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TORRANCE CITY COUNCIL – MAY 13, 2014

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At 1:05 a.m., Wednesday, May 14, 2014 the meeting was adjourned to Tuesday, May 20, 2014 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

**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, May 13, 2014 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Brewer, Furey, Sutherland, Weideman and Mayor Scotto.

Absent: None.

Present: City Manager Jackson, Assistant City Attorney Sullivan, 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 – Existing Litigation, and 18C) Public Employee Performance Evaluation – City Manager, pursuant to California Government Code §54957.6, 54956.9(d)(1) and 54957(b)(1). Mayor Scotto announced that Item 18B(2) – Perdue v. City of Torrance – was continued to a later date.

The City Council reconvened at 7:02 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Community Services Director John Jones.

The non-sectarian invocation was given by Councilmember Barnett.

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, May 9, 2014.

MOTION: Councilmember Brewer 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 Barnett and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn; supplemental material was available for Items 6J, 13A and 13B.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Barnett announced that in conjunction with the Armed Forces Day Parade and Celebration, there will be two free concerts by the Navy Band of the Southwest in the Armstrong Theatre on Friday, May 16, at 1:30 p.m. and 7:30 p.m., with tickets available by calling the box office at 310.781.7171.

Public Works Director Beste announced that Level 1 of the City's Water Conservation Ordinance has been activated due to the drought, which means that no outdoor watering is allowed between 9:00 a.m. and 5:00 p.m., watering may be done only 3 days per week, leaks must be repaired within 7 days, and washing down of hardscape surfaces is prohibited. He noted that there will be a Water Wise Gardening Workshop on May 17 from 10:00 – 11:30 a.m. at the Henderson Library and various rebates are available for water conserving devices/appliances, with additional information available at www.bewaterwise.com.

Councilmember Sutherland announced that the second Budget Workshop/Public Hearing on the FY2014-2015 operating budget will be held on Tuesday, May 20, during the regularly scheduled City Council meeting in the Council Chamber beginning at 7:00 p.m.

Councilmember Ashcraft provided information about the two cooling centers the City will be operating during summer months at the Bartlett Senior Center and the Katy Geissert Civic Center Library.

Councilmember Brewer announced that the Citizen Development and Enrichment Committee met on May 12 to discuss the Hollywood Riviera Gateway project and will be forwarding a recommendation to the Council in the near future.

City Clerk Herbers offered reminders about the June 3, 2014 Municipal Election, noting that candidate statements and videotaped candidate forums are available on the website www.TorranceVotes.org along with information about voter status from the LA County registrar. She reported that the county was seeking four election inspectors in Torrance, with additional information available by calling 562.462.2573.

City Clerk Herbers announced that it was illegal to post campaign signs on public property, including streetlight and utility poles, and violations may be reported to the City's Environmental Division at 310.618.5929. She noted that campaign signs may only be posted on private property with the express permission of the owner.

Mayor Scotto reported that the Ad Hoc State Legislation Advocacy Committee met on May 12 to review the two measures on the June 3 election ballot and will bring forward a recommendation at the May 20 City Council meeting.

6. COMMUNITY MATTERS

Agenda Item 6B was considered out of order at this time.

6B. RESOLUTION NO. 2014-41 RE GRAND MARSHAL PATRICK J. LORGE

RESOLUTION NO. 2014-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO **PATRICK J. LORGE**, REAR ADMIRAL OF THE UNITED STATES NAVY, FOR SERVING AS **GRAND MARSHAL** OF THE 55TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Weideman moved to adopt Resolution No. 2014-41. The motion was seconded by Councilmember Furey and passed by unanimous vote.

To be presented at a later date.

RECOGNITION OF CITY CLERK HERBERS FOR VOTER OUTREACH

Mayor Scotto commended City Clerk Herbers for implementing a comprehensive voter outreach program, including the website www.TorranceVotes.org, to create opportunities for voters to become better informed about the upcoming election.

