that an analysis on full stop taxi backs be prepared by the City Attorney's Office for Council review in conjunction with recent material received from the Environmental Division of Building and Safety.

22d. Councilman Wirth requested regular updates on progress pertaining to the issue of child care and asked for an information item defining the difference between the child care program proposed for City employees vs. that which is proposed as an after school recreation program.

22e. Councilman Wirth requested a prompt update regarding issues related to the grant application for the Library Basement.

22f. Mayor Geissert announced that Councilman Mock is serving as current Mayor Pro-Tem and thanked Councilman Nakano for his recently completed stint.

22g. Mayor Geissert noted the upcoming picnic for City employees.

22h. City Clerk Bramhall discussed issues related to the March 1990 election.

22i. Ms. Karen McKittrick, 26317 Delos Drive, requested a review of areas she felt should be included in the Hillside Overlay District.

23. EXECUTIVE SESSION

23a. EXECUTIVE SESSION MATTERS

Mayor Geissert announced that the City Council would 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;

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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.

Potential litigation entitled Leland van Andler vs. City of Torrance, et al., Los Angeles Superior Court Case No. not yet assigned.

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

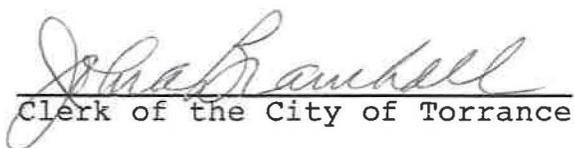
At 11:05 PM, the City Council recessed and went directly into executive session. No action was taken when the Council reconvened at 11:40 PM.

24. ADJOURNMENT

At 11:40 PM, the meeting of the City Council was formally adjourned to Tuesday, September 26, 1989, 7:00 PM.



Mayor of the City of Torrance



Clerk of the City of Torrance

Valerie Whippie
Minute Secretary

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