

**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 6:30 p.m. on Tuesday, June 24, 2008 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: None.

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 agenda matters listed under 18A) Conference with Labor Negotiator pursuant to California Government Code § 54957.6.

The City Council reconvened at 7:03 p.m. No formal action was taken on any item considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by Councilmember Nowatka.

Councilmember Witkowsky 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, June 19, 2008.

**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 Witkowsky and passed by unanimous roll call vote.

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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

Mayor Scotto noted supplemental material available at the meeting on Agenda Items 8M, 8T, 12A, 12B, 12C, 12D and 13C.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Clerk Herbers announced that existing vacancies on City commissions will not be filled until the first week in January 2009 and residents interested in applying will have an opportunity to attend Commissioner Certification classes in the fall.

Community Services Director Jones announced the 28<sup>th</sup> Annual 4<sup>th</sup> of July Celebration at Wilson Park starting at 11:00 a.m., with food booths, games, train rides and musical entertainment and a fireworks display at 9:00 p.m. He noted that no dogs are permitted at Wilson Park during this event.

Public Works Director Beste encouraged residents to conserve water due to the ongoing drought and offered tips for maintaining landscaping without wasting water.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2008-85 RE POLICE OFFICER WENDALL ROBBINS**

**RESOLUTION NO. 2008-85R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE OFFICER **WENDALL DALE ROBBINS** UPON HIS RETIREMENT AFTER THIRTY-THREE YEARS OF SERVICE

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2008-85R. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

*To be presented at a later date.*

**6B. RESOLUTION NO. 2008-86 RE FIRE CHIEF RICK BONGARD**

**RESOLUTION NO. 2008-86R**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING FIRE CHIEF **RICK BONGARD** UPON HIS RETIREMENT AFTER THIRTY YEARS OF SERVICE

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2008-86R. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

*To be presented at a later date.*

**6C. RESOLUTION NO. 2008-87 RE GENOVEVA "GENIE" PALANCA**

**RESOLUTION NO. 2008-87**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **GENOVEVA "GENIE" PALANCA** UPON HER RETIREMENT AFTER TWENTY-THREE YEARS OF SERVICE

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2008-87. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

Mayor Scotto presented the proclamation to Genie Palanca, who accepted with appreciation.

Community Development Director Gibson commended Ms. Palanca for her dedicated service.

**6D. PROCLAMATION RE “PARKS AND RECREATION MONTH”**

Mayor Scotto presented a proclamation declaring July 2008 as **Parks and Recreation Month** in the City of Torrance to Parks and Recreation Commission Vice-Chair Hazel Taniguchi.

**7. ORAL COMMUNICATIONS #1**

**7A.** Martin Burke, Paseo de la Playa, related his belief that the City Council erred in approving the project 602 Paseo de la Playa (PRE07-00030) due to an unresolved boundary dispute; noted that he submitted a letter detailing his position; and requested that the Council take action to correct this error.

**7B.** Pamela Maran, Via del Valle, requested that the Council reconsider the decision to approve the project at 602 Paseo de la Playa, contending that the decision was based on an irrelevant tree issue.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

**Recommendation**

Recommendation of the **City Clerk** that City Council approve the City Council minutes of April 22, and May 6, 2008.

**8B. ANNUAL PURCHASE OF LIBRARY SOFTWARE MAINTENANCE/SUPPORT**

**Recommendation**

Recommendation of the **Information Technology Director** and the **Community Services Director** that City Council approve the purchase of annual software maintenance and support for Library Software from SirsiDynix of Provo, Utah, in the amount of \$45,252.98.

**8C. APPROVAL OF FINAL TRACT MAP NO. 68480**

**Recommendation**

Recommendation of the **Community Development Director** that City Council approve Final Tract Map No. 68480 which is a 2 lot subdivision with an existing church on Lot 1 and 12 proposed condominium units Lot 2. It is subdivided by Dean Thomas and the Church of Christ and located at 3525 Maricopa Street, which substantially conforms to and meets all conditions of approval of the Tentative Map.

