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At 11:04 p.m., the meeting was adjourned to Tuesday, February 2, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

January 26, 2010

**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 7:01 p.m. on Tuesday, January 26, 2010 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

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

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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 City Attorney on the above item and agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government Code § 54957.6.

The City Council reconvened at 7:01 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by Deputy City Treasurer Cortez.

Councilmember Rhilinger 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 Friday, January 22, 2010.

**MOTION:** Councilmember Furey 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 Numark and passed by unanimous roll call vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

City Manager Jackson announced that the item on the proposed sanitation fee increase originally scheduled for tonight's Council meeting will be presented at the February 2, 2010 City Council meeting.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Management Associate Barthe-Jones reported more than 130 million addresses across the nation will receive a 2010 census form in March and reminded the public to complete and mail back the form and encourage family, friends and neighbors to do the same, with additional information available at [www.2010census.gov](http://www.2010census.gov).

Public Works Director Beste provided an update on the pond restoration project at Wilson Park, noting that the contract is scheduled to be awarded in March and the project should be completed by the end of June.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2010-05 RE DANIEL HEIDLER**

**RESOLUTION NO. 2010-05**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIRE ENGINEER DANIEL HEIDLER UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-NINE YEARS OF SERVICE

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-05. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

Mayor Scotto presented the resolution to Daniel Heidler along with a resolution from State Assemblyman Ted Lieu.

Fire Chief Racowschi commended Mr. Heidler for his dedication and service to the community.

**6B. PRESENTATION ON SB 375 BY SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

Southern California Association of Governments (SCAG) Executive Director Hasan Ikhata gave a Powerpoint presentation on Senate Bill 375.

**7. ORAL COMMUNICATIONS #1**

**7A.** Scotto Gobble, 2010 Complete Census Count Committee, emphasized the importance of completing 2010 Census forms to ensure an accurate count so the City receives its fair share of government funding.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

**Recommendation**

Recommendation of the City Clerk that City Council approve the City Council minutes of November 10, November 17, and November 24, 2009.

**8B. MOU RE ALLOCATION OF PROPOSITION 1B TRANSIT SECURITY BRIDGE FUNDS**

**Recommendation**

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the allocation of Proposition 1B Security Bridge funds for the period from July 1, 2009 to June 30, 2018.

**8C. MOU RE ALLOCATION OF PROPOSITION 1B TRANSIT MODERNIZATION PROGRAM BRIDGE FUNDS**

**Recommendation**

Recommendation of the Transit Director that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the allocation of Proposition 1B Transit Modernization Bridge funds for the period from July 1, 2009 to June 30, 2015.

**8D. AGREEMENT RE MARKET RATE COMPARISON FEE STUDY**

Considered separately.

**8E. EXPANSION OF SECURITY PATROL TO INCLUDE CITY HALL**

**Recommendation**

Recommendation of the City Manager that City Council approve an increase in an amount not to exceed \$15,000 to Security Patrol Management Corporation to provide security coverage at City Hall.

**8F. AGREEMENTS RE LABORATORY ANALYSIS AND TESTING OF WATER**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Accept the proposal submitted by Test America Laboratories, Inc. for laboratory analysis and testing of water samples;
- 2) Approve an agreement with Test America Laboratories, Inc. in the amount of \$27,000 intended for services pertaining to City owned water facilities; and
- 3) Approve an agreement with Test America Laboratories, Inc. in the amount of \$32,000 intended for services pertaining to City contract operation of the Goldsworthy Desalination Facility owned by the Water Replenishment District of Southern California.

**8G. AGREEMENT RE USE OF ENTRADERO SUMP BY BABE RUTH YOUTH BASEBALL PROGRAM**

**Recommendation**

Recommendation of the Community Services Director and the Parks and Recreation Commission that City Council approve a lease agreement with American Legion Post 170 for use of City-owned property at the Entradero Sump at 5500 Towers Street as a Babe Ruth youth baseball field for a five-year term beginning February 1, 2010 through December 31, 2014.

