

I N D E X

Torrance City Council - December 12, 1989

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Valerie Whippie
Minute Secretary

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DECEMBER 12, 1989

MINUTES OF A SPECIAL MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a special meeting for the purpose of an executive session at 6:00 PM on Tuesday, December 12, 1989, 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, and City Attorney Nelson.
(City Clerk Bramhall was present for the regular session; see page 3.)

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 subject:

Pending litigation entitled People of the State of California vs. Mobil Oil Corporation, et al., Los Angeles Superior Court Case No. C 719953.

The Mayor noted that the authority to hold this executive session is contained in Government Code Section 54956.9 (a) and City Attorney Nelson affirmed that notification of this executive session had been properly advertised.

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The Mayor stated that the City Council would reconvene at approximately 7:00 PM for its regular meeting of this date. At 6:02 PM, the City Council recessed to its closed session for the above stated purpose.

At the conclusion of the special executive session, the City Council proceeded with its regular meeting agenda, commencing at 7:20 PM, as set forth on the succeeding pages of these minutes.

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DECEMBER 12, 1989

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

At the conclusion of a special executive session [see pages 1 and 2] the Torrance City Council convened in a regular meeting in the Council Chambers of Torrance City Hall at 7:20 PM [for a 7:00 PM meeting] on Tuesday, December 12, 1989.

2. ROLL CALL:

Roll call was taken earlier in the evening [see page 1]. City Clerk Bramhall and Department Representatives were in attendance at this session.

With sadness, Mayor Geissert announced the passing of prominent City of Torrance resident, Mrs. Phyrne Wilkes. It was requested that the meeting be adjourned in her memory.

3. FLAG SALUTE/INVOCATION:

Boy Scout Troop #310 whose leader is Scoutmaster Ray Enriquez, led in the salute to the Flag.

The invocation for the meeting was provided by Reverend Mark Flick, Church of the South Bay.

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING:

MOTION: Councilman Applegate moved to approve the minutes of the City Council meetings of November 7, 1989 and November 14, 1989, as recorded. The 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

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thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Mock, 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 with unanimous approval following roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

City Manager Jackson noted that Agenda Items 20a and 20c should be considered separately, as indicated by supplementary material of record.

7. COUNCIL COMMITTEE MEETINGS:

Public Safety Committee

Date: December 13, 1989, 4:30 PM,
Third Floor Assembly Room.
Subject: Acutely Hazardous Materials/Permit
and Review Process.

Transportation Committee

Previously scheduled for this date; to be
rescheduled in the near future.

8. COMMUNITY MATTERS:

8a. PRESENTATION OF CITIZENS AWARD OF VALOR

With sadness and pride, Mrs. Barbara De Lapp accepted the Citizens Award of Valor, presented posthumously to her late husband, Allan. Mr. De Lapp lost his life while preventing a speeding car from hitting the film crew he was escorting.

8b. INTRODUCTION AND RECOGNITION OF TORRANCE AFS
INTERCULTURAL/INTERNATIONAL EXCHANGE STUDENTS

Ms. Libby George, President of the Torrance AFS, discussed the AFS program and presented the following AFS students,

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each of whom received mementos of their visit from the Mayor and Council:

Ms. Patricia Pissarra, Portugal (unable to attend tonight's meeting).
Ms. Adeline Jansen, Belgium.
Ms. Karine Galindo, Paraguay.
Ms. Joscha Beroleit, West Germany.
Ms. Natasa Kesler, Yugoslavia.

8c. RECOGNITION OF TORRANCE HIGH SCHOOL VARSITY SONG LEADERS SELECTED TO PARTICIPATE IN NATIONAL COMPETITION

Ms. Rita Perez, Advisor, gratefully accepted a plaque honoring the team and recognition letters were provided to the following team members:

Ms. Lori Cooper
Ms. Mariska Cooper
Ms. Cassandra Farzley
Ms. Andrea Fauk
Ms. Ari Lewis
Ms. Michele Martinez
Ms. Paige Natori
Ms. Tina Suarez

8d. PRESENTATION OF THE BEAUTIFICATION SCENE AWARDS - 1989

Chairman of the Torrance Environmental Quality and Energy Conservation Commission, Mr. Lee Robinson, provided a slide presentation of this year's recipients of subject award.