**8D. AMENDMENT TO TORRANCE CULTURAL ARTS CENTER FOUNDATION AGREEMENT**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve an amendment of the Torrance Cultural Arts Center Foundation Agreement (C2003-86) to extend the Agreement for a period commencing July 1, 2008 and expiring June 30, 2009, in an amount not to exceed \$103,040.

**8E. PURCHASE OF EARTHQUAKE BRACED SHELVING FOR LIBRARY**

**Recommendation**

Recommendation of the **Community Services Director** that City Council authorize the purchase of earthquake braced shelving for the Katy Geissert Civic Center Library from Yamada Enterprises of Huntington Beach in the amount of \$289,720.04.

**8F. CONTRACT FOR EAST ANNEX ROOF REPLACEMENT**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to RGSLA for the East Annex Roof Replacement (FEAP # 177) for 78,301 with a 5% contingency of \$3,915;
- 2) Approve a 10% project management fee of \$7,830; and
- 3) Appropriate \$6,712 from the Building Maintenance Capital Project Fund.

**8G. CONTRACT RE CITY HALL FILTRATION SYSTEM**

**Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to South Bay Heating and Air Conditioning for the West Annex Air Handler replacement, City Hall Static Dampers and City Hall Filtration System (FEAP # 071, 074) for \$131,600 with a 5% contingency of \$6,580;
- 2) Approve a 10% project management fee of 13,160; and
- 3) Appropriate \$104,427 from the Building Maintenance Capital Project Fund.

**8H. RENEWAL OF EXCESS WORKERS' COMPENSATION INSURANCE**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council approve the renewal purchase of excess workers' compensation insurance from CSAC Excess Insurance Authority, at a premium of \$133,000 plus a 5% (\$6,650) contingency for possible assessments for the July 1, 2008 to June 30, 2009 policy period.

**8I. RENEWAL OF PROPERTY INSURANCE**

**Recommendation**

Recommendation of the **Human Resources Director** that the City Council approve the renewal purchase of property insurance at a premium of \$121,879.

**8J. RENEWAL OF EXCESS LIABILITY INSURANCE**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council approve the renewal purchase of two layers of excess liability insurance for the period of July 1, 2008 to June 30, 2009, from Alliant Insurance Services at a combined premium of \$228,388.

**8K. RENEWAL OF NON-OWNED DISPOSAL SITE POLLUTION LIABILITY INSURANCE**

**Recommendation**

Recommendation of the **Public Works** and **Human Resources Directors** that City Council approve the renewal purchase of Non-Owned Disposal Site Pollution Liability Insurance from Indian Harbor Insurance Company through Alliant Insurance Services at a premium of \$50,858.16. Policy period is July 1, 2008 through June 30, 2009.

**8L. CONTRACT FOR LIABILITY CLAIMS ADMINISTRATION SERVICES**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council approve a two-year contract with NovaPro Risk Solutions, LP for Liability Claims Administration Services from July 1, 2008 through June 30, 2010, at an annual cost of \$108,216 for a total contract amount not to exceed \$216,432.

**8M. APPROPRIATION OF ASSET FORFEITURE FUNDS TO MISCELLANEOUS PROJECTS ACCOUNT**

**Recommendation**

Recommendation of the **Police Chief** that City Council appropriate and allocate \$25,000 of asset forfeiture funds to the Miscellaneous Projects account.

**8N. PURCHASE ORDER RE ROTARY BROOM PARTS**

**Recommendation**

Recommendation of the **Public Works Director** that City Council authorize a purchase order to be issued to American Rotary Broom Company of Escondido, California, in the amount not to exceed \$35,000, for the sole source purchase of rotary broom parts for street sweepers on an as needed basis from July 1, 2008 through June 30, 2009.

**8O. THIRD AMENDMENT TO FEE AGREEMENT WITH JENKINS & HOGIN**

**Recommendation**

Recommendation of the **City Attorney** that City Council approve the third amendment to fee agreement (C2007-155) with Jenkins & Hugin to provide independent counsel to the Civil Service Commission for an additional \$50,000 for a total contract amount not to exceed \$148,000 and to extend the term of the agreement to September 30, 2008.