**MOTION:** Councilmember Sutherland moved for the approval of Consent Calendar Items 8A through 8C and 8E through 8G. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

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

**8D. AGREEMENT RE MARKET RATE COMPARISON FEE STUDY**

**Recommendation**

Recommendation of the Community Services Director that City Council:

- 1) Approve a consulting services agreement with Wildan Financial Services for the completion of a Market Rate Comparison Fee Study and Analysis for the period of January 27, 2010, through June 30, 2010; and
- 2) Appropriate \$19,308 from the Program Contingency Reserve.

In response to Councilmember Numark's inquiry, Senior Business Manager Minton confirmed that results of the study will be available in time to assist with the preparation of budget projections.

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

**9. COMMUNITY SERVICES**

**9A. LOMITA CORRIDOR RIGHT-OF-WAY PARK PROJECT**

**Recommendation**

Recommendation of the Community Services Director and City Manager that City Council:

- 1) Approve the design concept for the park development;
- 2) Approve the transfer of funding from McMaster Park Redevelopment (FEAP #337) in the amount of \$89,787 and from Maintenance and Storage Building (FEAP #340) in the amount of \$182,953 to Lomita Right-of-Way – Corridor Park Project (FEAP #653) to cover the cost of additional amenities requested by the public;
- 3) Approve the sale of property to residents at a value of \$20 per square foot and appropriate any proceeds to the project (FEAP #653) and
- 4) Authorize the Mayor to execute all documents associated with the transaction(s).

With the aid of slides, Business Manager Minter reviewed conceptual plans for the park to be developed on the right-of-way at the end of Lomita Boulevard between Anza and Kathryn. He reported that staff met with nearby residents to discuss their preferences and came up two options: Option 1 – passive park with landscaping, turf and meandering path (\$684,479); and Option 2 – adding playground equipment, trees/shrubs, benches and a textured path to discourage skateboarding (\$972,740). He reported that during the design process, it was discovered that 10 homes on the northern and southern boundaries encroach on park property; that the City offered to sell the area of encroachment to the property owners at \$20 per square foot; and that six owners agreed to the purchase and four declined.

Councilmember Brewer suggested that having a straight path along one side of the park would leave more usable space for playing games rather than having a meandering path through the center.

Business Manager Minter explained that there will be small grassy areas for play but the park was not designed to accommodate organized sports at the request of nearby neighbors.

Denise Honaker, Kathryn Avenue, thanked Mayor Scotto for following through on his campaign promise to assist residents in their quest to turn the right-of-way into a park. She indicated that she supports the park despite the fact that she and her husband must pay \$6900 for the area of their property that encroaches into the park.

Jeff Cherness, Evelyn Avenue, stated that he was pleased to have a park adjacent to him but was dismayed with the process as he now must pay over \$11,000 to retain property in his rear yard that he has fenced and landscaped.

Mayor Scotto explained that no one was aware of the encroachment problem until planning for the park began and related his belief that the new park will be a great asset to the neighborhood.

Councilmember Sutherland thanked Mr. Cherness and other affected neighbors for their cooperation.

Councilmember Brewer disclosed that he met with Mrs. Honaker and Mrs. Cherness to discuss the property line issue.

Melissa Wright, Torrance, expressed support for the park and thanked staff for their assistance. She commented on how well the neighborhood worked together and reached a consensus on the design of the project.

Tom Rische, Torrance, voiced support for the park.

Responding to questions from the Council, Business Manager Minter reported that residents favor Option 2 with a small playground structure geared to 2-5 year-olds. He explained that the type of fencing along Anza has not been determined but it will be reinforced to prevent vehicles on Lomita Boulevard from crashing into the park and visibility will be maintained so police patrolling the area will be able to see into the park. He provided clarification regarding funding, noting that grant funds are being shifted from other park projects because funding will expire if not used by December 31, 2010.