Mr. Robinson assisted Mayor Geissert in presenting plaques to the following honorees:

Residential Land Use

David & Pamela Sheerin
1537 Post Avenue

Lester F. & Mary Ann Whalley
2142 W. 236th Street

Alex & Tessy DuGally
1904 W. 233rd Street

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Miklos & Judith Toth
21317 Mildred Avenue

Industrial Land Use

Jerry L. Conrow
Park Beyond the Park
1880 Crenshaw Boulevard

Winger Development Company
400 Crenshaw Boulevard

California Southern Oil Company
2063 West 235th Place

Union Development Company, Inc.
2102 West 235th Street
Gratefully accepted by Mr. Fitzgerald

Commercial Land Use

Judy Cake
20912-21180 Hawthorne Boulevard

Suzanne Avakian
20912-21180 Hawthorne Boulevard

Claudia Krikorian
20912-21180 Hawthorne Boulevard

B F & B Company
20912-21180 Hawthorne Boulevard

Solange B. Parker
20912-21180 Hawthorne Boulevard

Marcelle Hobbs
20912-21180 Hawthorne Boulevard

Bob & Margaret Landers
20912-21180 Hawthorne Boulevard

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11. POLICE AND FIRE MATTERS:

11a. AUTHORIZATION TO EXECUTE A CONTRACT FOR A RISK ASSESSMENT STUDY AT DOW CHEMICAL

RECOMMENDATION

The Fire Department recommends the City Council authorize the Mayor to execute a contract with Battelle Memorial Institute to perform a Comparative Risk Assessment for Proposed Styrene Use at Dow Chemical Torrance; and a contract with Dow Chemical to fund this study at no direct cost to the City, subject to the approval of the City Attorney, for an amount not to exceed \$56,921.00.

MOTION: Councilwoman Hardison moved to concur with the above stated recommendation of the Fire Department, including authorization for funding. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval.

14. PERSONNEL MATTERS

14a. APPROVAL OF THE REVISED AND RETITLED CLASS SPECIFICATION OF INFORMATION SYSTEMS SUPERVISOR AND APPROVAL OF SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING

RECOMMENDATION

The Personnel Department and the Civil Service Commission recommend that Your Honorable Body approve the revised and retitled class specification for Information Systems Supervisor. The Torrance Management Employees Organization [TMEO] concurs in the Supplemental Memorandum of Understanding establishing the salary range.

RESOLUTION NO. 89-274

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 TORRANCE MANAGEMENT EMPLOYEES ORGANIZATION (TMEO) RESOLUTION NO. 89-157

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MOTION: Councilman Nakano moved to concur with the above stated recommendation and to adopt Resolution No. 89-274. The motion was seconded by Councilwoman Hardison, and carried, with roll call vote reflecting unanimous approval.

15. HEARINGS

15a. CUP 82-59 MOD: SHERWOOD HOLDINGS-TORRANCE, INC.

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal by an adjacent property owner of a Planning Commission approval of a Modification of a previously approved Conditional Use Permit to allow the on-premise sale and consumption of beer and wine in an existing hotel (Residence Inn) on property located in the C-2 and C-5 zones at 3701 Torrance Boulevard. CUP 82-59 MOD: SHERWOOD HOLDINGS-TORRANCE, INC.

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

Staff presentation was provided by Senior Principal Planner Gibson who responded to inquiries about the application including those pertaining to the service of beer and wine in similar establishments; proposed hours of service of alcoholic beverages at this location; and ABC licensing requirements, about which Police Lt. Marsden provided details.

The applicant's representative, Attorney Debra Lewis, 8001 Irvine Center Dr., Suite 840, Irvine, provided specifics about food service at the Residence Inn, noting that beer and wine would be served only in conjunction with said service and only in the Gatehouse and pool area.

She noted that of all surrounding property owners, only the owners of the adjacent City Inn objected to the ABC license, the rationale for which she felt to be unjust.

Ms. Lewis responded to numerous inquiries about the application explaining that the request is made in the interest of remaining competitive with like establishments. It was noted that the price of the alcoholic beverages, as well as the food service, is included in the price of the room -- a policy Councilman Mock felt encourages the consumption of alcohol. In

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response to his concerns, the representative discussed Residence Inn policy as it relates to enforcement of regulations regarding the service of alcoholic beverages. Regarding allegations of unruly behavior at the Residence Inn she noted that there are no police reports of record to substantiate same.

Attorney Richard Knickerbocker, 10940 Wilshire Boulevard, Los Angeles, represented the opponent. He maintained that granting the proposed application would be tantamount to including a restaurant at the site and as such, parking accommodations would be woefully inadequate. He also objected to including the price of alcoholic beverages in the price of the room, hinting that such a practice would encourage drinking and was not in keeping with Council policy.

Ms. Lewis returned to reiterate earlier points and respond to additional inquiries about ABC regulations as they relate to the food service. Council inquiries pointed toward a general concern regarding the proposed hours for service of alcoholic beverages (Sunday through Saturday, 9:00 AM through 11:00 PM) as set forth in Condition 6.

It was moved by Councilman Applegate that the hearing be closed. This motion was seconded by Councilman Walker and roll call vote proved unanimously favorable.

