

I N D E XADJOURNED REGULAR MEETINGCITY COUNCIL - MAY 27, 1971SUBJECT:PAGEOPENING CEREMONIES:

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| 1. | Call to Order . | 1 |
| 2. | Roll Call | 1 |
| 3. | Flag Salute | 1 |
| 4. | Invocation | 1 |
| 5. | Dispensation with Regular Order of Business | 1 |

PURPOSE OF MEETING:

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| 6. | ZC 71-8, BARCLAY, HOLLANDER, CURCI, INC. | 1-6 |
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ADDENDUM ITEM:

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| 7. | Emergency Ordinance No. 2232 and REGULAR ORDINANCE NO. 2233 RE: MORATORIUM, VICTOR PRECINCT. | 6,7 |
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Adjourned at 10:18 P.M.

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Ava Cripe
Minute SecretaryCity Council
May 27, 1971

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MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an Adjourned Regular Meeting on Thursday, May 27, 1971, at 7:00 P.M. at the Torrance Recreation Center.

2. ROLL CALL:

Present were Councilmen Brewster, Johnson, Sciarrotta, Surber, Uerkwitz, Wilson, and Mayor Miller. Absent: None.

Also present: City Manager Ferraro, Assistant City Manager Scharfman, City Attorney Remelmeyer, and City Clerk Coil.

3. FLAG SALUTE:

At the request of Mayor Miller, Planning Director Shartle led in the salute to the flag.

4. INVOCATION:

The invocation for the meeting was given by City Clerk Coil.

5. DISPENSATION WITH REGULAR ORDER OF BUSINESS:

Councilman Sciarrotta moved to dispense with the regular order of business. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

6. PURPOSE OF MEETING:

HEARING ON ZC 71-8, BARCLAY, HOLLANDER, CURCI, INC.

Change of zone from R-1 to RTH, R-3, AND C-2 on property located between Rolling Hills Road and Crenshaw Boulevard, the southerly City boundary line, Madison Street and the extension thereof, and approximately 105 feet southerly of Winlock Road.

RECOMMENDED FOR DENIAL BY THE PLANNING COMMISSION.

An Affidavit of Publication was presented by City Clerk Coil, and it was ordered filed, there being no objection.

Mayor Miller announced that this is the time and place for the subject public hearing -- the Mayor requested that Staff first make its presentation, followed by that of the proponent, and then the interested citizens should speak.

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Planning Director Shartle provided clarification of Staff findings in the subject case.

On behalf of the proponent, Mr. Larry Bowman, Union Bank Tower, stated that his client proposes a high quality development which will be an asset to the City; Mr. Bowman indicated their willingness to comply with whatever is reasonably required by the City. Next described were the land problems in this area; an existing lease with some 12 years remaining for the present sand and gravel company; the recognized need for detailed plans, hopefully, to be worked out with the residents; etc.

It was also indicated by Mr. Bowman that the proponent finds most of the Staff conditions acceptable -- further, they are prepared to reduce the number of units to be built and will accept any reasonable limitation on number of units per acre; they will provide adequate water and sewage for the area as well as the undergrounding of all utilities; they will furnish a detailed geological report at the appropriate time. could

Mr. Bowman then suggested that the Council/insure proper control of the development by requiring master or precise plans of the development of the area and by not passing the second reading of the ordinance on such a zone change until the desired development is accomplished.

The proposed development was described by Mr. Bowman who stated that it would be similar to the present New Horizons complex, as was its effect on the schools noting that fewer units would generate less students -- a slide presentation followed showing the general concept proposed in the subject case.

In conclusion, Mr. Bowman stated that the proponent will accept any reasonable restrictions on the type of development and would encourage citizen participation in determining just how the land can be developed -- it was then requested that the Council, per their communication of May 24th, neither grant nor deny the application but continue this matter to a specific date, with a study involving the applicant and all interested citizen groups so that it may be determined whether or not development is desirable and certainly whether or not it is feasible.