Byron Pope, 2nd Vice President of the City Clerks Association of California, announced that Ms. Herbers was presented with the CCAC President's Award of Distinction for the voter outreach program, which serves as a model for other cities throughout the state.

6A. RESOLUTION NO. 2014-40 RE 55TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION

RESOLUTION NO. 2014-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING MAY 16 THROUGH MAY 18, 2014 FOR OBSERVANCE OF THE **55TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION**

MOTION: Councilmember Weideman moved to adopt Resolution No. 2014-40. The motion was seconded by Councilmember Furey and passed by unanimous vote.

Mayor Scotto presented the proclamation to Police Lieutenant Mark Underwood, Parade Event Director.

6C. RESOLUTION NO. 2014-42 RE HONORARY GRAND MARSHAL PATRICK COULTER

RESOLUTION NO. 2014-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO **PATRICK C. G. COULTER** FOR SERVING AS **HONORARY GRAND MARSHAL** OF THE 55TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Weideman moved to adopt Resolution No. 2014-42. The motion was seconded by Councilmember Furey and passed by unanimous vote.

Mayor Scotto presented the proclamation of Patrick Coulter.

6D. PROCLAMATION RE “BLUE RIBBON WEEK”

Mayor Scotto presented a proclamation declaring the week of May 11 through May 17 as **Blue Ribbon Week** in the City of Torrance to Torrance Police Officer Kelli McCarthy.

6E. PROCLAMATION RE “INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH”

Mayor Scotto presented a proclamation declaring the month of May as **International Internal Audit Awareness Month** in the City of Torrance to Jim Olds, President of The Institute of Internal Auditors Beach Cities Chapter.

6F. PROCLAMATION RE “ OLDER AMERICANS MONTH”

Mayor Scotto presented a proclamation declaring the month of May as **Older Americans Month** in the City of Torrance to Commission on Aging Chairperson Kathleen Davis.

6G. RECOGNITION OF 2014 OLDER AMERICANS AWARD RECIPIENTS

Mayor Scotto presented plaques to 2014 Older Americans Award Recipients **Harriet Apsel, Robert Chiota, and Frances Glauber** and briefly highlighted their history of community service.

6H. INTRODUCTION OF PARTICIPANTS IN THE SISTER CITY STUDENT CULTURAL EXCHANGE PROGRAM

Mayor Scotto presented city pins to the students participating in the Sister City Student Cultural Exchange Program with Kashiwa, Japan: Arianna Barragan, Adam Jordan, Leane Kuo, Rachel Lobo, Kyle Nishimura, Megan Oliveros, James Peck, Andrew Rodov and adult leader David Gelbaum.

6I. HOMETOWN HEROES MILITARY RECOGNITION PROGRAM – 5TH PHASE

Mayor Scotto presented replica banners to the service men and women recognized in the 5th Phase of the Hometown Heroes Military Recognition Program: James Mills, Jacob Dolak, Mahyar Rostami, Matthew Rushton, Lyndal Spradlin, John Enfield, Frank Scotto, Chris Johnson, Edward P. Bautista, Mark Chretien, Gregory Grant, Carl Echols, Jay Scharfman, Devin Lloyd, Rocco and Salvatore Robelotto, Cameron Mason, Robert J. Chiota, Joseph E. Werner, Clinton (Pete) Ellis, Ralph and Ruth Burch, Alyson Campbell, Charles F. Pavis and Patrick C.G. Coulter.

6J. PROPOSAL FOR TRIATHLON AT TORRANCE BEACH IN SEPTEMBER 2014

Considered later in the meeting, see page 5.

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The City Council recessed from 8:56 p.m. to 9:13 p.m.

7. ORAL COMMUNICATIONS #1

7A. Joel Massa, Torrance, invited everyone to visit the Western Museum of Flight on Saturday, May 17, noting that it will be the launch area for the 20 airplanes doing flyovers at the Armed Forces Day Parade and rides will be offered on a T-6 airplane, with reservations available by calling 310.326.9544.