During Council discussion, Councilman Applegate, referring to Mr. Knickerbocker's comments, noted that he knew of no parking problems at the subject location, adding that in no way could the proposed application be interpreted as a restaurant use. He stated that Council has historically provided parking consistent with the use and briefly addressed the constraints often placed upon a use by ABC regulations.

A majority of Councilmembers, while acknowledging a trend toward similar applications, expressed concern about the proposed hours of service of beer and wine, which were ultimately modified to between the hours of 4:00 PM to 8:00 PM, as suggested by Councilman Walker (see final action.)

Because of the size of the Residence Inn, Councilman Wirth expressed concern about how such a service might be controlled, and after his inquiry regarding the potential for adding a condition requiring review within a year's time, Councilman

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Walker suggested adding a condition which would trigger administrative review -- to be returned for consideration if deemed necessary at that time (see final action.)

Councilman Mock, reporting that he would not be supporting the motion, reiterated his opinion that including the cost of alcoholic beverages in the cost of the room -- "hidden charges" -- encourages the consumption of alcohol, something he feels to be against Council policy.

MOTION: Councilman Walker moved to deny the appeal and approve the project, modifying Condition 6 and adding Condition 8, as follows:

Condition 6. That the sale of beer and wine shall be limited to Sunday through Saturday from 4:00 PM to 8:00 PM.

Condition 8. That at the end of one year, Planning staff shall administratively review the approval and that should staff determine additional review is necessary, the item shall be returned to the Planning Commission.

The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting the following:

Ayes: Councilmembers Applegate, Hardison, Nakano, Walker, Mayor Geissert.

Noes: Councilmembers Mock and Wirth.

RESOLUTION NO. 89-275

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO ALLOW ON-PREMISE SALE AND CONSUMPTION OF BEER AND WINE IN DESIGNATED AREAS OF A PREVIOUSLY APPROVED INN COMPLEX ON PROPERTY LOCATED IN THE C-5 AND C-2 ZONES AT 3701 TORRANCE BOULEVARD, CUP 82-59 MOD: SHERWOOD HOLDINGS-TORRANCE, INC.

MOTION: Councilman Nakano moved to adopt Resolution No. 89-275, as amended. The motion was seconded by Councilman Walker and carried, with roll call vote reflecting the following:

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Ayes: Councilmembers Applegate, Hardison, Nakano,
Walker, Mayor Geissert.

Noes: Councilmembers Mock and Wirth.

At 8:50 PM Mayor Geissert ordered a recess. The Council reconvened at 9:10 PM.

15b. CUP 89-50, D 89-57: JANO, INC.

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal by the applicant of Planning Commission denial of Conditional Use Permit to allow an automobile body shop in an existing industrial building and a Division of Lot to allow the merger of two parcels into one parcel on property located in the M-1 zone at 16633 Gramercy Place. CUP 89-50, D 89-57: JANO, INC.

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

Senior Principal Planner Gibson provided staff presentation, noting that the Planning Commission recommends denial of the appeal and denial of the project while the Planning Department recommends approval of the appeal and approval of the project.

Responding to inquiries from the Council Mr. Gibson discussed history of zoning in the area and the property's non-compliance with the General Plan; past uses at this location; permissible uses in the M-1 zone; and access to the site.

Representing JANO, Inc., Mr. Jan Trobaugh, 2420 Carson Street, noted that a team of professionals was present to address technical aspects about the proposed use. He provided a slide presentation depicting traditional concepts of collision repair facilities vs. the project he proposes, of which there were several illustrations.

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Other JANO representatives included a safety consultant, whose name was inaudible, 17700 S. Western Avenue, #154, Gardena, who attested to the safety of the proposed operation; Mr. Jeff Fackler, Dupont Company, 2000 S. Garfield, L.A., who addressed the quality of paint systems to be used at the proposed facility; and Mr. Dan Loomis, 4032 Patrick Henry, Agoura, who addressed the quality and safety of the paint booths to be utilized.

Supporting the project was Mr. Mike Poh, 2004 W. 166th Street, who noted that while previously opposed to the project he now supported it based upon the recent open house he attended at Autocraft of Torrance, 3032 Kashiwa Street.

Opponents to the project included the following speakers:

Mr. Robert Park, 16628 Taylor Court.
Ms. Patti Nishimura, 16610 Taylor Court.
Ms. Naomi Nakasugi, 16616 Taylor Court.
Ms. Lana Park, 16628 Taylor Court.
Mr. Francis Cribbs, 2055 Johnson Court.
Mr. Andrew Ling, 16669 Taylor Court.
Ms. Mary Duarte, 16648 Taylor Court.
Mr. Tak Nonaka, 2015 W. 166th Street.