**8P. CONTRACTS FOR MEDICAL SERVICES**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council approve:

- 1) Contract for medical services with Little Company of Mary in an amount not to exceed \$110,000 from July 1, 2008 through June 30, 2009; and
- 2) Contract for medical services with Western Medical Group in an amount not to exceed \$30,000 from July 1, 2008 through June 30, 2009.

**8Q. AMENDMENT TO AGREEMENT WITH BRIGADIER CORPORATION**

**Recommendation**

Recommendation of the **Transit Director** that City Council approve an amendment to agreement C2007-097 with Brigadier Corporation for the cleaning of bus interiors. The amendment extends the Agreement until June 30, 2009 at a cost not to exceed \$158,080 per year.

**8R. CONTRACT WITH ATI INTERNATIONAL-GARDA**

**Recommendation**

Recommendation of the **Transit Director** and **City Treasurer** that City Council approve a two year Contract Services Agreement with ATI International-Garda for the processing and bank deposit of Transit System Revenue and the City of Torrance Daily Revenue Deposits. The term of the agreement is from July 1, 2008 to June 30, 2010 at a cost not to exceed \$55,000 per year.

**8S. CONTRACT WITH COMMAND SECURITY CORPORATION**

**Recommendation**

Recommendation of the **Transit Director** that City Council approve a one-year contract services agreement with Command Security Corporation to provide security services for the Torrance Transit System from July 1, 2008 to June 30, 2009, at a cost not to exceed \$205,296.

**8T. CONTRACT WITH STARLIGHT PRODUCTIONS**

**Recommendation**

Recommendation of the **Community Services Director** that City Council approve an amendment to the contract services agreement with StarLight Productions in the amount of \$64,884.37 for a new not to exceed total of \$149,388.37, and to extend the term of the contract until September 15, 2008.

**8U. CONTRACT FOR ADA UPGRADES TO POLICE DEPARTMENT**

**Recommendation**

Recommendation of the **General Services Director** that City Council award a contract to Withee Malcolm Architects for the Police Department Americans with Disabilities Act (ADA) upgrades (FEAP #657) for \$44,000.

**8V. PURCHASE ORDER FOR LOADER-BACKHOES**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize the issuance of a purchase order to Cook Equipment Company of Fullerton, California, in the amount of \$204,543.78, including sales tax, to furnish three (3) New Holland Model B95 Loader-Backhoes as a cooperative purchase with the City of Anaheim. Ref. City of Anaheim Bid No. 7096.

**MOTION:** Councilmember Nowatka moved for approval of Consent Calendar Items 8A through 8V. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

**12. ADMINISTRATIVE MATTERS**

Agenda Items 12A, 12B and 12C were considered concurrently.

**12A. SECOND AMENDMENT TO WILLIAMS/CARWELL LEASE – 3131 PACIFIC COAST HIGHWAY**

**Recommendation**

Recommendation of the **City Manager** that City Council authorize the Mayor to Execute and the City Clerk to Attest to a Second Amendment to Lease by and among CITY OF TORRANCE, a municipal corporation (the Landlord), R. WILLIAMS, INC., a California corporation (the Tenant), and CARWELL, LLC, a Delaware limited liability company (the Subtenant) for City-owned property located at 3131 Pacific Coast Highway (C2567).

**12B. FIFTH AMENDMENT TO PEYTON CRAMER LEASE – 3111 PACIFIC COAST HIGHWAY**

**Recommendation**

Recommendation of the **City Manager** that City Council authorize the Mayor to Execute and the City Clerk to Attest to a Fifth Amendment to Lease by and between CITY OF TORRANCE, a municipal corporation (the Landlord), PEYTON CRAMER INFINITI, a California corporation (the Tenant), and PEYTON CRAMER JAGUAR, a California corporation (the Subtenant) for City-owned property located at 3111 Pacific Coast Highway (C1311).