Speaking at this time was Mr. Glenn Zachary, president, WALTERIA Homeowners Association, who indicated the overwhelming opposition of various groups to the proposed development -- a petition bearing more than 1500 signatures has been obtained -- there is opposition of record, according to Mr. Zachary, to the proposed rezoning from the cities of Rolling Hills, Palos Verdes, as well as Torrance's Citizens Advisory Committee -- homeowners associations in opposition include WALTERIA, SETHA, Riviera, Southwood, Marble Estates, Victoria Knolls, Central Torrance, Northwest Torrance, and the Pueblo Association.

Noted as well by Mr. Zachary were the recommended denials from the Traffic Commission, the Planning Commission, the Planning Department. Mr. Zachary then invited other opposition speakers to come forward at this time.

Mr. Bud Skolich, Riveria Homeowners Association, stated that much of the homeowner opposition is based on the fact that they have lived in other areas and have seen the encroachment of apartment houses and the changes wrought -- further, the proposed developers purchased this land with knowledge of the problems, and their pleas are, therefore, unappropriate.

Representing the League of Women Voters, Mrs. Vicki Birdsall stated that they have opposed several R-3 zone changes, and are opposed to the subject request for the reasons that it will compound traffic problems, as well as the problems of pollution, open space, recreation, and school facilities. Mrs. Birdsall reiterated the need for a long range General Plan -- if desired, this area could be added to that of the Victor Precinct for study by the Planning Commission and the Planning Department.

Mr. John Davis, 2926 Winlock Road, noted the considerable study in this matter, including an investigation of the geology of this site and the existence of the Palos Verdes fault zone which runs beneath the north area of the site -- the necessary fill will result in a "jelly" quality of the land with resultant damage to any structures. It was the recommendation of Mr. Davis that any structures built here be single story and of solid construction.

A Palos Verdes resident, Mr. Leonard Levine recited population figures within the next 30 years and the disastrous environmental results -- decisions relative to land use are made by many officials who too often grab at promises of new taxes from commercial and industrial developers and only later realize their piecemeal responsibility for misshaping the heritage of America.

Mr. Ted Perry, a broker at Key Real Estate, reported on the difficulty of selling a house near an apartment complex -- a business investment should not take precedence over the investments of the property owners made to insure a pleasant area in which to live.

Mrs. Bess Myers, Lomita Property Owners Association, and representative for the Pacific Bowl Association, pointed out the future Pacific Bowl in the Palos Verdes area, along with a baseball field and golf course -- campsites are needed as well; the subject area could be made a beautiful, convenient area -- perhaps Torrance could find some means to buy this land for use as a regional park.

Next to speak was Mr. John Conway, Southwood Riviera Homeowners Association, who conveyed the request of this Association that the zone change be denied.

Mr. Ken Diter, representing the "Save Our Coastline Committee", outlined their studies pertaining to environmental quality and the negative effect of the proposed development in areas of traffic, etc. -- it was urged that the Council support the residents and deny the request.

Mr. E.F. Schoonover, 3546 Senefeld Drive, recalled the variance granted on this property, the many violations thereof, and the likelihood of disaster with the continued digging -- there should be some

means of stopping this operation now.

Mr. Zachary returned to further comment on other developments of Mr. Watt, and the locations thereof -- opposition to the proposed rezoning was reiterated by Mr. Zachary who noted that there are no objections to R-1 development of the property. It was further indicated that the Walteria Homeowners Association would like to see the sand and gravel operation stopped in view of the nuisance it represents and the absence of benefit to the City of Torrance; also, that the Council render a decision at this meeting.

There was a further statement by Mr. Bowman to the effect that development of the subject land as a park, while desirable, is completely unrealistic, and that the developer proposes to do what is reasonable and in the best interests of the City of Torrance.

There being no one else who wished to be heard, Councilman Wilson moved that the hearing be closed. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

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The hour being 8:55 P.M. a 5-minute recess was ordered by Mayor Miller.