Opponents' concerns about the proposed project focused on future changes in ownership; noise/air pollution; congestion; traffic flow in and around the area; inconsistency with General Plan; impact to quality of life; safety issues; hours of operation; and enforcement of conditions imposed by the City.

Many speakers felt that the location of the Autocraft facility was not a viable comparison to an automobile body shop [Gardena Coachworks] at the proposed site, in that there are no residential areas surrounding the Kashiwa Street site.

Ms. Nishimura conducted a survey of neighbors residing in close proximity to Gardena Coachworks, a "sister organization" to Autocraft. Explaining that Gardena Coachworks intends to operate at the subject location, she reported that findings of her survey revealed that many of its neighbors felt the operation to be very noisy.

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Mr. Trobaugh returned to rebut issues raised by speakers pertaining to the open house. He acknowledged that Gardena Coachworks is a noisy facility explaining this as a primary reason for its moving to an upgraded facility. He provided details of noise attenuation measures employed by the operators of the facility and indicated he would have no objection to a change in hours of operation from 8:00 AM to 5:00 PM Monday through Friday.

The proponent stated that he felt the proposed operation would not represent a significant increase in traffic and pointed out that he could operate at the subject site as a furniture manufacturer -- utilizing all the same ingredients -- without Commission/Council approval.

Responding to inquiries, the proponent clarified that Autocraft and Gardena Coachworks share the same owner. Mr. Cribbs returned to identify the proximity of certain residences to the proposed building.

Mr. Trobaugh submitted affidavits in support of the project.

It was moved by Councilman Applegate that the hearing be closed. This motion was seconded by Councilman Mock and roll call vote proved unanimously favorable.

Councilmembers were united in their praise of the Autocraft facility at 3032 Kashiwa Street, however for the most part felt that such an operation would be unsuitable at the proposed location, with Councilman Applegate addressing noise and other matters unique to automotive repair facilities.

While noting that the General Plan is in the process of being revised, Councilwoman Hardison expressed concern about inconsistencies therein and requested that staff prepare and return recommendations for consideration, to ensure that adjacent uses with different zoning are compatible with one another.

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MOTION: Councilman Mock moved for denial of the appeal and denial of the project, concurring with the recommendation of the Planning Commission. The motion was seconded by Councilman Wirth and carried, with roll call vote reflecting unanimous approval.

City Attorney Nelson noted that an appropriate Resolution setting forth findings sustaining the denial of this project would be prepared and presented at the next regular meeting of the Council.

15c. ADOPTION OF THE 1988 CONSTRUCTION CODES

Mayor Geissert announced that this was the time and place for a public hearing regarding Council consideration of the adoption of the 1988 Uniform Building Code and the Standards, with Amendments; the 1988 Uniform Mechanical Code, with Amendments; the 1988 Uniform Plumbing Code, with Amendments; and the 1988 Code for the abatement of Dangerous Buildings.

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

RECOMMENDATION

The Building and Safety Director recommends that Your Honorable Body adopt the Ordinance adopting the 1988 Edition of the Uniform Building Code, the Standards, the Uniform Mechanical Code, the Uniform Plumbing Code and the Uniform Code for the Abatement of Dangerous Buildings.

Staff presentation was provided by Building and Safety Director Grippo and Building Regulations Administrator Isomoto who responded to Councilman Wirth's inquiries about requirements for fire sprinklers.

It was moved by Councilman Applegate that the hearing be closed. This motion was seconded by Councilman Mock and roll call vote proved unanimously favorable.

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RESOLUTION NO. 89-276

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FINDING AND DECLARING THE EXISTENCE OF UNIQUE GEOLOGIC, GEOGRAPHIC AND WEATHER CONDITIONS IN THE CITY OF TORRANCE JUSTIFYING CERTAIN AMENDMENTS TO THE UNIFORM CONSTRUCTION CODES OF THE STATE OF CALIFORNIA

MOTION: Councilman Nakano moved to adopt Resolution No. 89-276. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

ORDINANCE 3289

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING CHAPTER 1, 3, 9 AND 10 OF DIVISION 8 OF THE TORRANCE MUNICIPAL CODE BY ENACTING A NEW ARTICLE 1 OF CHAPTER 1, AND REPEALING SECTIONS 81.2.1 AND 81.2.3 THROUGH 81.2.44 AND 81.2.58 THROUGH 81.2.65, AND ENACTING NEW SECTIONS 81.2.1 AND 81.2.3 THROUGH 81.2.40, AND BY ENACTING A NEW ARTICLE 1, OF CHAPTER 3 OF DIVISION 8, AND BY REPEALING SECTIONS 83.2.1 THROUGH 83.2.5, AND BY ENACTING NEW SECTIONS 83.2.1 THROUGH 83.2.5, AND BY REPEALING SECTIONS 83.2.7 THROUGH 83.2.13, AND BY ENACTING NEW SECTIONS 83.2.7 THROUGH 83.2.12 AND BY ENACTING A NEW ARTICLE 1 TO CHAPTER 9 AND BY REPEALING SECTIONS 89.2.2 THROUGH 89.2.5 AND BY ENACTING NEW SECTIONS 89.2.2 THROUGH 89.2.5 AND BY ENACTING A NEW ARTICLE 1 OF CHAPTER 10, ALL OF WHICH ADOPT OR AMEND THE 1988 EDITION OF THE UNIFORM BUILDING CODE WITH APPENDIX, THE 1988 EDITION OF THE UNIFORM BUILDING CODE STANDARDS, THE 1988 EDITION OF THE UNIFORM PLUMBING CODE, THE 1988 EDITION OF THE UNIFORM MECHANICAL CODE AND THE 1988 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