**12C. LOT TIE AGREEMENT FOR CITY-OWNED PARCELS 53 AND 54 OF OFFICIAL MAP NUMBER 2**

**Recommendation**

Recommendation of the **City Manager** that:

- 1) City Council authorize the Mayor to Execute and the City Clerk to Attest to a Lot Tie Agreement by and between The City of Torrance, California (the "City"), Peyton Cramer Infiniti, a California corporation ("Peyton Infiniti"), and R. Williams, Inc., a California corporation ("Williams") and CARWELL, LLC, a Delaware limited liability company for the properties located at 3111 Pacific Coast Highway (Parcel 54 of Official Map Number 2) and 3131 Pacific Coast Highway (Parcel 53 of Official Map Number 2) (C2567 and C1620); and

- 2) City Council authorize the Mayor to Execute and the City Clerk to Attest to a Connection Permit Water Quality Agreement with the Los Angeles County Department of Public Works to allow the tenant to construct over the County storm drain located on City-owned Parcel 53 of Official Map Number 2; Site address 3131 Pacific Coast Highway.

Assistant to the City Manager Sunshine reported that approval of these items will allow the reconstruction and improvement of an existing auto dealership on City-owned land. He explained that 3131 and 3111 Pacific Coast Highway are currently two separate leaseholds and AutoNation (Carwell) would like to combine the properties to allow the construction of a single dealership, with the Mercedes dealership to relocate to this site and the Infiniti dealership to relocate to the former Mercedes site.

Assistant to the City Manager Sunshine advised that Item 12A amends the lease to allow the sale of Mercedes automobiles and changes the percentage rent to one percent gross profit to mirror the current Mercedes lease; that Item 12B synchronizes the lease termination date for both leases and adds a percentage rent clause; and that Item 12C is a tri-party agreement to allow a Lot Tie, which is required for construction over the property line. He noted supplemental material on Item 12B changing the start date of percentage rent from January 1, 2009 to January 1, 2010.

In response to Councilmember Witkowsky's inquiry, Mr. Sunshine confirmed that the new construction will include a multi-level parking structure to address vehicle storage issues that have been a problem in this area.

**MOTION:** Councilmember Witkowsky moved to approve the Second Amendment to the Williams/Carwell Lease. The motion was seconded by Councilmember Drevno and passed by unanimous roll call vote.

**MOTION:** Councilmember Witkowsky moved to approve the Fifth Amendment to the Peyton Cramer Lease. The motion was seconded by Councilmember Drevno and passed by unanimous roll call vote.

**MOTION:** Councilmember Witkowsky moved to approve the Lot-Tie agreement for Parcels 53 and 54 of Map No. 2. The motion was seconded by Councilmember Drevno and passed by unanimous roll call vote.

**12D. SALE OF CITY-OWNED PROPERTY AT HAWTHORNE BOULEVARD/  
PACIFIC COAST HIGHWAY**

**Recommendation**

Recommendation of the **City Manager** that City Council authorize the Mayor to Execute and the City Clerk to attest to all documents associated with the sale of City-owned property located at the southeast corner of Pacific Coast Highway and Hawthorne Boulevard to Raju Chhabria in the amount of \$303,025.00 while retaining certain easements for traffic flow purposes. APN 7534-001-900.

Assistant to the City Manager Sunshine reported that this property was purchased in 1997 for the construction of a right-turn channel and acceleration lane; that an adjacent property is in escrow and the potential buyer has asked to purchase City-owned land to facilitate the development of the property; and that the City will retain

easements for the right-turn channel and acceleration lane. He noted that the land was purchased for \$172,000 using gas tax funds and that the purchase price of \$303,025 will go back to replenish these funds.

Councilmember Sutherland questioned whether the profit from the sale must go to gas tax funds, and Finance Director Tsao agreed to check on this matter.

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

**12E. ADDITION TO THE MUNICIPAL CODE RE INFRACTION OFFENSES/  
UPDATE OF BAIL SCHEDULE**

**Recommendation**

Recommendation of the **City Clerk** on behalf of the City Attorney, Community Services Director, Community Development Director, and Police Chief that City Council:

- 1) Adopt an Ordinance amending and restating the Torrance Municipal Code to indicate which citations may be written as infractions, with an Ordinance Summary for publication; and
- 2) Adopt a Resolution restating the suggested bail schedule for both misdemeanor and infraction offenses arising from violations of the Torrance Municipal code for use by the Superior Court and repealing Resolution No. 2007-35.