**MOTION:** Councilmember Furey moved to concur with the staff recommendation and to approve Option 2. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

**10. PLANNING AND ECONOMIC DEVELOPMENT**

At 8:18 p.m., the City Council convened as the Redevelopment Agency and Redevelopment Agenda Item 4B was considered concurrently with Agenda Item 10A.

**10A. DESIGNATION OF RECOVERY ZONES**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution designating certain areas in the City of Torrance as recovery zones under the provisions of the American Recovery and Reinvestment Act of 2009 for the purpose of issuing Recovery Zone Facility Bonds.

Management Associate Fulton explained that it is necessary to designate recovery zones in Torrance in order to retain the \$11,970,000 allocated through the American Recovery and Reinvestment Act of 2009; that Torrance meets the criteria for Recovery Zone funding since unemployment has risen to 6.1%; and that the Recovery Zone Facility Bonds will be used to provide financing for private business development. She noted that a business must be credit-worthy in order to qualify for the funding and that the City will not be liable for any unpaid debt.

Councilmember Sutherland questioned whether the City could charge a fee to recover the cost of staff time for administering the bonds.

Assistant City Manager Giordano advised that the City will be mainly acting as a conduit and another agency will be issuing the bonds.

Mayor Scotto noted that this funding represents a great opportunity for the creation of new jobs in Torrance.

Councilmember Numark encouraged staff to actively promote the availability of these funds. He suggested the possibility of designating the entire City as a recovery zone so no potential projects would be excluded.

Management Associate Fulton reported that several cities have designated the entire city as a recovery zone, including Costa Mesa, Long Beach, Inglewood, Pasadena and Riverside, and she was aware of no negative consequences associated with this action.

Mayor Scotto expressed concerns about including residential areas due to the possibility that they could be perceived as being blighted since "recovery zone" is defined as having significant poverty, unemployment and foreclosures. He noted that there was no reason to include them since residential projects are not eligible for funding.

City Attorney Fellows suggested that the Council could designate the entire City as a recovery zone excluding R-1 properties.

Councilmember Brewer asked about the selection process, and Management Associate Fulton advised that staff will evaluate applications and submit potential projects to the City Council for approval at a public hearing.

Mayor Scotto noted that projects must begin construction by December 2010 which could eliminate a lot of potential projects.

Charles Deemer, Torrance, questioned whether mixed-use residential/commercial projects would qualify for funding.

City Manager Jackson explained that the emphasis is on job creation, therefore the small retail establishments associated with mixed-use developments would probably not qualify for funding.

**MOTION:** Councilmember Furey moved to concur with the staff recommendation, amending the Recovery Zone to include the entire City of Torrance except for R-1 zoned property. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

#### **RESOLUTION NO. 2010-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DESIGNATING CERTAIN AREAS IN THE CITY OF TORRANCE AS RECOVERY ZONES UNDER THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-04 as amended. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

\*

At 8:45 p.m., the Redevelopment Agency meeting was adjourned.

## **12. ADMINISTRATIVE MATTERS**

### **12A. AGREEMENT RE CRENSHAW BOULEVARD REHABILITATION PROJECT**

#### **Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for the Crenshaw Boulevard Rehabilitation (Sepulveda Boulevard to Maricopa Street), T-51, ESPL-5249(019), (B2009-48);
- 2) Award a public works agreement for a term of two years to Hardy & Harper, Inc. in the amount of \$2,023,580 for the Crenshaw Boulevard Rehabilitation (Sepulveda Boulevard to Maricopa Street), T-51, ESPL-5249(019), and
- 3) Authorize a 5% contingency in the amount of \$101,179 for said project.

Project Manager Buena Vista provided an overview of the Crenshaw Boulevard Rehabilitation Project. She reviewed outreach efforts to notify the public about the construction; reported that 95% of the funding for the project will be provided by the federal government; and noted that the project will commence at the end of February and is expected to be completed in 7 months.