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Discussion resumed with Councilman Uerkwitz directing a question to Mr. Bowman regarding "development feasibility", with Mr. Bowman responding that townhouse development for the entire project would not be feasible in that townhouses must be sold to the occupant as opposed to rentals, conceding that some R-3 development, with conditions, would be necessary; R-1 development would be prohibitive financially.

Councilman Sciarrotta indicated his approval of a "New Horizons" concept, in view of the favorable experience with this development which has not presented traffic or school problems, and inquired if there had been thought re: development along the lines of New Horizons and R-1. It was indicated that this had not been done.

It was the comment of Mayor Miller that there is a growing question as to where all the people are to be put and what is to happen once they are here -- a person has a right to make money, but not at the expense of others. What is proposed for this property would only compound the existing negative situation, according to the Mayor, and greater density is not the answer. Commercial development presents certain problems but this is alleviated by the amount of money brought into the City -- the many problems of today (pollution, traffic, etc.) must be taken into consideration when high density development is contemplated. Mayor Miller added that the purchaser of property of this nature certainly must have considered the hole in the ground in the purchase price.

Continuing, Mayor Miller stated that there appears to be a new concept in this City -- the people have had it! This land, at the time of purchase, was R-1, and apparently the purchaser gambled on rezoning to R-3; if this is not possible, then he must live with R-1.

It is not a question of being able to develop as R-1, it is the cost of such development, and that is the worst that can happen to the developer.

In conclusion, Mayor Miller stated that there appears to be a new feeling on this Council, in view of recent 7-0 votes, regarding the problems confronted by Torrance residents and decisions relative to land in all of Torrance. Therefore:

MOTION: Mayor Miller moved for the DENIAL of ZC 71-8. His motion was seconded by Councilman Uerkwitz.

Prior to roll call vote, Councilman Wilson commented on the ambitious development proposed and questioned why the developer had not met with members of the community prior to presentation of the request. Dr. Wilson would agree, in terms of traffic, schools, etc. that there is a need for considerably more study and analysis. It was further suggested by Councilman Wilson that a severance tax on sand and gravel operations, as with oil, be given consideration.

Councilman Johnson recalled previous considerations regarding a dump at this location, as well as future disposal problems to be faced. Mr. Johnson then indicated that he would favor R-1 development were it feasible, combined perhaps with RTH, and that he would favor a study group to the end that a satisfactory conclusion could be reached in the solution of this problem.

It was stated by Councilman Uerkwitz that there does not appear to be any possibility of compromise, hence nothing would be gained by study and delay -- with denial, there would be a 6-month period to arrive at a solution between the proponents and the homeowners.

Councilman Brewster stated that, as a former Planning Commissioner and a strong supporter of the Planning Department, he feels he must express some resentment about the fact that the developers failed to respond to City Staff inquiries for more definitive information for this proposal. It is hard to believe that there is not, somewhere, more detailed data, and that this is indicative of their true desire to cooperate or not to cooperate. Mr. Brewster stated his opinion that the Planning report is objective; it stands on its own; and it stands as ample reason to deny this specific application. Councilman Brewster further would concur with the Planning Department in its statement that the "property is in its present deplorable condition because of the doings of the owners of the property and not because of anything the City did or anything that the surrounding properties have done"; it is not, therefore, incumbent upon this Council to bail them out of this situation.

It was further stated by Councilman Brewster that this property continues to be a major headache to the City; it is hoped that an answer can be found in the near future -- it is, in Mr. Brewster's opinion, incumbent upon the property owner and the proponent to first prove to the Council that R-1 is not feasible; this has not been done at this meeting.

Councilman Sciarrotta complimented the Walteria Homeowners Association for their outstanding, as usual, presentation, and recommended that the ensuing six months (in the event of denial) be spent in considering what might be done with this property. It was added by Mr. Sciarrotta that the Council Finance Committee is investigating the merits of a severance tax for sand and gravel pits.