7B. June Lee, Torrance, thanked the 65 youths and 20 adults who helped clean up Seaside Heroes Park on Saturday, April 26.

7C. Steven Brown and Ben Dale, Church of Jesus Christ of Latter-day Saints, reported on a service day coordinated by the church on Saturday, April 26, at Seaside Heroes Park and Columbia Park and shared photographs from these events.

7D. Chet Morris, Torrance, questioned when the landscaping and fencing would be replaced on Pacific Coast Highway near South High; and Public Works Director Beste reported that the project is scheduled to begin when Measure R funding becomes available in July.

7E. Judy Brunetti, Riviera Homeowners Association, urged that the fencing and landscaping be replaced on Pacific Coast Highway as soon as possible.

7F. Ryan Mand, Torrance, noted that police and firefighter pensions have been a divisive issue during this election due to concerns that they could lead to higher taxes or bankrupt the city. He recommended that the City consider requiring police officers to wear body cameras to prevent misconduct.

7G. Janet Payne, Torrance Historical Society, announced that there will be a ceremonial reading of the names on the Torrance Veterans Memorial Wall on Monday, May 26, at 2:00 p.m. and the documentary *Names on the Wall* will be shown at the historical museum following the ceremony.

7H. Debbie Hayes, Torrance Historical Society, announced that there will be a free walking tour of downtown Torrance on Sunday, May 25, at 1:30 p.m. beginning at the historical museum located at 1345 Post Avenue.

7I. Mark Stephenson, Torrance, expressed concerns that recently added longevity pay for firefighters exceeds CalPERS actuarial assumptions and will add to the City's unfunded pension liabilities. He also expressed concerns that pay increases are only listed as percentages in agenda items instead of dollar amount per average employee.

Agenda Item 6J was considered out of order at this time.

6J. PROPOSAL FOR TRIATHLON AT TORRANCE BEACH IN SEPTEMBER 2014

Community Services Director Jones reported that staff was recommending that the proposed triathlon be approached in a two-step process, with Pacific Sports to review the proposal this evening, followed by an action item next week. He noted that notices were mailed to residents in the area of the triathlon informing them that it will be discussed at this meeting and additionally Pacific Sports held a community meeting on May 10 at El Retiro Park.

With the aid of slides, Jack Caress, CEO of Pacific Sports LLC, briefly outlined the company's proposal to host a triathlon on Sunday, September 14, 2014 in Torrance, with the run and swim portion of the event to be held at Torrance Beach and the bike portion to take place in the residential area of Hollywood Riviera. He noted that the economic benefit to Torrance is estimated to be approximately \$5.2 million from lodging, food/beverage and retail sales; that the event would be conducted at no cost to the City; and that it will also offer fundraising opportunities for local charities. He offered his assurance that the company will work with residents, businesses and churches in the area to minimize the impact.

David Simon, president of Los Angeles Sports Council, reported that the International Triathlon Union is looking for a place to hold a World Cup-type triathlon in the Los Angeles area and it could potentially be in Torrance if this triathlon is successful.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of April 1 and April 8, 2014.

8B. TORRANCE SISTER CITY ASSOCIATION 2013 ANNUAL REPORT

Recommendation

Recommendation of the Community Services Director that City Council:

- 1) Approve a grant in the amount of \$1,500 to the Torrance Sister City Association for 2014; and
- 2) Accept and file the Torrance Sister City Association 2013 Annual Report.

8C. 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT APPLICATION

Recommendation

Recommendation of the Chief of Police that City Council approve the 2014 Edward Byrne Memorial Justice Assistance Grant application.

8D. AGREEMENT AMENDMENT RE GEAR-UP TRAINING SERVICES

Considered separately, see page below.

8E. LEASE AMENDMENT RE 2600 SKYPARK DRIVE

Considered separately, see page 7.

MOTION: Councilmember Brewer moved to approve Consent Calendar Items 8A through 8C. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Consent Calendar Items 8D and 8E were considered separately at this time.