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

**12B. VACATION OF SEWER EASEMENT AT 18900 HAWTHORNE BOULEVARD**

**Recommendation**

Recommendation of the Community Development Director that City Council adopt a Resolution summarily vacating a portion of a public sewer easement located at 18900 Hawthorne Boulevard.

Civil Engineer Symons reported that the vacation of the easement is necessary to facilitate the construction of a parking structure and the existing sewer line will be relocated at the expense of the property owner.

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

**RESOLUTION NO. 2010-09**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
ORDERING THE SUMMARY VACATION OF A PORTION OF A SEWER  
EASEMENT LOCATED AT 18900 HAWTHORNE BOULEVARD

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-09. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**12C. APPOINTMENT OF AD HOC 2010 CITY COUNCIL LEGISLATIVE ADVOCACY COMMITTEE**

**Recommendation**

Recommendation of the City Manager that the Mayor appoint an Ad Hoc 2010 Council Legislative Advocacy Committee to address the City's advocacy efforts with our elected state and federal officials.

Mayor Scotto made the following appointments to the committee with Councilmember Sutherland as an alternate:

- Federal – Councilmembers Rhilinger and Barnett and Mayor Scotto.
- State – Councilmembers Brewer and Furey and Mayor Scotto.

The City Council recessed from 8:52 to 9:10 p.m.

**12D. CALLING OF THE JUNE 8, 2010 GENERAL MUNICIPAL ELECTION**

**Recommendation**

Recommendation of the City Clerk that City Council:

- 1) Adopt a Resolution calling a General Municipal Election on Tuesday, June 8, 2010 for the purpose of electing a mayor, three councilmembers, a city clerk and a city treasurer for four year terms;
- 2) Adopt a Resolution requesting Los Angeles County Board of Supervisors to agree to consolidate the election on the Statewide Primary Ballot; and
- 3) Adopt a Resolution stating policy and regulations for candidate statements.

City Clerk Herbers reviewed the necessary procedures for calling the June 8, 2010 General Municipal Election. She noted that the City Council and the Torrance Unified School District recently approved the consolidation of City/TUSD elections and an item will be brought back to the Council to place a measure on the June 8 ballot to change the City's election date to the last Tuesday in April of even-numbered years. She reported that the nomination period will be open from Tuesday, February 16, 2010 to Friday, March 12, 2010 at 5:00 p.m., and that the period will be extended for five days to March 17 for any office where an incumbent fails to file during that period. She discussed the options for regulating candidate statements.

Councilmember Brewer questioned whether he, as a candidate, could vote on the regulations for candidate statements. Assistant City Attorney Sullivan advised that staff has determined that it would not be a conflict of interest for a candidate to vote on this matter.

In response to Councilmember Furey's inquiry, City Clerk Herbers reported that the cost to print candidate statements in the last election was approximately \$800 per candidate and that the resolution as written provides for candidates to reimburse the City \$400 or half the actual cost of printing the statement, whichever is higher.

Mayor Scotto indicated that he favored restricting candidate statements to 200 words or less as has been done in the past and limiting the reimbursement for printing to \$400 in order to encourage more candidates to run for office as half the actual cost could be substantially higher.

Councilmember Furey expressed support for Mayor Scotto's recommendation.

**MOTION:** Councilmember Furey moved to concur with the staff recommendation, restricting candidate statements to 200 words or less and limiting reimbursement for the printing of candidate statements to \$400. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

**RESOLUTION NO. 2010-06**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-06. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**RESOLUTION NO. 2010-07**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION

TO BE HELD ON TUESDAY, JUNE 8, 2010, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-07. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**RESOLUTION NO. 2010-08**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-08. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**13. HEARINGS**

**13A. PRE08-00025, WAV08-00011: MARK STEPHENSON – 25636 AMBER LEAF ROAD**

**Recommendation**

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located at 25636 Amber Leaf Road:

- 1) Adopt a Resolution denying a Precise Plan of Development; and
- 2) Adopt a Resolution denying a Waiver.