MOTION: Councilman Nakano moved to approve Ordinance 3289 at its first reading. The motion was seconded by Councilman Walker and carried, with roll call vote reflecting unanimous approval.

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15d. CONSIDERATION OF CHANGES TO R-1 DEVELOPMENT STANDARDS

Mayor Geissert announced that this was the time and place for City Council consideration of recommended changes to the R-1 Development Standards to consider options to exceed the current .6 to 1.0 floor area to lot area ratio [FAR]; and consideration of minor "housekeeping" items to correct identified inconsistencies.

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

Staff presentation was provided by Principal Planner Bluman who outlined Options 1 through 4 [of record] as possible alternatives to exceeding the current .6 to 1.0 FAR and explained the rationale for recommending that certain "housekeeping" revisions be made to the recently revised R-1 standards.

PLANNING COMMISSION RECOMMENDATION

The options to exceed a .6 FAR were analyzed as a part of the Planning Commission Workshop process. The concepts of each of the options were considered by the Planning Commission and were presented for public consideration. Therefore, this specific issue was not returned to the Planning Commission Workshop for consideration. Adoption of Option 1 is consistent with the Planning Commission's original recommendation for R-1 revision.

PLANNING DEPARTMENT RECOMMENDATION

On September 5, 1989, the City Council adopted a .6 FAR, including garages, for single-family residential development. The .6 FAR was intended to serve as a bulk control limit. Staff recommends that the .6 FAR should not be exceeded unless a quantifiable set of development standards, designed to control bulk, is imposed upon development. Staff recommends Option 1, which allows projects to exceed the .6 FAR up to .7, but requires wider side yard setbacks. If the City Council wishes to establish the FAR as a bulk control limit, then the rather onerous Variance procedure would continue to provide the only relief for projects to exceed the .7 FAR maximum.

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Staff recommends that the City Council adopt the recommended revisions to the R-1 ordinance which are designed to correct inconsistencies in the R-1 standards that have been identified since implementation of the new standards. These revisions adhere to the original goals and intent of the R-1 study, and are proposed only to clarify the Code and correct unintended consequences.

During her presentation Ms. Bluman affirmed that staff input indicates that several people have chosen to wait to apply for building permits pending the outcome of the FAR issue.

While addressing the "housekeeping" revisions [item 2, allowable encroachments into side yard setbacks], Councilwoman Hardison reported her concern about the recent trend of including more than one chimney in a single-family residence resulting in encroachment on both sides of the home and sometimes coupled with one or more garden windows.

Inquiries pertaining to the Variance process and the rationale for which a Variance might be granted were addressed by cognizant staff members, as was the volume of properties presently slated for demolition. The Building and Safety Director reported there has not been an appreciable decline in demolition permits since the adoption of new R-1 standards, contrary to earlier predictions by some opponents to changes in the standards.

Mayor Geissert expressed her concern that providing a means to exceed the .6 FAR would become the standard and indicated that she would have preferred finding "an escape valve" or room for flexibility to exceed the FAR for hardship cases, within the adopted standards. Councilman Wirth stated that he felt increasing the FAR would make more homes less affordable.

Several speakers, while generally agreeing with proposed "housekeeping" revisions, addressed the Council opposing adoption of an option which would permit exceeding the .6 FAR adopted by Council September 5, 1989.

Speakers for the most part felt that the .6 FAR was adopted in the best interests of the City and that not enough time had elapsed since adoption of the standards to gage

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"building activity" particularly in terms of modifying the FAR, one of the most prominent issues during the R-1 study. Council was urged to explore a method [other than the proposed options] to exceed the .6 FAR [for hardship cases only] rather than allowing a method to routinely bypass it. Speakers included:

Mr. Mike Mauno, 2845 Onrado Street.
Ms. Anita Hall, 2414 W. 236th Place.
Mr. Ed Liebersbach, 2330 W. 230th Place,
representing SETHA.
Ms. Jackie Decker, 4824 Reese Road,
representing Seaside Homeowners Association.
Ms. Pam O'Brien, 5005 Sepulveda Boulevard.