City Clerk Herbers reported that it was necessary to adopt an Ordinance amending and restating the Torrance Municipal Code to indicate which citations may be written as infractions, along with an amended bail schedule, due to the adoption of Ordinance No. 3708 concerning Electric Fences and Ordinance No. 3709 concerning special events at Wilson Park.

In response to Mayor Scotto's inquiry, City Attorney Fellows confirmed that fines for misdemeanors could be increased, but advised that staff's main emphasis has been on obtaining compliance rather than punitive fines.

City Clerk Herbers noted that there was a major overhaul of the bail schedule in 2003.

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

**ORDINANCE NO. 3713**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
AMENDING SECTION 11.2.6 OF DIVISION 1 OF THE TORRANCE MUNICIPAL  
CODE RELATED TO INFRACTIONS OF THE MUNICIPAL CODE

**MOTION:** Councilmember Brewer moved for the adoption of Ordinance No. 3713. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

### **RESOLUTION NO. 2008-85**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
REPEALING RESOLUTION NO. 2007-35 AND ADOPTING A RESTATED  
RECOMMENDED TORRANCE MUNICIPAL CODE BAIL SCHEDULE

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2008-85. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

#### **12F. OPPOSITION TO ASSEMBLY BILL 2288 RE AUTOMATIC FIRE EXTINGUISHING SYSTEMS**

##### **Recommendation**

Recommendation of the **Fire Chief** that City Council authorize the Fire Chief to send a letter of opposition to Assemblymember Alberto Torrico opposing AB 2288.

Fire Chief Bongard advised that staff was concerned that this legislation creates an unnecessary expense for business owners and an opportunity for fraud.

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

#### **13. HEARINGS**

##### **13A. TORRANCE LIGHTING DISTRICT 99-1**

##### **Recommendation**

Recommendation of the **Finance Director** that City Council:

- 1) Hold a public hearing on the proposed levy of assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2008-2009; and,
- 2) Adopt a Resolution confirming the diagram and assessment for Fiscal Year 2008-2009 and ordering the improvements in connection with the City of Torrance Lighting District No. 99-1.

At 7:48 p.m., 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.

As no one from the public came forward to speak, the public hearing was closed.

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

**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. 2008-86**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2008-2009 IN CONNECTION WITH THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 PURSUANT TO PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND AS PROVIDED BY ARTCILE XIII D OF THE CALIFORNIA CONSTITUTION

**MOTION:** Councilmember Brewer moved for the adoption of Resolution No. 2008-86. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

**13B. CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) GRANT FUNDING**

**Recommendation**

Recommendation of the **Police Chief** that City Council:

- 1) Convene a public hearing concerning Assembly Bill 3229, the 2007 Citizens Options for Public Safety (COPS) grant funding;
- 2) Receive input from staff on programs of interest to the Chief of Police and Council as well as the public on the use of the grant funds; and
- 3) At the close of the hearing, appropriate and allocate \$285,663 and any interest to the recommended projects.

At 7:50 p.m., 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.

Business Manager Anderson reviewed the recommendation that COPS 2007 grant funding be allocated as follows:

Police Officer Recruitment	\$ 20,000
Recruitment Incentives	6,000
Victims Assistance	25,000
Dispute Resolution	16,500
Cadet Program	128,163
FATS Upgrade	<u>90,000</u>
TOTAL	\$285,663

As no one from the public came forward to speak, the public hearing was closed.

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

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

The Council recessed from 7:55 p.m. to 8:09 p.m.

**13C. CUP07-00031, TTM68939: 2319 APPLE AVENUE – PINE MEADOWS,LLC**

**Recommendation**

Recommendation of the **Planning Commission** that the City Council deny the appeal and take the following actions on property located in the R-3 Zone at 2319 Apple Avenue:

- 1) Adopt a Resolution denying without prejudice CUP07-00031 to allow the construction of a new six-unit condominium project;
- 2) Adopt a Resolution denying without prejudice TTM68939 to allow the construction of a new six-unit condominium project.

