

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 5:32 p.m. on Tuesday, March 6, 2007 in the City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Brewer, Drevno, McIntyre, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers, and other staff representatives.

Agenda Item 18 was considered out of order at this time.

**18. EXECUTIVE SESSION**

The City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Significant Exposure to Litigation, 18C) Conference with Legal Counsel – Initiation of Litigation, and 18D) Conference with Real Property Negotiator pursuant to California Government § 54957.6, 54956.9 (b)(3)(B), 54956.9 (c), and 54956.8.

The City Council reconvened at 7:13 p.m. No formal action was taken on any matter considered in closed session. Councilmember Nowatka was not present for consideration of Item 18C.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Transit Director Kim Turner.

Pastor Steve Sanchez, Hope Chapel, gave the non-sectarian invocation.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, March 1, 2007.

**MOTION:** Councilmember Sutherland moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall 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 Councilmember Witkowsky and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Fire Chief Bongard reminded everyone that ExxonMobil would be conducting their monthly alert siren testing on Wednesday, March 7, at approximately 11:30 a.m.

Fire Chief Bongard invited everyone to attend the Torrance Fire Fighters Association's 35<sup>th</sup> Annual Spaghetti Dinner at the Ken Miller Recreation Center on Saturday, March 10<sup>th</sup> from 4:30 – 8:00 p.m. Admission is \$5 per adult and \$3 per child with proceeds to benefit the Alisa Ann Ruch California Burn Foundation.

Mayor Scotto asked that the meeting be adjourned in memory of Tom Akiyama, long-time Torrance resident and businessman, who passed away February 19.

**7. ORAL COMMUNICATIONS #1**

**7A.** Lemor Wasserstrom and Cassandra Young, Department of Children and Family Services, presented a plaque to the Mayor and Council thanking them for subsidizing the rental of the Toyota Meeting Hall for the holiday event held last year for South Bay foster children.

**7B.** Debbie Hays, Torrance Historical Society, invited everyone to attend the exhibit *That's Just the Way it Was: Jerome, Arkansas*, in remembrance of Executive Order 9066, at the Torrance Historical Society Museum, 1345 Post Avenue, Tuesday – Thursday, and Sunday, 1:00 – 4:00 pm.

**7C.** Scotto Gobble, Southern California Edison, announced a new program for commercial and residential customers to earn rebates up to \$200 by having a device installed that would shut off air conditioners when there is a critical power shortage.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES – JANUARY 9, 2007**

**8B. INVESTMENT REPORT FOR JANUARY 2007**

**Recommendation**

The **City Treasurer** recommends that City Council accept and file the monthly investment report for the month of January 2007.

**8C. GRANT AWARD TO TORRANCE SISTER CITY ASSOCIATION**

**Recommendation**

The **Community Services Director** recommends that the City Council award the Torrance Sister City Association a grant in the amount of \$1,500.

**8D. PURCHASE OF CHEVROLET TAHOES WITH POLICE PACKAGE**

Considered separately, see page 4.

**8E. REJECTION OF BIDS FOR WAREHOUSE WATER STOCK**

**Recommendation**

The **General Services Director** recommends that City Council authorize rejection of two (2) bids received for Warehouse Water Stock (B2007-01 and B2007-05).

**8F. AGREEMENT WITH THE SOUTH BAY WORKFORCE INVESTMENT BOARD**

**Recommendation**

The **Carson/Lomita/Torrance Workforce Investment Network (W/N) Board** and the **Human Resources Director** recommend that City Council authorize an employment and training agreement with the South Bay Workforce Investment Board (SBWIB) in the amount of \$50,000 for the period of December 1, 2006 to June 30, 2007.

**8G. REIMBURSEMENT TO WESTERN MUSEUM OF FLIGHT**

**Recommendation**

The **General Services Director** and the **City Manager** recommend that City Council appropriate \$2,500 to reimburse the Western Museum of Flight for fuel for aircraft landing at the Torrance Airport for the Western Museum of Flight "Preview Day" event.

**8H. PURCHASE/INSTALLATION OF PLAYGROUND EQUIPMENT AT EL RETIRO PARK**

**Recommendation**

The **Community Services Director** recommends that City Council authorize a sole-source purchase order with Miracle Playground Sales of Southern California, Placentia, CA, for an amount not to exceed \$70,476.91 for the purchase and installation of playground equipment and rubberized play surfacing at El Retiro Park.