8D. AGREEMENT AMENDMENT RE GEAR-UP TRAINING SERVICES

Recommendation

Recommendation of the City Manager that City Council approve a second amendment to the agreement with El Camino College District (C2013-041) to increase the contract amount for GEAR-UP training services in the amount of \$30,000 for a new not to exceed contract amount of \$52,635.

Mark Stephenson, Torrance, expressed concerns that the City will be paying the instructor \$200 per hour for this training, which is more than highly skilled engineers at Northrop Grumman are paid.

Management Association Hoang provided clarification regarding the hours involved in the training program.

MOTION: Councilmember Brewer moved to approve Consent Calendar Item 8D. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

8E. LEASE AMENDMENT RE 2600 SKYPARK DRIVE

Recommendation

Recommendation of the City Manager that City Council:

- 1) Adopt a California Environmental Quality Act (CEQA) Categorical Exemption to Guideline Section 15301 (existing facilities); and
- 2) Approve first amendment to lease by and between the City of Torrance, a municipal corporation, ("City"), and Hi-Shear Corporation, a Delaware corporation ("Lessee") for city-owned property located at 2600 Skypark Drive.

Councilmember Weideman announced that he was recusing himself from voting on this item due to a conflict of interest and exited the dais.

MOTION: Councilmember Brewer moved to approve Consent Calendar Item 8E. The motion was seconded by Councilmember Barnett and passed by unanimous vote (Councilmember Weideman recused).

9. COMMUNITY SERVICES

9A. CONCESSION AGREEMENT FOR TORRANCE BATTING CAGES

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council:

- 1) Adopt a California Environmental Quality Act (CEQA) Categorical Exemption to Guideline Section 15301 (existing facilities); and
- 2) Approve an amended and restated concession agreement with Tyler Sports, Inc., (C2008-227) for the lease and full operation of the Torrance Batting Cages to expand the existing concession area to include an additional 12,000 square feet of unimproved space for development of a multi-use turf area.

Sr. Business Manager Minter briefly reviewed the proposed amendment to the concession agreement with Tyler Sports, noting that the vendor will be investing approximately \$75,000 in improvements to the facility as part of this agreement.

Kevin Tyler, Tyler Sports, reported that the existing facility is booked to capacity every day and the addition of this space will allow him to expand.

Mayor Scotto commented positively on Mr. Tyler's management of this facility.

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

9B. CONCESSION AGREEMENT FOR LAS CANCHAS TENNIS FACILITY

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council:

- 1) Adopt a California Environmental Quality Act (CEQA) Categorical Exemption to Guideline Section 15301 (existing facilities); and
- 2) Approve an amended and restated concession agreement with South Bay Tennis Center (C2008-243) for the lease and full operation of the Las Canchas Tennis Facility to expand the existing concession area to include approximately 2 acres of grass adjacent to the tennis courts for use as a rental area.

Sr. Business Manager Minter briefly reviewed the proposed amendment to the concession agreement with South Bay Tennis Center, noting that the City will receive 50% of revenues from the added grass area after expenses for maintenance of the turf.

Courtney Hance, South Bay Tennis Center, reported that she was pleased with the agreement and hopes to continue the partnership with the City long into the future.

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

13. HEARINGS

13A. PUBLIC HEARING/BUDGET WORKSHOP FOR 2ND YEAR OF 2013-2015 OPERATING BUDGET

Recommendation

Recommendation of the Finance Director that City Council open the first public hearing and budget workshop regarding proposed revisions to the 2nd year, fiscal year 2014-2015, of the City of Torrance two-year 2013-2015 operating budget and hold the second public hearing on May 20, 2014.

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, Finance Director Tsao provided an overview of the FY2014-2015 Operating Budget per written material of record. He reported that the proposed budget is balanced and requires no reductions and General Fund revenues are reflecting a modest but steady growth.

Mayor Scotto recommended that consideration be given to curtailing box office hours at the Cultural Arts Center, relating his experience that it's not busy enough to justify being open 55 hours per week. He expressed support for the proposal to reduce rental fees for the Cultural Arts Center during non-peak hours to increase activity, but suggested that a reduction greater than 15% might be needed as a stimulus.