Recommendation of the **Community Development Director** that the City Council grant the appeal and approve the project.

At 8:09 p.m., 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; shared photographs taken from various vantage points in the neighborhood; and reported that the Planning Commission denied the project by a vote of 5-1 due to concerns about the project's density and the impact on traffic and parking.

Cheryl Vargo, representing Pine Meadows, LLC, applicant, reported that the project was originally considered by the Planning Commission on February 6, 2008 and that it was downsized and resubmitted on March 5, 2008 and subsequently denied. She explained that the Commission preferred four units on this lot, but this would not be financially feasible. Submitting a map to illustrate, she pointed out that there are smaller lots on this block with six or more units and noted that up to nine units could be built on the subject lot according to the zoning.

Councilmember Witkowsky questioned whether the applicant would be amenable to installing curbing at the end of the cul-de-sac to provide more parking for the neighborhood.

Ms. Vargo related her understanding that the area at the end of the street is for vehicles to turn around and not suitable for parking.

Mayor Scotto asked about alternatives should the project not be approved. Ms. Vargo responded that the project as proposed could be built as rental units without Planning Commission or City Council approval.

Jan Aguon, 2404 Apple Avenue, voiced objections to the project. She reported that the street is heavily congested due to its close proximity to schools and parks and has a lot of pedestrian traffic. She noted that there is no continuous sidewalk on either

side of the street so people must walk in the street and expressed concerns about their safety. She stated that parking is very limited because many developments in the area lack on-site parking and explained that the street narrows where it dead ends with no room for parking.

Lisa Grubb, 2065 Lincoln Avenue, expressed concerns about traffic and parking congestion in this area due to the building of multi-unit developments and urged that the project be denied.

Ahmed Temery, 2413 Apple Avenue, submitted a petition in opposition to the project. He contended that the proposed project would exacerbate traffic and parking problems on this heavily congested street, noting that there is no room for trash trucks to turn around so they must back down the street.

Nancy Fengler, 2063 Lincoln Avenue, voiced objections to the project because it would add at least 12 more vehicles to this already congested street. She noted that the area at the end of the street is owned by the railroad so their permission would be needed to make any changes.

Megan Aguon, 2404 Apple Avenue, expressed concerns that the proposed project would inconvenience Torrance High athletes, who regularly use the end of the street as a passage way to athletic fields as many of them don't drive. She contended that the project would also add to traffic congestion, which has resulted from the many large condominium complexes recently built in the area.

Cynthia Davenport, 2405 Apple Avenue, stated that the street is extremely congested and cannot accommodate the proposed project, noting that there is a lot of pedestrian traffic from people walking their children to Torrance Elementary. She called for the City to consider down-zoning lots on this street to preserve the quality of life for residents.

Lisa Yoon, 2136 233<sup>rd</sup> Street, reported that she is a Torrance High student who uses Apple Avenue to access athletic fields for practices and football games and urged the Council to protect the interests of residents and deny the project.

Kais Rona, 182<sup>nd</sup> Street, stated that she regularly visits family and friends who live in this area and echoed concerns about the project's impact on traffic on parking.

Returning to the podium, Ms. Vargo noted that the property is zoned R-3 and the project meets or exceeds all requirements for this zoning. She proposed revisions that would add 4 more parking spaces for a total of 20 spaces by making one of the buildings three stories (two stories over a garage) and increasing the FAR from 0.58 to 0.60. She clarified that the project would not interfere with the path for pedestrians to nearby schools and athletic fields.

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

Councilmember Sutherland voiced his opinion that six units were too many for this particular lot, noting that the Council's role was to protect the interests of the residents who live in this neighborhood, not developers seeking to make a profit.

Councilmember Witkowsky expressed support for the project with the added parking Ms. Vargo proposed. She commented on a property owner's expectation to be able to develop his or her property in compliance with the zoning. She related her belief that the proposed condominium project was preferable to possible alternatives, noting that an apartment building could be built on the site without Council approval.