**8I. CONTRACT FOR SOIL REMEDIATION AT FLEET SERVICES GARAGE**

**Recommendation**

The **General Services Director** recommends that City Council:

- 1) Award a contract to Miller Environmental for soil remediation at the Fleet Services garage for \$74,900 with a 5% contingency of \$3,745, and a 10% project management fee of \$7,490; and
- 2) Appropriate \$32,521.95 from the Fleet Services Shop Equipment Fund.

**8J. CLASS SPECIFICATION FOR PUBLIC SAFETY DISPATCHER**

**Recommendation**

The **Human Resources Director** and the **Civil Service Commission** recommend that City Council approve the proposed class specification of Public Safety Dispatcher.

**8K. IMPLEMENTATION OF LIVING WISE RESOURCE EDUCATIONAL PROGRAM**

**Recommendation**

The **Public Works Director** and the **Water Commission** recommend that City Council approve an agreement with Resource Action Programs, in the amount of \$20,000, for the implementation of the in-school Living Wise Resource Educational Program for the Torrance Unified middle schools.

**8L. SUBSIDY OF RENTAL FEES FOR TFFA SPAGHETTI DINNER**

**Recommendation**

The **City Manager** recommends that City Council authorize the subsidy of \$356.22 of rental fees for the Kenneth Miller Recreation Center Auditorium at the Torrance Cultural Arts Center for the Torrance Fire Fighters Association's Spaghetti Dinner to benefit the Alisa Ann Ruch California Burn Foundation.

Referring to Item 8J, Greg Ferguson stated that TME-AFSCME supports the class specification for Public Safety Dispatcher, but expressed the hope that the City would reconsider reductions in pay for longtime police dispatchers.

**MOTION:** Councilmember Drevno moved for the approval of Consent Calendar Items 8A through 8L, with the exception of Item 8D. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Consent Calendar Item 8D was considered separately at this time.

**8D. PURCHASE OF CHEVROLET TAHOES WITH POLICE PACKAGE**

**Recommendation**

The **General Services Director** recommends that City Council:

- 1) Authorize the purchase of five (5) 2007 Chevrolet Tahoes with Police Pursuit Package from Good Chevrolet of Alameda, CA (B2007-07). Total purchase price, including sales tax is \$173,281.65; and
- 2) Appropriate \$173,281.65 from the Fleet Services Vehicle and Equipment Replacement Fund.

In response to Councilmember Brewer's inquiry, Fleet Services Manager Winnett reported that Martin Chevrolet of Torrance submitted a bid, but it was the highest of the five responsive bidders.

**MOTION:** Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**12. ADMINISTRATIVE MATTERS**

**12A. SUPPLEMENTAL TO TORRANCE POLICE COMMANDERS ASSOCIATION MOU**

**Recommendation**

The **City Manager** recommends that City Council adopt a Resolution pursuant to a Memorandum of Understanding amending Resolution No. 2005-61 setting forth changes regarding hours, wages, and working conditions for employees represented by the Torrance Police Commanders Association (TPCA) adding a monthly vehicle allowance.

In response to Councilmember Sutherland's inquiry, Police Chief Neu reported that 14 lieutenants would receive the vehicle allowance.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2007-21**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2005-61 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY TORRANCE POLICE COMMANDERS ASSOCIATION (TPCA)

**MOTION:** Councilmember McIntyre moved for the adoption of Resolution No. 2007-21. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**12B. APPROVAL OF LEASE WITH SPRINT PCS ASSETS, LLC**

**Recommendation**

The **City Manager** recommends that City Council:

- 1) Adopt a Resolution determining certain city-owned property is not required for city purposes and that leasing the property is in the public interest; and
- 2) Approve an Option to Lease and Lease by and between the City of Torrance (City) and Sprint PCS Assets, L.L.C., a Delaware Limited Liability Company, for a portion of City-owned property located at 4727 Emerald Street (Victor Park parking lot).

Assistant to the City Manager Sunshine stated that Sprint was proposing to locate a cell antenna on a non-usable area of the Victor Park parking lot and that it would involve the replacement of a light standard with a cell pole/light standard combination. He noted that the Parks and Recreation Commission concurred with the proposal provided that ground facility equipment be placed in an underground vault so as not to block views into the park and that the vault be designed to support a vehicle. He explained that Sprint had agreed to place the equipment in an underground vault, but was proposing to landscape the area to act as a buffer instead of covering the vault with a traffic-rated grate. He reported that the Telecom Committee approved the proposal on March 10, 2006.