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located at 25636 Amber Leaf Road:

- 1) Adopt a Resolution approving a Precise Plan of Development; and
- 2) Adopt a Resolution approving a Waiver.

**PRE08-00025, WAV08-00011: Mark Stephenson**

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 reviewed the proposed project and shared photographs of the site taken from various vantage points in the neighborhood. He noted that project was revised after the Planning Commission voted unanimously to deny it, including a reduction in size and overall height.

Mayor Scotto and Councilmember Rhilinger disclosed that they had each visited the site; Councilmember Brewer disclosed that he had visited the site and spoken with the applicants; and Councilmember Sutherland disclosed that he had discussed the project with the applicants in his office.

Responding to questions from the Council, Planning Manager Lodan clarified that the height Waiver was necessary because the structure's height is measured from the lowest adjacent grade, which is the lower corner of the semi-subterranean garage, to the highest ridge, however, the majority of the structure is under the 27 feet. He noted that the homes in this tract (Country Hills) were built in the mid 1970s before the adoption of the Hillside Ordinance and there are many three-story homes in the area that exceed the 27-foot height limit.

With the aid of slides, Mark Stephenson, 25636 Amber Leaf Road, applicant, provided background information about the project. He reported that the design of the project was constrained by the lot, which is steeply sloped and irregularly shaped, and noted that a height Waiver would not be required if the garage was detached. He detailed revisions that were made to address concerns discussed at the Planning Commission hearing, including reducing the FAR (floor area ratio) from 0.57 to 0.52. He discussed his efforts to work with neighbors and the Country Hills Homeowners Association (CHHOA) to arrive at an acceptable design. He offered statistics to demonstrate that the project's height and size were consistent with the Country Hills area and shared photographs of homes in the neighborhood with a similar architectural design.

Glenn Major, member of CHHOA Environmental Committee, reported that he just learned that the plans had been modified since the Planning Commission hearing and had had very little time to review the revised project. He contended that the size of the proposed project was out of character with the Country Hills neighborhood and the FAR was not a good gauge of compatibility because the subject lot is one of the largest in the tract.

Councilmember Brewer noted that according to correspondence in the agenda item, CHHOA offered very little guidance with regard to the design of the project despite Mr. Stephenson's request for direction.

Mr. Major responded that projects are required to conform to the design characteristics of homes in the County Hills area, which he believes are quite obvious.

Francis Mejilla, Amber Leaf Road, stated that he lives next door to the project and has no objections to it and looks forward to this property being redeveloped.

Lenore Wasserstrom, 244<sup>th</sup> Street, expressed support for the project. She related her belief that the Stephensons are an asset to the community, noting that the approval process has been long and very expensive for them.

Ronen Vazana, Victoria Knolls, urged approval of the project.

Jake Volkert, Amber Leaf Road, reported that he has never had any contact from the applicants despite their claims that letters were sent to him. He voiced objections to the project, contending that it would damage property values and encourage others to tear down small houses and build mansions. He maintained that Mr. Stephenson was well aware of building restrictions when he purchased the property, but chose to ignore them.

Jenifer Frial, Amber Leaf Road, president of CHHOA, voiced objections to the proposed project, citing the lack of conformity with the neighborhood due to its size. She reported that the former president of CHHOA, David Henseler, never mentioned that he had received revised plans or a request from the applicants to meet with them.

Orlye Stephenson, Amber Leaf Road, applicant, referring to copies of correspondence in the staff report, stated that she and her husband made numerous requests to meet with the Board of Directors of CHHOA and even offered to be part of an open forum. She further stated that the CHHOA was the first to receive the revised plans and expressed frustration at the association's lack of responsiveness.

Rabbi Sholom Pinson related his belief that the Stephensons are a valuable part of the community; commented on the toll this process has taken on them; and expressed the hope that they would finally be able to build their new home in Torrance.

Returning to the podium, Mr. Stephenson explained that there was no way to avoid a height Waiver given the constraints of this lot because the steep slope dictates a design that utilizes a semi-subterranean garage and the Torrance Municipal Code requires that the height of a structure be measured from its lowest point even if that point is below grade. He reiterated his position that the project was consistent with the neighborhood.