Councilmember Nowatka questioned whether there were any differences in parking requirements for condominiums versus apartments.

Planning Manager Lodan advised that the parking requirements are the same except that condominium complexes must provide 1 guest parking space for every 5 units while apartment complexes are not required to provide guest parking.

Mayor Scotto stated that this was not a case of overdevelopment because the project is consistent with the site's R-3 zoning and requires no Variances. He expressed concerns that if the project is not approved, an apartment complex with fewer parking spaces could be built on this site with over-the-counter approval and no public hearing. He noted that property owners are generally more considerate of neighbors than renters because they have a vested interest in the neighborhood.

Noting that much of this area is zoned R-3, Councilmember Brewer encouraged residents who are concerned about the replacement of single-family homes with multi-unit projects to make their views known during the General Plan update process. He indicated that he was inclined to support the proposed project because it provides more parking than an apartment building would, but was not in favor the proposal to make one of the buildings three stories in order to provide more parking.

Mayor Scotto pointed out that while property owners on this block could request that their properties be down-zoned, doing so would result in a significant reduction in their property values.

Planning Manager Lodan clarified that 2 of the 4 parking spaces to be added according to the revisions proposed by Ms. Vargo would be required because 2 two-bedroom units would be changed to three-bedroom units so there would be a net gain of only 2 parking spaces.

Councilmember Witkowsky indicated that she would support the project as proposed, without the revisions.

**MOTION:** Councilmember Witkowsky moved to approve the appeal and approve the project. The motion died for lack of a second.

**MOTION:** Councilmember Sutherland moved to deny the appeal and deny the project without prejudice. The motion was seconded by Councilmember Brewer and the motion failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Brewer and Sutherland

NOES: Councilmembers Barnett, Drevno, Nowatka, Witkowsky and Mayor Scotto

**MOTION:** Councilmember Witkowsky moved to approve the appeal and approve the project. The motion was seconded by Councilmember Nowatka and the motion passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

*Resolutions reflecting the Council's action to be brought back at a later date.*

\*

The Council met as the Redevelopment Agency from 9:27 p.m. to 9:28 p.m.

**17. ORAL COMMUNICATIONS**

**17A.** Referring to the Council's denial of a two-unit condominium project at 728 Sartori the previous week by a vote of 4-3, Councilmember Brewer reported that he had learned some new information since that meeting and proposed that the Council reconsider their decision on this project.

**MOTION:** Councilmember Brewer moved that an item be placed on the July 1, 2008 agenda to discuss the possible reconsideration of the Council's decision on the condominium project at 728 Sartori Avenue. The motion was seconded by Councilmember Drevno and passed by a 6-1 roll call vote, with Councilmember Nowatka dissenting.

**17B.** Councilmember Nowatka commented on his enjoyment of serving 99 months on the City Council.

**17C.** Councilmember Sutherland suggested that the Council reexamine parking standards because they appear to be inadequate.

Following a brief discussion, Mayor Scotto directed staff to prepare a report on parking standards, including a comparison of standards in other cities, after which the Council will determine if further action is needed.

**17C.** Councilmember Witkowsky requested that the Environmental Quality Commission look into the possibility of regulating leaf blowers due to residents' concerns about noise and pollution.

**17D.** Councilmember Witkowsky encouraged residents to attend Torrance Day at Dodger Stadium on Sunday, June 29, noting that she will be throwing the first pitch to Councilmember Brewer.

**17E.** Councilmember Barnett noted that he has enjoyed serving with outgoing Councilmembers Drevno, Nowatka and Witkowsky for the past 11 months.

**17F.** Mayor Scotto noted that in addition to next week's Council meeting, there will be an event honoring outgoing councilmembers on July 30 at the Toyota meeting hall.

**17G.** On behalf of executive staff, City Manager Jackson expressed appreciation to the Council for their efforts over the past two years.

**17H.** Cheryl Vargo thanked outgoing councilmembers for all their hard work and dedication.