During the hearing a brief discussion ensued re the .6 FAR restriction, with Councilman Walker maintaining the restriction serves as a financial disadvantage to some, while Councilwoman Hardison and Mayor Geissert pointed out that the R-1 standards were modified to provide homes in the community compatible with the size of the lots and the existing homes around them.

Designer David Olin, 1233 Hermosa Avenue, Suite 203, Hermosa Beach, addressed design restrictions placed upon owners of small lots who must adhere to the .6 FAR. He stressed the need to deal with this inequity.

Regarding the "housekeeping" revisions, Ms. O'Brien felt that item 2 (disallowing encroachment of mechanical equipment into interior side yard setbacks) should include a clarification that remodeling projects would be exempt from this standard.

It was moved by Councilman Applegate that the hearing be closed. This motion was seconded by Councilman Walker and roll call vote proved unanimously favorable.

Councilman Applegate reviewed the history of consideration of the R-1 standards noting that the .6 FAR was not set in concrete and that staff had been asked to return at some point with alternatives to exceed the standard if so desired. He stated that he felt the recommendation of the Planning Department was consistent with that of the Planning Commission and noted that the option to exceed the .6 FAR by greatly increasing the side yard setbacks [Option 1] is a test that would be met by few, but might be adaptable in unusual circumstances. He then offered the following:

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MOTION: Councilman Applegate moved to concur with the above stated recommendation of the Planning Department. The motion was seconded by Councilman Walker, but failed to carry, as indicated by roll call vote, shown below.

Councilman Wirth, while agreeing with the "house-keeping" revisions, indicated that he would prefer to observe the effectiveness of the current standards for a longer period of time prior to considering any changes thereto. A majority of Councilmembers were somewhat united in their position that a vehicle for accommodating construction on unique lots needs to be explored.

Roll call was now taken on Mr. Applegate's motion which failed to carry by the following roll call vote:

Ayes: Councilmembers Applegate, Walker.

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

MOTION: Councilman Wirth moved that staff be directed to prepare an ordinance for future Council consideration incorporating the "housekeeping" revisions to the R-1 standards. The motion, seconded by Councilwoman Hardison, carried as indicated by roll call vote [shown below].

Separate from the above motion and prior to roll call, Mr. Wirth requested that staff prepare and return information regarding options for dealing with unusual situations such as construction on small lots, neighborhood compatibility, etc.

Roll call was now taken on the motion for adoption of "housekeeping" revisions and proved unanimously favorable.

Discussion resumed, with Councilwoman Hardison requesting that staff maintain a list of situations which might be considered unusual. Mayor Geissert requested periodic updates of R-1 permits to include situations where the R-1 standards have represented a hardship, and Councilman Applegate requested a report of demolitions distinguishing "grandfathered" projects vs. applications made since the adoption of new standards.

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Mayor Geissert ordered a recess at 11:42 PM. The Council reconvened at Midnight.

16. APPEALS

16a. APPEAL OF DECISION BY AIRPORT NOISE ADMINISTRATIVE HEARING BOARD BY MR. ED VON DELDEN AND THE HARBOR CHRISTIAN CENTER.

Mayor Geissert noted that this was the time, date and place to hear the appeal of a decision by the Airport Noise Administrative Hearing Board by Harbor Christian Center (owner), and Mr. Ed von Delden (pilot); Aircraft N5376A.

In response to Mayor Geissert all Councilmembers indicated that they had read all material of record pertaining to this matter. The Mayor then outlined the procedures to be followed during the hearing of this appeal noting that the appellant would have 15 minutes to present his argument, to be followed by the City's argument.

RECOMMENDATION

The Airport Noise Administrative Hearing Board recommends that your Honorable Body uphold the Board's July 20, 1989 decision and find Mr. Ed von Delden (pilot) and aircraft N5376A (Cessna Centurion) guilty of violating on May 5, 1989 the Airport noise limits in Torrance Municipal Code Section 46.8.8.

In the background provided by Pilot Ed von Delden, 3849 Paseo de las Tortugas, he noted that he had received two previous violations and that as a result of the second violation [1988], he developed a set of comprehensive guidelines, in conjunction with the Noise Abatement Center and other aircraft owners, characterizing noise levels and departure techniques which would allow him to depart the Torrance Airport with confidence. For the most part, according to Mr. von Delden, this good-faith effort to be a good pilot was given no special consideration at his hearing before the Administrative Hearing Board in 1988 and the violation was upheld.

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Regardless, Mr. von Delden maintained that he continued to fly by these guidelines until his most recent violation of May 5, 1989 which he described as an unusual situation wherein the aircraft was on an instrument departure (IFR), which takes the aircraft over the most noise sensitive areas on the departure end of the Airport. He added that the aircraft was flying at near gross weight.