Councilmember Witkowsky questioned whether other telecom companies would be allowed to co-locate on the antenna, and Mr. Sunshine advised that the Telecom Committee requires co-location wherever possible.

In response to Councilmember Sutherland's inquiry, Mr. Sunshine confirmed that Sprint will be responsible for maintaining the site.

Mr. Sunshine noted that the Parks and Recreation Commission had recommended that the proceeds from the lease be directed to the Park Facilities Fund for park improvements, and Councilmembers expressed support for this idea.

City Attorney Fellows advised that the Council could not take action on the Park and Recreation Commission's recommendation at this meeting because it was not included on the agenda.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

#### **RESOLUTION NO. 2007-22**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING CERTAIN CITY-OWNED PROPERTY NOT REQUIRED FOR CITY PURPOSES AND THAT LEASING THE PROPERTY IS IN THE PUBLIC INTEREST (4727 EMERALD STREET)

**MOTION:** Councilmember McIntyre moved for the adoption of Resolution No. 2007-22. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

#### **12C. LEASE AMENDMENT RE 2700 SKYPARK DRIVE**

##### **Recommendation**

The **City Manager** recommends that City Council:

- 1) Authorize a Second Amendment to Lease and Assignment and Assumption Agreement for city lease by and among City of Torrance, a municipal corporation (hereinafter referred to as the "City"), LDC Skypark, LLC, a California limited liability company (hereinafter referred to as the "Assignor"), and 6th St. Governor, LLC, a California limited liability company (hereinafter referred to as the "Assignee") (C2004-155) for property located at 2700 Skypark Drive operating as Lowe's Home Improvement Center and;
- 2) Authorize a Ground Lease Estoppel as entered into by, City of Torrance, in favor of IXIS Real Estate Capital Inc., a New York corporation ("Lender").

Assistant to the City Manager Sunshine reported that the Assignment and Assumption Agreement and the Ground Lease Estoppel were approved by the Council on

January 9, 2007, however, there have been changes in the make-up of the partnership and the nature of the assignment, therefore, these items have been brought back for approval.

Councilmember Sutherland stated that he continues to object to a Master Tenant's subleasing of City land for a profit, but felt the Council had no choice but to approve the proposed amendment at this time.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**12D. STATEMENT OF INVESTMENT POLICY FOR 2007**

**Recommendation**

The **City Treasurer** recommends that City Council adopt a Resolution establishing the Statement of Investment Policy for 2007.

Councilmember Witkowsky commended City Treasurer Barnett for doing an excellent job of managing the City's investments.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2007-23**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE STATEMENT OF INVESTMENT POLICY 2007 IN ACCORDANCE WITH CERTAIN GUIDELINES

**MOTION:** Councilmember McIntyre moved for the adoption of Resolution No. 2007-23. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**12E. ORDINANCE NO. 3691 MODIFYING COMMISSION ON AGING MEMBERSHIP**

**Recommendation**

The **Community Services Director** recommends that City Council:

- 1) Appoint Commission on Aging Club representatives Charles Breaker and Art Callen to fill two vacant General Representative seats on the Commission on Aging; and
- 2) Adopt an ORDINANCE amending Sections 1, 2 and 3 of Article 18 of Chapter 3 of Division 1 of the Torrance Municipal Code to change the membership of the Commission on Aging to seven members.

Community Services Director Barnett briefly reviewed the proposed changes to the Commission on Aging membership, which would reduce the number of members to seven and make all members General Representatives, thereby eliminating Club Representatives.

In response to Commissioner Witkowsky's inquiry, Community Services Director Barnett confirmed that clubs that formerly had representatives serving on the Commission would still be invited to meetings to share their comments and concerns.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**MOTION:** Councilmember Sutherland moved to appoint Charles Breaker and Art Callen to the Commission on Aging. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**ORDINANCE NO. 3691**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 1, 2, AND 3 AND DELETING SECTION 4 OF ARTICLE 18 OF CHAPTER 3 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE ESTABLISHING THE COMMISSION ON AGING

**MOTION:** Councilmember McIntyre moved for the adoption of Ordinance No. 3691. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**12F. RENEWAL OF GENERAL SERVICES AGREEMENT WITH LA COUNTY**

**Recommendation**

The **City Manager** recommends that City Council adopt Resolution to renew a general services agreement with the County of Los Angeles for a five-year period commencing July 1, 2007 through June 30, 2012.