Councilmember Furey and Councilmember Weideman expressed support for reducing box office hours.

Mayor Scotto invited public comment.

Milton Herring, Torrance, asked about the impact of the closing of the Toyota facility in Torrance on the long-range forecast, and Finance Director Tsao reported that the primary impact will be the loss of business license fees and the loss of sales tax from employee auto leases and this has already been factored into the budget.

Robert Chiota and Joel Massa, Torrance, requested that consideration be given to providing funding for bocce ball courts at Columbia Park.

Mayor Scotto clarified that bocce ball courts would be part of the Capital Budget to be considered at a later date.

Byron Stefferud, Torrance Performing Arts Consortium, requested that consideration be given to upgrading the sound and lighting systems at the Cultural Arts Center and replacing the dance floor because it is unsafe.

General Services Director Ballew reported that the City is in the process of obtaining bids for the dance floor and it is scheduled to be replaced by December 2014. She clarified that the existing floor is safe, however, one instructor has very high standards and rents a dance floor when her premier dancers perform.

Mark Stephenson, Torrance, requested clarification regarding the repayment of \$6.55 million General Fund loan to the Water Fund, which was provided by Finance Director Tsao.

Councilmember Weideman indicated that he favored providing the additional funding requested by the Torrance Cultural Arts Foundation, and City Manager Jackson confirmed that a funding source for this purpose has been identified for FY 2014-2015.

Referring to upcoming cost increases for the City's Vanpool Program, Councilmember Weideman asked about potential penalties should the City not reach the SCAQMD (South Coast Air Quality Management District) goal of 1.5 AVR (Average Vehicle Ridership).

Community Development Director Gibson advised that the City could be fined and the City's ability to receive grant funds could be jeopardized.

Councilmember Weideman noted his agreement with Mayor Scotto that a 15% reduction in rental fees for non-peak hours at the Cultural Arts Center was probably not enough to stimulate more business.

Mayor Scotto suggested that consideration be given to a three-tier rental rate system, with a greater reduction for early morning/early afternoon hours on weekdays when there is little demand. He requested that staff look into the possibility of replacing the dance floor sooner than December.

City Manager Jackson reported that he will return with additional information on the items discussed at the next Public Hearing/ Budget Workshop to be held on Tuesday, May 20, during the regularly scheduled City Council meeting.

MOTION: Councilmember Brewer moved to close the 1st Public Hearing on the 2014-2015 Operating Budget. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

13B. MIS1300055: 209 VIA EL TORO – JIM DELURGIO

Recommendation

Recommendation of the Community Development Director that City Council deny the appeal and adopt a Resolution approving a Minor Modification to a Minor Hillside Exemption to allow an increase of 5 inches to the previously approved height of the rear addition on property located within the Hillside Overlay District in the R-1 zone at 209 Via el Toro.

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 provided background information about the project at 209 Via el Toro; reviewed the applicant's request to increase the height of a portion of the rear addition by 5 inches to address attic ventilation issues; and shared photographs taken from 513 and 515 Camino de Encanto. He reported that the Community Development Director approved the modification on March 11, 2014 and the approval was subsequently appealed by Vicki Radel, 515 Camino de Encanto on March 14.

Mayor Scotto and Councilmembers Brewer, Barnett, Ashcraft, and Furey disclosed that they visited 515 Camino de Encanto to observe the view impact, but did not engage in discussions of the project. Councilmember Sutherland disclosed that he visited 515 Camino de Encanto and had a discussion with the appellant. Councilmember Weideman disclosed that he visited both 209 Via el Toro and 515 Camino de Encanto, but did not discuss the project with anyone.

Vicki Radel, 515 Camino de Encanto, appellant, stated that Mr. Delurgio (owner of 209 Via el Toro) has threatened to obliterate her ocean view and the latest iteration of this project was an attempt to follow through on that threat. Submitting photographs to illustrate, she contended that the one-story addition as proposed would impact blue and white water views from her living room and master bedroom and cause her property to be devalued between \$450,000 and \$500,000.