Subsequent to his third violation, and at the time of the hearing before the Administrative Hearing Board, Mr. von Delden reported that he informed the Board he was flying under special conditions and that his pilot staff had been advised henceforth not to depart the Airport at gross weight on an instrument departure. Again, Mr. von Delden felt his effort to be a good pilot went unheeded and that the Board considered only the matter of the violation itself.

Responding to Councilman Mock, Mr. von Delden elaborated upon his position, clarifying that he feels the purview of the Administrative Hearing Board should be expanded to consider more than whether a violation did or did not occur, i.e., good faith effort extended by pilots.

At this point in time, Environmental Quality Administrator McElroy clarified that the Board pays careful attention to extenuating circumstances when considering violations, including situations which require safety maneuvers, mechanical malfunctions, etc.

Mr. von Delden acknowledged that his violation could not be interpreted as an extenuating circumstance and explained that all he really wanted was for the City Council to expand the purview of the Administrative Hearing Board to include consideration of matters such as good-faith efforts exhibited by pilots who have received violations.

Environmental Quality Administrator McElroy clarified staff's position noting that it supports the decision of the Administrative Hearing Board. She noted that evidence supported the charges that a violation did occur at 3:41 PM at Remote Monitor Site #1 located at 3853 W. 234th Street by Aircraft N5376A owned by Harbor Christian Center and piloted by Mr. Ed von Delden.

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After stating that due process had been given, Ms. McElroy discussed a history of communications between the Noise Abatement staff and Harbor Christian Center since 1979, with final notice given on August 16, 1985 notifying Harbor Christian Center that subsequent violations would be reviewed by the Administrative Hearing Board. She noted that test results of the aircraft during IFR and VFR conditions have shown that the aircraft can meet the noise limit when not loaded to near gross weight and if certain techniques are used.

Ms. McElroy ended by noting that the aircraft in question departed IFR near gross weight -- both conditions liable to precipitate a violation, and reiterated that staff recommends the Board's decision be upheld and that both the pilot and aircraft be found guilty.

A brief discussion ensued with Environmental Quality Officer McElroy providing additional input as to the history of the aircraft in question.

Councilman Applegate, after noting that the appellant had admitted to the violation in question, drew attention to the multitude of pilots who fly within the parameters of the City's noise ordinance. In view of these numbers and the fact there were no extenuating circumstances to warrant Mr. von Delden's violation, Mr. Applegate stated that he did not feel it was incumbent upon the Council to expand the purview of the Administrative Hearing board as requested by the appellant. The following was then offered:

MOTION: Councilman Applegate moved to deny the appeal and sustain the decision of the Airport Noise Administrative Hearing Board. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval.

In response to Mayor Geissert, staff indicated a continued willingness to work with Mr. von Delden, it being noted that the pilot had exhibited a good understanding that he can no longer fly IFR at near gross weight.

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17. ADMINISTRATIVE MATTERS

17a. BALLOT ARGUMENT AGAINST THE WALKER INITIATIVE

RESOLUTION NO. 89-277

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING THE PREPARATION
OF BALLOT ARGUMENTS AGAINST THE WALKER
HYDROFLUORIC ACID INITIATIVE

MOTION: Councilman Nakano moved to adopt Resolution No. 89-277. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting all but Councilman Walker's approval.

20. CONSENT CALENDAR

20a. NOTICE OF COMPLETION - CONSTRUCTION OF CUL-DE-SACS AT VIA CORONA AND VISTA LARGO (B89-60)

RECOMMENDATION

The Engineering Department recommends that your Honorable Body: 1) accept the work; 2) file a Notice of Completion for the construction of cul-de-sacs at Via Corona and Vista Largo; and 3) appropriate \$45,000 in Gas Tax Funds to cover project costs.

MOTION: Councilman Wirth moved to concur with staff recommendation for Agenda Item 20a, including appropriation of funds. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval.

20b. NOTICE OF COMPLETION - CONSTRUCTION OF STORM DRAIN IN SPENCER STREET NEAR EARL STREET (B89-57)

RECOMMENDATION

The Engineering Department recommends that the City Council: 1) accept the work and 2) file a Notice of Completion for the construction of a storm drain in Spencer Street near Earl Street.

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MOTION: Councilman Applegate moved to concur with staff recommendation for Agenda Item 20b. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

20c. COUNCIL AWARD OF CONTRACT - To furnish three (3) "Special Use" Toyota Camry 4-Door LE V-6 Sedans as replacement items.
Ref: Bid No. B89-73
Expenditure: \$48,329.34 (including sales tax)

RECOMMENDATION

The Purchasing Division, the Fleet Services Department and the Police Department recommend that Your Honorable Body:

1. Appropriate \$22,829.34 from the Police Department's Asset Forfeiture Fund and;
2. Award a contract for the purchase of three (3) Toyota Camry 4-Door LE V-6 Sedans to Whittlesey Motors of Torrance, in the Amount of \$48,329.34.