Mayor Scotto questioned the need to exceed an FAR of 0.50 since the applicant would still have a very large home with the slight reduction in square footage necessary to comply with this limit.

Councilmember Numark indicated that he would be more inclined to support the project if the FAR was reduced to 0.50.

Councilmember Sutherland questioned whether Mr. Stephenson was informed about building restrictions in the Hillside Overlay when he purchased the property.

Mr. Stephenson reported that he was told that the property was within the Hillside Overlay but had only a vague understanding of what that meant.

Councilmember Sutherland asked about the City's ability to require that real estate agents explain restrictions in the Hillside Ordinance to out-of-state buyers who are not familiar with them.

Assistant City Attorney Sullivan related his understanding that disclosing that a property was subject to restrictions in the Hillside Ordinance was mandatory for real estate agents.

Councilmember Brewer commented on the difficulty of explaining the subjective nature of the Hillside Ordinance, noting that the approval of projects with FARs up to 0.60 is allowed with certain findings.

Mayor Scotto asked if Mr. Stephenson would consider reducing the FAR to 0.50.

Mr. Stephenson stated that he was not sure what it would entail and was concerned about the expense involved in redesigning and re-silhouetting the project for the third time. He indicated that he also objected to being limited to an FAR of 0.50 when members of the executive board of CHHOA have homes that exceed this limit.

Community Development Director Gibson advised that the Council could approve the project and include a condition requiring the FAR to be reduced to 0.50, which would allow the applicant to make the necessary changes and have them approved administratively without having to go through the public hearing process again.

Councilmember Furey explained that the City and the CHHOA are separate entities with different requirements; that while there are homes in Country Hills with an FAR that greatly exceeds 0.50, they were not approved by this Council; and that he and other members of this Council were elected due to concerns about mansionization and are not inclined to approve projects that exceed this limit.

Mr. Stephenson expressed his willingness to reduce the FAR to 0.50 in order to have the project approved.

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

Councilmember Numark voiced his opinion that the project meets the criteria for granting the height Waiver because a one-story home would look out of place in this neighborhood of two and three-story homes; the project would not be materially detrimental to the public welfare or interfere with the orderly development of the City; and strict enforcement of the height limit would result in unreasonable hardship due to the topography of the lot.

Councilmember Rhilinger reported that she visited the site and observed that the proposed design was consistent with the area and noted that no complaints have been received concerning the project's impact on view, light, air or privacy, which are major considerations in the Hillside Overlay. She indicated that her primary concern was the FAR and did not want to set a precedent by approving a project with an FAR over 0.50.

Councilmember Furey voiced his opinion that the proposed 5,000 square-foot home was suitable for this site due to the unusually large lot and its location and topography. Noting that he visited the site, he related his observation that the lot's narrow street frontage makes the project appear much smaller when viewed from the street, while neighboring homes appear to be larger than they are. He stated that his only objection to the project was the FAR in excess of 0.50.

Councilmember Barnett noted his agreement with his colleagues' remarks. He pointed out that the subject property backs up to a shopping center and the project is fairly well concealed due to the topography.

Councilmember Sutherland voiced his opinion that the proposed home was too large for this neighborhood where even the largest homes are no more than 3,500 square feet. He suggested that the FAR was misleading because approximately 2,000 square feet of the 10,000 square-foot lot was not buildable.

Councilmember Numark disclosed that he visited the site and had spoken with the applicant, and Mayor Scotto disclosed that he visited the site but did not speak to anyone.

**MOTION:** Councilmember Sutherland moved to deny the appeal and uphold the Planning Commission's denial of the project. The motion died for lack of a second.

**MOTION:** Councilmember Brewer moved to concur with the Community Development Director's recommendation to uphold the appeal and approve the project, adding a condition that the FAR shall not exceed 0.50 to the satisfaction of the Community Development Director. The motion was seconded by Councilmember Numark and passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

Assistant City Attorney Sullivan recommended that Findings L and M be stricken from Resolution No. 2010-10 because they pertain to an FAR in excess of 0.50.