Peter Lattey, 515 Camino de Encanto, contended that the attic ventilation issue could be addressed in various ways without raising the ridge height, including flattening the roof slope, installing mechanical ventilation, using higher density insulation or lowering the floor of the addition, and the only reason for the proposed height increase was spite. He requested that the height of the project to be reduced by 12 inches to fully restore Dr. Radel's ocean view since Mr. Delurgio has reopened the case.

With the aid of slides, Nagy Bakhoun, Obelisk Architects, project architect, reviewed the factors considered in the design of the project to ensure that it would have the least impact on neighbors. He reported that the varied roof pitches designed to preserve view corridors resulted in a non-conforming attic space, which must be corrected before the project can go forward. Submitting renderings to illustrate, he explained that ideally, a two-foot height increase would be needed to solve the problem, but he recognized that such an increase would not be acceptable so he was able to reduce this to 9 inches by changing to a cathedral ceiling and these 9 inches would be achieved by lowering this section of the addition 4 inches further into the grade and increasing the roof height by 5 inches.

In response to Mayor Scotto's inquiry, Mr. Bakhoun reported that as proposed, there is an 8-inch step up into the room in question and this rise is necessary to maintain the gravitational flow of the sewer system. He conceded that the grade could be lowered with the addition of a separate sewer line, but this would substantially increase the cost of the project.

Betsy Delurgio, 209 Via el Toro, applicant, stated that she and her husband understand neighbors' concerns about view impact and have tried relentlessly to address them. She explained that they did not want to come back before the Council to request a modification, but during the plan check process it became necessary to redesign a portion of the addition to meet Code requirements. She expressed the hope that the Council would approve the modification so they can finally move forward with the project, which has been years in the process.

Stephen Goldberg, legal counsel for the Delurgios, contended that the 5-inch height increase was barely perceptible, using slides to illustrate. He reported that Dr. Radel's home was modified several years ago changing a utility room to a living room, but there is no record of any public hearing or sign-off process; that the Development Director subsequently approved the modifications after the matter was brought to staff's attention; and that when Mr. Delurgio tried to appeal this decision, he was told that it could not be appealed. He questioned how the Community Development Director's decision can be appealed in this case but not in Dr. Radel's case, noting that the impacted view is from the former utility room.

In response to Councilmember Brewer's inquiry, Mr. Bakhoun provided clarification regarding the Building Code requirement that necessitated the height increase.

Ruth Vogel, Via la Soledad, reported that she visited Dr. Radel's home and observed that the project would have a great impact on her view and urged the Council to protect her view corridor. She stated that she was astonished that the Delurgios did not go forward with the two-story project approved for this site in 2010 because the Council felt that a one-story addition would have more impact on neighbors' view corridors. She expressed concerns that applicants are now hiring attorneys to represent them during this process, which can be intimidating and tip the balance in their favor.

Judy Brunetti, Riviera Homeowners Association, urged the Council to deny the modification due to the impact on Dr. Radel's view and the reduction in her property value. She confirmed Dr. Radel's account of the threat made by Mr. Delurgio to build a one-story home that would obliterate her view.

Mark Rampalla, Paseo de la Playa, urged the Council to approve the proposed modification. He related his belief that the conditions imposed on the two-story project were overly burdensome; noted that neighbors called for a one-story addition when the two-story addition was proposed; and doubted that there was any addition that neighbors would find acceptable. He expressed concerns that the Delurgios have been subjected to vandalism in connection with this process.

Kelly Evans, Calle Miramar, reported that she is a friend of the Delurgios and they are far from spiteful. She recalled that the Council cautioned neighbors that a one-story project would have more impact on views during the hearing on the two-story project. She noted that the proposed project is less than 12 feet in height, which is highly unusual in the Hillside area, and suggested that there should be room for compromise since it's impossible to build an addition without impacting someone.