**MOTION:** Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**RESOLUTION NO. 2007-24**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE EXECUTION OF A FIVE-YEAR GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES

**MOTION:** Councilmember McIntyre moved for the adoption of Resolution No. 2007-24. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**13. HEARINGS**

**13A. PRE06-00031: 336 PASEO DE LA PLAYA**

**Recommendation**

The **Planning Commission** and the **Community Development Director** recommend that City Council deny the appeal and adopt a Resolution denying a Precise Plan of Development to allow the construction of second story additions to an existing two story multiple family residence and the construction of a new detached garage and laundry room on property located in the Hillside Overlay District in the R-3 zone at 336 Paseo de la Playa.

**PRE06-00031: CHARLES BELAK-BERGER (SUZANNE BUTLER)**

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly described the proposed project and reviewed photographs of the subject property taken from various vantage points in the neighborhood. He noted that the Planning Commission voted unanimously to deny the project due to the impact on the views of surrounding properties.

Suzanne Butler, 336 Paseo de la Playa, applicant/appellant, provided background information about the project, noting that she began work on it in early 2005 and that it was denied by the Planning Commission in September 2005 and again in December 2006 after it had undergone revisions. With regard to those objecting to the project, she reported that the building behind her at 163 Paseo de la Concha was originally constructed as an apartment building and converted to condominiums in 1988 even

though it had substandard parking and insufficient open space. She voiced objections to the City's approval of improvements at this location that were constructed without benefit of permits, including a large fence and the enclosure of balconies, which eliminated required private open space and created an intrusion on her privacy. She called for the Building and Safety Department to require that 163 Paseo de la Concha, Units 7 and 14, and 157 Paseo de la Concha, Unit 5, obtain permits for structural modifications that were made that could compromise the stability of their buildings.

Ms. Butler reported that the Planning process has been a time-consuming, expensive and unpleasant experience and contended that she was being burdened by the Hillside Overlay Ordinance, but enjoying no benefit from it. She reviewed revisions that were made to address neighbors concerns and noted that the project is below the allowable floor area ratio (FAR) and exceeds open space requirements. She explained that she was only seeking a little more space for the enjoyment of family, friends and tenants and urged approval of the project as submitted.

Larry Peterson, legal counsel for Ms. Butler, stated that the appeal should be granted and the project approved for the following reasons: 1) the Hillside Overlay Ordinance is unconstitutionally vague and therefore not enforceable; 2) the Planning Commission's own "as applied" interpretation of the Hillside Ordinance was not followed in this case; 3) Ms. Butler has suffered significant economic loss by not being allowed to remodel; 4) the project complies with all objective requirements of the Hillside Ordinance; 5) the appellant has made significant compromises and a good faith effort to address the concerns of neighbors; and 6) many of the complaining neighbors are in violation of the Hillside Ordinance and other development standards and thus lack standing to object due to their own "unclean hands."

Mr. Peterson explained that the Planning Commission failed to distinguish between primary and secondary views and granted protection to acquired views, which is contrary to past practices. He estimated that Ms. Butler would suffer a loss of approximately \$2 million by not being allowed to proceed with the remodel, which is far more than neighbors would suffer from the loss of a sliver of view.

Steve Hemingway, 24643 Via Valmonte, a licensed appraiser, submitted an appraisal of the subject property to illustrate the economic loss Ms. Butler would suffer should the proposed project be denied (\$2 million currently - \$4 million remodeled).

Mayor Scotto voiced his opinion that the \$2 million estimate for the existing property was low, but Mr. Hemingway related his belief that this estimate was well supported.

Asked to comment on Mr. Peterson's arguments, City Attorney Fellows advised that the Hillside Ordinance makes no mention of primary, secondary, or acquired views and it is up to each Councilmember to determine how much weight should be given to a particular view. With regard to the argument that the Hillside Ordinance is too vague, he explained that objective standards are not required, however, the basis for a decision must be evident to the public and/or reviewing court when a decision maker is exercising discretion. Commenting on the claim of economic loss, he noted that the appellant has not been denied use of the property and would suffer no loss should the project be denied, but rather would be prevented from a potential financial gain.

Nicole Adams, owner of 157 Paseo de la Concha, #3 and #4, reported that the proposed project would completely block the view from the dining room in both units, noting that Ms. Butler recently installed planter boxes that have made this blockage less apparent.

Ryan Junk, 163 Paseo de la Concha, #7, voiced objections to the project, stating that it would completely eliminate the view, which is a major factor in the value of his property.