Mayor Miller restated his earlier MOTION: That the Council concur with Planning Commission's recommendation for DENIAL of ZC 71-8. The motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable, "yes" being for denial.

It was the comment of Councilman Johnson, at the time of his "yes" vote, that it is his hope that during the interim period the developer will get with the homeowners to attempt to solve the problem.

Councilman Uerkwitz requested that the City Attorney investigate possible violations of the variance, alluded to during this meeting. It was the suggestion of City Attorney Remelmeyer that the City Manager provide a report for the Council on this matter, with a hearing, if desired, to follow, and a subsequent determination by the Council.

MOTION: Councilman Uerkwitz moved that the City Manager study the subject Variance with a report back to the Council. The motion was seconded by Councilman Sciarrotta; there were no objections, and it was so ordered.

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A 5-minute recess was ordered by Mayor Miller at 9:45 P.M.

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7. EMERGENCY ORDINANCE RE: MORATORIUM, VICTOR PRECINCT.

ORDINANCE NO. 2232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE IMPOSING A MORATORIUM ON THE CONSTRUCTION OF DWELLING UNITS WITHIN THE AREA DESCRIBED HEREIN AND DECLARING THE PRESENCE OF AN EMERGENCY.

City Attorney Remelmeyer requested that the above reference to "dwelling units" in the ordinance be changed to "buildings or structures" in order that all construction in the area will be included.

Councilman Wilson moved for the adoption of Emergency Ordinance No. 2232, as above amended, at its first and only reading. His motion was seconded by Councilman Sciarrotta.

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Prior to roll call vote, Councilman Brewster inquired as to any possible liability of the City in regard to this moratorium; City Attorney Remelmeyer advised that this is a legislative act of the Council, noting that there is always a possible liability in any action taken by the Council. Mr. Remelmeyer does not see any appreciable risk of liability in this particular instance, and referred to the Government Code which permits the imposition of a moratorium on construction for a period not to exceed 90 days to permit study of the area. The right of affected parties to seek a Writ of Mandate was also pointed out by Mr. Remelmeyer.

Speaking at this time, Mr. David Brady, owner of property on Hawthorne Boulevard, confirmed that Hawthorne Boulevard frontage was excluded from the ordinance.

Mrs. Betty Swartz stated that an escrow on property on Spencer Street has just closed; they are in Plan Check; it was her request that they be exempted from the moratorium, in view of the hardship represented. City Attorney Remelmeyer advised the Council that to exclude this property would make the moratorium without value -- it cannot be applied to particular pieces of property; it must apply to the entire area in order to have any validity at all.

Roll call vote on the adoption of Emergency Ordinance No. 2232 was unanimously favorable.

ORDINANCE NO. 2233

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE IMPOSING A MORATORIUM ON
THE CONSTRUCTION OF BUILDINGS OR STRUCTURES
WITHIN THE AREA DESCRIBED HEREIN AND REPEAL-
ING EMERGENCY ORDINANCE NO. 2232.

Councilman Sciarrotta moved for the approval of Ordinance No. 2233 at its first reading. His motion, seconded by Councilman Brewster, was unanimously approved by roll call vote.

It was clarified by City Manager Ferraro that the moratorium will apply in cases where a permit has been issued but construction not yet started.

Councilman Brewster referred to the homeowner concerns expressed at the May 25th Council meeting and their desire that the area be reviewed with an eye to improving the apartment development standards -- there was specific reference regarding the maintenance of rental or investment properties, and it was Councilman Brewster's request that Staff investigate the merits of imposing maintenance controls, along with the role of the Housing Code in this regard.

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At 10:05 P.M. Councilman Uerkwitz moved to recess for an Executive Session pertaining to pending litigation. The motion was seconded by Councilman Johnson, and approval was unanimous.

The Council returned to formally adjourn at 10:18 P.M.

Vernon W. Coil

VERNON W. COIL, CITY CLERK
OF THE CITY OF TORRANCE

Ken Miller

MAYOR OF THE CITY OF TORRANCE