Cindy Constantino, 513 Camino de Encanto, disputed the claim that the Delurgios were the victims of vandalism, stating that charges were dismissed. She suggested that the conditions imposed on the two-story project were simply things a good neighbor should do anyway, such as keeping trees trimmed. She urged the Council to require the project to be reduced in height to preserve views.

Assistant City Attorney Sullivan clarified that there was damage done to the Delurgios' property involving a gardener hired by another party, but the City declined to file charges because there were difficulties in proving intent and there was another instance involving a neighbor, Mr. Kusion, but the matter was settled as part of a civil action.

Dr. Radel urged the Council not to take away her view, which she has enjoyed for the last 44 years. She related her understanding that Mr. Delurgio has asked a neighbor to attach a covenant to his property, which requires shrubbery to be maintained so it does not intrude on his ocean view, and requested that Mr. Delurgio do the same with regard to his own property to protect her view.

Mr. Lattey clarified that impacted views are from the living room and master bedroom and not from the utility room which was changed into an office. He explained that the property only has a small peak-a-boo view, which would be taken away by this modification. He suggested that the money Mr. Delurgio has spent in legal fees over the past few years would have been better spent on lowering the height of the project to eliminate the impact on neighbors. He reiterated his request that the height of the project be reduced by 12 inches.

Mr. Goldberg clarified that the deed restriction asked for by Mr. Delurgio was to make up for the view he was losing due to the neighbor's addition and this deed restriction will also benefit Dr. Radel's property. Referring to photographs taken by staff, he contended that Dr. Radel will still have plenty of ocean view. He noted that the Delurgios have not planted view-blocking trees despite the harassment they have endured from neighbors. He urged the Council to concur with staff's recommendation deny the appeal and approve the modification.

MOTION: Councilmember Weideman moved to close the public hearing. The motion was seconded by Councilmember Furey and passed by unanimous vote.

Councilmember Brewer expressed concerns that the neighbors at 515 Camino de Encanto have shown little willingness to compromise and were now asking for a 12-inch height reduction in addition to the denial of the 5-inch height increase.

Councilmember Weideman disclosed that he reviewed the videotapes from previous City Council hearings on the two projects proposed for this site on July 2, 2010 and January 8, 2013, and he also served on the Planning Commission when these projects were considered and the commission voted unanimously to deny them. He reported that he observed that the project at 209 Via el Toro would have a substantial adverse impact on the view at 515 Camino de Encanto and voiced his opinion that a property owner does not have an inherent right to build if a project violates the Hillside Ordinance.

Councilmember Sutherland indicated that he was inclined to agree with Councilmember Weideman, noting that those who have expressed support for the Delurgios' project are not impacted by it. He recalled that Mr. Delurgio had agreed to the conditions imposed on the two-story project to which he later objected.

Assistant City Attorney Sullivan clarified that the conditions in question were imposed after the public hearing was closed and Mr. Delurgio did not agree to them.

Councilmember Barnett reported that he observed that the project would cause substantial view impairment at 515 Camino de Encanto. He expressed dismay that this process can create so much animosity among neighbors.

Councilmember Ashcraft stated that she observed a view that would be obliterated by the height increase and she believes this can be corrected by lowering the project. She echoed concerns about the animosity created by this process.

Mayor Scotto indicated that he could not support taking away someone's view when the problem can be corrected by spending a little more money and lowering the grade. He related his experience that there are rarely such clear-cut solutions in Hillside cases.

MOTION: Councilmember Furey moved to grant the appeal and deny MIS13-00055. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

Community Development Director Gibson noted that a resolution reflecting the Council's action will be brought back for approval at a later date.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett congratulated Louis Zamperini on being selected as Grand Marshal of the 2015 Tournament of Roses Parade.

17B. Councilmember Sutherland noted that this week is "National Salvation Army Week" and encouraged everyone to donate to this charitable organization.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 1:05 a.m. Wednesday, May 14, 2014 the meeting was adjourned to Tuesday, May 20, 2014 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, CMC
City Clerk of the City of Torrance

Approved on June 10, 2014