In response to Councilmember Witkowsky's inquiry, City Attorney Fellows stated that he believed there was no merit to the argument (per Larry Peterson's letter, dated March 6, 2007) that occupants of 163 Paseo de la Concha had no standing to complain about view loss because the building, which was constructed in 1960, was converted to condominiums in 1988 after the Hillside Overlay Ordinance was enacted. He pointed out that the change in the form of ownership resulted in no structural changes to the building.

Treva Merritt, 163 Paseo de la Concha, #6, reported that she has owned and lived in this unit for over 30 years and expressed concerns that the proposed project would devalue her home and undermine her financial security. She voiced objections to the fact that Ms. Butler, who enjoys an unobstructed view of the ocean across the width of her unit, was seeking to block the view of those who live behind her.

Mike Adli, 328-F Paseo de la Playa, owner of the property next door to the subject property, stated that he supports the proposed project because properties on this block are in great need of renovation as nothing has been done since his father developed two of the lots in 1975. He reported that the owners of all six units at 328 Paseo de la Playa support the project.

In response to Mayor Scotto's inquiry, Mr. Adli confirmed that his property is currently silhouetted for a proposed project.

Chris Acone, 163 Paseo de la Concha, #14, contended that the photographs in the staff presentation did not do justice to the view loss that would be caused by the proposed project.

Elizabeth Harrigan, 146 Via Pasqual, voiced support for the project, noting that Ms. Butler has done a lot to improve the property, which was very run-down when she purchased it, and has even won an award for the landscaping.

Charles Belak-Berger, project architect, reported that he has done everything possible to minimize the impact on properties to the rear, including maintaining the existing ridge height, and urged approval of the project as submitted.

Mayor Scotto suggested the possibility of adding on to the front of the unit where it would not impact views. Mr. Belak-Berger responded that expanding in this way would make the units down below dark and cave-like and require costly structural improvements and would still have some impact on views.

Eli Cohen, 336-B Paseo de la Playa, voiced support for the project, stating that he believed Ms. Butler had made significant compromises to address the concerns of neighbors.

Paul Buono, Ms. Butler's son, urged the Council to allow his mother to proceed with her plans for a modest remodel in order to improve her quality of life. He stated that his mother has worked very hard to get where she is and deserves to enjoy her "golden years."

Raymond Bailey, 157 Paseo de la Concha, #3, noted that he and other neighbors have also worked hard to afford their homes and voiced objections to the project because it would obliterate his ocean view.

Ruth Hindman, 336-A Paseo de la Playa, voiced support for the project, indicating that she was also representing two other tenants who could not attend this meeting. Noting that she has known Ms. Butler for over 50 years, she explained that the project is motivated only by her desire to have more space for her family.

Joanne Pooler, 24237 Ocean Avenue, stated that she is a long-time friend of Ms. Butler's and believes she should be allowed to expand her home to accommodate friends and family. She noted that there have been very few improvements on this block and maintained that the remodel would increase property values.

Rex Farnsworth, 163 Paseo de la Concha, voiced objections to the project, stating that it would take away his "peek-a-boo" view of Santa Monica and devalue his property. He disputed the claim that this is a modest addition, noting that the proposed 1100 square-foot addition is larger than his entire unit.

Ina Elminoufi, owner of 163 Paseo de la Concha, #12, stated that she does not object to Ms. Butler improving her property as long as it does not impact views. She suggested that Ms. Butler could build a subterranean garage, which would leave more room for expansion.

Kathleen Butler-Collins, Lomita, wanted to make clear that her sister is not motivated by greed, as evidenced by her reputation as a kind and caring landlord. Noting that property values in general have decreased over the last two years, she expressed concerns that speakers were making unsubstantiated claims regarding the project's impact on the value of their properties.

Mayor Scotto invited Ms. Butler and/or her representative to respond to audience members' remarks.

Responding to City Attorney Fellow's comments, Mr. Peterson stated that while view ordinances without objective standards have been upheld, there must be a consistent application and reiterated his contention that the Planning Commission's "as applied" interpretation was not followed in this case. He reported that revisions to the project had completely restored Mr. Farnsworth's view; maintained that only a few of the 16 units at 163 Paseo de la Concha would be affected by the project; and called for the Council to differentiate between primary and secondary views.

Councilmembers Brewer, Drevno, McIntyre, Sutherland, Witkowsky and Mayor Scotto indicated for the record that they had each visited the subject property and viewed the project from various vantage points on Paseo de la Concha.