**RESOLUTION NO. 2010-10**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AN APPEAL OF A PLANNING COMMISSION DENIAL OF A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO STORY SINGLE FAMILY RESIDENCE IN CONJUNCTION WITH A WAIVER TO EXCEED THE MAXIMUM HEIGHT ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT, IN THE R-1 ZONE AT 25636 AMBER LEAF PRE08-00025: MARK STEPHENSON

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-10 as amended. The motion was seconded by Councilmember Barnett and passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

**RESOLUTION NO. 2010-11**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AN APPEAL OF A PLANNING COMMISSION DENIAL OF A WAIVER TO EXCEED THE MAXIMUM HEIGHT IN THE R-1 ZONE, IN CONJUNCTION WITH A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT, IN the R-1 ZONE AT 25636 AMBER LEAF WAV08-00011: MARK STEPHENSON

**MOTION:** Councilmember Rhilinger moved for the adoption of Resolution No. 2010-11. The motion was seconded by Councilmember Barnett and passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

**17. ORAL COMMUNICATIONS**

**17A.** Councilmember Numark reported on his recent trip to Sacramento as chair of the Administrative Services Policy Committee for the League of California Cities. He noted that the committee was recommending that the League support legislation that would allow city clerks/county registrars the option of distributing election information electronically, which could potentially save hundreds of thousands of dollars in printing and postage expenses.

**17B.** Councilmember Numark invited the public to attend “Ace the Interview and Dress for Success,” a free workshop designed to help job seekers prepare for interviews, at the Katy Geissert Civic Center Library on Saturday, January 30, at 2:00 p.m.

**17C.** Councilmember Rhilinger announced that there will be a presentation on “Identifying and Understanding Learning Disabilities and ADHD” by Dr. Alan Solomon at the Katy Geissert Civic Center on Wednesday, January 27, at 7:00 p.m.

**17D.** Councilmember Sutherland commented on a recent drug bust by the Torrance and Gardena police departments.

**17E.** Councilmember Barnett, with the concurrence of Council, requested that staff prepare an item recognizing Torrance resident Scott Altenberg, coach of the Serra High School football team, who has been named South Bay Coach of the Year.

**17F.** Councilmember Brewer reported that there has been a continuing problem with graffiti along a drainage ditch bordering South High School and Calle Mayor Middle School, and City Manager Jackson agreed to look into the matter.

**17G.** Councilmember Furey stated that he was pleased the pond restoration project at Wilson Park was going forward because residents have expressed concerns about its swamp-like condition.

**17H.** Councilmember Furey commended Community Services staff for the City's youth basketball program, noting that his two grandchildren participate in the program and he was impressed by how well the program is run despite a shortage of basketball courts.

**17J.** Mayor Scotto announced that El Paso Cantina restaurant, 2404 Sepulveda Boulevard, in conjunction with the City of Torrance and the Red Cross, will be holding a fundraiser on Tuesday, February 2, from 11:30 a.m. to 9:30 p.m., with 25% of food sales to be donated to Haiti relief efforts. He noted that the Sports Chalet, 21305 Hawthorne Boulevard, is collecting men's, women's and children's shoes for distribution in Haiti.

**17K.** Mayor Scotto announced that on Tuesday, January 19, 2010 the TUSD School Board voted unanimously to concur with the City Council's recommendation to consolidate City/TUSD elections and to change the election date to the last Tuesday in April of even numbered years. With the concurrence of Council, he directed the City Clerk to prepare an agenda item for next week's Council meeting to place a charter amendment on the June 8, 2010 ballot to change the election date.

**18. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**19. ADJOURNMENT**

At 11:04 p.m., the meeting was adjourned to Tuesday, February 2, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,  
City Clerk of the City of Torrance

Approved on March 9, 2010