MOTION: Councilman Applegate moved to concur with staff recommendation for Agenda Item 20c, including the appropriation of funds. The motion was seconded by Councilman Wirth and carried, with roll call vote reflecting unanimous approval.

...Considered together, out-of-order...

20d. COUNCIL AWARD OF CONTRACT - To furnish the City's Annual Requirement of Paper
Ref: Bid No. B89-66
Expenditure: \$149,785.76 (including sales tax)

RECOMMENDATION

The Purchasing Division and the Central Services Division recommend that Your Honorable Body award three (3) annual contracts to the responsible low bidder of each of the one hundred and thirty seven (137) bid items.

It is recommended that Council award the following contracts.

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<u>VENDOR</u>	<u>NO. OF ITEMS</u>	<u>TOTAL AMOUNT</u>
Butler Paper Company City of Industry, CA	61	\$96,946.32
La Salle Paper Company Los Angeles, CA	66	\$46,621.30
Nationwide Papers Los Angeles, CA	8	\$ 3,187.76
	135	
	2 (Not Bid)*	
TOTAL BID ITEMS	137	

*Note: Two (2) bid items were not available on a contract basis.

20f. EMERGENCY EXPENDITURE OF \$14,000 FOR FOUNDATION REPAIR WORK TO RESIDENTIAL PROPERTY

RECOMMENDATION

It is recommended by the City Manager that an expenditure of \$14,000 from the self insurance fund be approved for the foundation repair work.

MOTION: Councilman Applegate moved to concur with staff recommendations for Agenda Items 20d and 20f. The motion was seconded by Councilman Wirth and carried, with roll call vote reflecting unanimous approval.

...Council returned to regular agenda order...

20e. COUNCIL AWARD OF CONTRACT - Re: One (1) year lease of a temporary office facility on City property
 Ref: Bid No. B89-72
 Expenditure: \$40,786.00

RECOMMENDATION

The Purchasing Division and Office of the City Manager request Council's approval of the award of a contract for the one (1) year lease of a temporary office facility to be placed on City property to the lowest responsible bidder, Modular Building Systems of Ontario, California, in the total amount of \$40,786.00.

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Clarification was provided by the City Manager, after which the following was offered:

MOTION: Councilman Applegate moved to concur with staff recommendation for Agenda Item 20e. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

At 12:32 AM (December 13), the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. The Redevelopment Agency meeting was adjourned at 12:33 AM, at which time the regular City Council order of business was resumed.

22. ORAL COMMUNICATIONS

22a. Councilwoman Hardison requested that staff investigate inquiries she has received regarding adequate visibility for motorists at the southeast corner of Crenshaw Boulevard and 237th Street.

22b. Councilman Nakano requested that the City Manager proceed with updating the Master Plan for Wilson Park.

22c. Councilman Walker discussed a recent article in the Easy Reader pertaining to the history of his Initiative.

22d. Mayor Geissert noted that donations could be made to the CanTree in the lobby of City Hall and called attention to the apparent success of the "Toys for Tots" drive.

23. EXECUTIVE SESSION:

23a. See pages 1-2.

23b. 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 and represented employee groups as well as certain other personnel matters;

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Pending litigation entitled John Rastello, et al., vs. Rollo Green, et al., Los Angeles Superior Court Case No. SWC 74882;

Approval of minutes of closed hearing into the dismissal of Timothy Pappas.

Pending litigation entitled City of Torrance vs. James Murphy, Los Angeles Superior Court Case NO. SWC 76264.

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

At 12:45 AM, the City Council recessed to closed session, returning at 1:10 AM to take the following action:

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

RESOLUTION NO. 89-278

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 TORRANCE FIRE FIGHTER'S ASSOCIATION
RESOLUTION NO. 89-156

MOTION: Councilman Nakano moved to adopt Resolution No. 89-278. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

RESOLUTION NO. 89-279

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 TORRANCE POLICE OFFICER'S ASSOCIATION
RESOLUTION NO. 89-176

MOTION: Councilman Nakano moved to adopt Resolution No. 89-279. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval.

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24. ADJOURNMENT

At 1:12 AM [December 13], the meeting of the City Council of the City of Torrance was formally adjourned to December 19, 1989, 7:00 PM.

Adjournment was dedicated to the memory of

Mrs. Phyrne Wilkes.

* * * * *


Mayor of the City of Torrance


Clerk of the City of Torrance

Valerie Whippie
Minute Secretary

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