**MOTION:** Councilmember Sutherland moved to close the public hearing. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

Councilmember Witkowsky stated that she could not support the project because she observed a tremendous loss of views from units in the middle and on both sides of the building at 163 Paseo de la Concha. She noted that these units were specifically designed with walls of windows to take advantage of the view over lower structures in front of them. She indicated that she favored denying the project without prejudice so the applicant could submit a redesigned project without incurring additional fees.

Indicating that he also would not support the project, Councilmember Sutherland explained that he had remained undecided about this case until Mr. Belak-Berger cited the impact on the units down below Ms. Butler as rationale for not expanding out to the west and this persuaded him that the units on Paseo de la Concha deserve the same consideration.

Councilmember Brewer conceded that Ms. Butler's unit will be difficult to enlarge without impacting any views because even expanding to the west would create some blockage, but stated that he could not support the proposed project because he observed that it would significantly impact views at 163 Paseo de la Concha, Units 5, 6, 13 and 14 and at 157 Paseo de la Concha, Unit 5, including white water views, which the Hillside Ordinance was specifically designed to protect.

Councilmember McIntyre voiced her opinion that the compromises made by the appellant were insufficient and stated that she would like to see Ms. Butler and her architect go back to the drawing board and come up with another plan that would be more equitable with regard to the view issue. She acknowledged that there was no perfect solution, but related her belief that an imaginative design could result in a more acceptable project.

Councilmember Nowatka reported that he was unable to visit the site, but he had reviewed the abundance of written material and concurred with his colleagues' opinion that the project should be denied. Commenting on the testimony, he noted that neither Ms. Butler's character, nor her intention was in question. With regard to the remarks about "unclean hands," he stated that he believed that was an ad hominem argument.

Councilmember Drevno stated that while she understands Ms. Butler's desire to improve her home, she observed that the project would greatly impact views on Paseo de la Concha and she believed it would be unfair to take away those views.

Mayor Scotto stated that he observed that the project would almost completely block the view in some of the affected units and that he would vote against it if only one unit was impacted to this degree. He related his belief that any gain in value Ms. Butler would enjoy from the addition would be at the expense of property owners behind her.

**MOTION:** Councilmember Witkowsky moved to deny the appeal and deny the project without prejudice. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

#### **RESOLUTION NO. 2007-25**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW SECOND STORY ADDITIONS TO AN EXISTING TWO STORY MULTIPLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-3 ZONE AT 336 PASEO DE LA PLAYA

**MOTION:** Councilmember McIntyre moved for the adoption of Resolution No. 2007-25. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Council met at the Redevelopment Agency from 9:30 p.m. to 9:34 p.m.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Sutherland congratulated Councilmember McIntyre on receiving an award from Save Historic Old Torrance for being the most active councilperson on the issue of historic preservation.

**17B.** Councilmember Sutherland noted his attendance at the Little League opening day on Saturday, March 3.

**17C.** Councilmember Witkowsky asked for City Council concurrence to have staff bring forward an item exploring the possibility of providing free WiFi for residents.

City Manager Jackson recommended that the item be considered with the proposed budget as it would be a significant investment for the city.

**17D.** Councilmember Brewer announced that Janet Payne was recognized by Save Historic Old Torrance for work in preserving the historic features of Torrance.

**17E.** Councilmember Brewer reminded everyone that the Torrance Education Foundation still had raffle tickets available for a 2007 Toyota Prius for \$20 each, with information available at 310.972.6418 or [tef@tusd.org](mailto:tef@tusd.org).

**17F.** Councilmember Drevno noted the re-dedication of Riviera Little League in honor of Maurice Wilson on Saturday, March 3.

**17G.** Mayor Scotto asked for City Council concurrence to have staff bring forward an item in conjunction with the upcoming budget detailing the costs for an additional paramedic unit, with options ranging from peak time coverage to a full-time unit.

**17H.** Mayor Scotto asked for City Council concurrence to have staff look in to the possibility of placing a plaque at Columbia Park to honor Soka Gakkai International USA for donating cherry trees over the past six years.

**18. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**19. ADJOURNMENT**

At 9:40 p.m., the meeting was adjourned to Tuesday, March 20, 2007 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. **Tuesday, March 13, 2007 will be a Council dark night.**

Attest:

/s/ Frank Scotto  
Mayor of the City of Torrance

/s/ Sue Herbers  
Sue Herbers,  
City Clerk of the City of Torrance

Approved on May 1, 2007

Sue Sweet  
Recording Secretary

City Council  
March 6, 2007