

**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 6:03 p.m. on Tuesday, July 15, 2003, in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Lieu, McIntyre, Mauno, Nowatka, Scotto, Witkowsky, and Mayor Walker.

Absent: None.

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

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Agenda Item 17 was considered out of order at this time.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17a) Conference with Labor Negotiator, and 17b) Conference with Legal Counsel – Existing Litigation pursuant to California Government Code Section 54957.6 and 54956.9(a).

The Council reconvened in Council Chambers at 7:10 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Lieu.

City Clerk Herbers gave the non-sectarian invocation for the meeting.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka, and passed by unanimous roll call vote.

**MOTION:** Councilmember Mauno 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 Nowatka and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Walker asked that the City Council meeting be adjourned in memory of Mary Ogawa who passed away on Wednesday, July 2, 2003.

6. **COMMUNITY MATTERS**

6a. **PROCLAMATION RE "NATIONAL AQUATIC WEEK"**

Mayor Walker presented a proclamation declaring the week of July 13 through July 19, 2003 as **National Aquatic Week** in the City of Torrance to Parks and Recreation Sr. Supervisor Dan Halladay, who accepted with appreciation.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES – APRIL 22, 2003 AND MAY 6, 2003**

7b. **RENEWAL OF VENDOR CONTRACT FOR ASPHALT PLANT MIX**

**Recommendation**

Recommendation of the **Street Services Director** that City Council authorize the renewal of vendor contract (VC303) with Blue Diamond Materials of Anaheim, CA, in an amount not to exceed \$300,000 for the purchase of asphalt plant mix on an as needed basis.

7c. **APPROVAL OF DONATIONS FROM YOUTH COUNCIL DONATION FUND**

**Recommendation**

Recommendation of the **Torrance Youth Council** that City Council approve a \$1,500 donation from the Torrance Youth Council Donation Fund to the Torrance Rose Float Association, and a \$2,500 donation to THE ATTIC and authorize the Finance Director to issue a warrant on the Youth Council's behalf.

7d. **CONTRACT SERVICES AGREEMENT FOR INSPECTION SERVICES  
RE ARTESIA BOULEVARD STREET IMPROVEMENTS**

**Recommendation**

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

- 1) Approve a contract services agreement in the amount of \$206,000 with Berryman & Henigar, Inc., to perform construction inspection services for the Artesia Boulevard Street Improvements (B2003-09); HP21L-5249(010); and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7e. **APPROVAL OF FINAL TRACT MAP NO. 53463**

**Recommendation**

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

- 1) Approve Final Tract Map No. 53463, creating 28 detached condominium units on one lot, located at 2700 Border Avenue, which substantially conforms to and has met all conditions of approval of Tentative Map;
- 2) Accept a variable width public utility and sidewalk easement on Sepulveda Boulevard; and
- 3) Accept the vehicular access rights from the project to Sepulveda Boulevard.

7f. **PURCHASE AGREEMENTS FOR ANNUAL PURCHASE OF T-SHIRTS**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **Finance Director** that City Council authorize purchase agreements with West Coast Silkscreen, Gardena, CA for an annual amount not to exceed \$80,000 for the purchase of t-shirts for use by the Parks and Recreation Department; and an additional purchase agreement for a not to exceed amount of \$9,000 for use by other departments (city-wide).

7g. **APPROVAL OF YOUTH COUNCIL DONATION TO “BEAT THE ODDS” HONOREES**

**Recommendation**

Recommendation of the **Torrance Youth Council** that City Council approve a \$6,000 donation from the Youth Council Donation Fund to six “Beat the Odds” honorees and authorize the Finance Director to issue the warrants.

7h. **PURCHASE ORDER RE BATTERY BACKUP SYSTEM FOR LED TRAFFIC SIGNALS**

**Recommendation**

Recommendation of the **Street Services Director** that City Council approve a change order to purchase order 0000013983 with Macadee Electrical Construction of Chino Hills, CA in the amount of \$9,822.95 for the purchase and installation of a battery backup system for traffic signals utilizing light emitting diodes (LED) traffic signal modules.

7i. **PAYMENT OF SUBSCRIPTION FEE FOR COMPUTER VIRUS PROTECTION**

**Recommendation**

Recommendation of the **Acting Information Technology Director** that City Council appropriate \$7,665 from the PC Replacement Fund for payment of the two-year subscription fee for McAfee Anti-Virus automated updates and maintenance support

7j. **PURCHASE OF EXCESS LIABILITY INSURANCE**

**Recommendation**

Recommendation of the **Human Resources Director** that City Council approve the purchase of excess liability insurance for the period of July 1, 2003 to July 1, 2004, through Driver-Alliant Insurance Services, at a premium of \$344,250.

7k. **PUBLIC WORKS AGREEMENT RE RESIDENTIAL SLURRY SEAL PROJECT**

**Recommendation**

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

- 1) Approve an amendment to the public works agreement with Pavement Coatings Company (C2002-166) for the Residential Slurry Seal Project for the amount not to exceed \$249,488.56; and
- 2) Appropriate \$300,000 from Gas Tax funds for this project.

**7I. CONTRACT FOR CITYWIDE SIDEWALK RAMPING AND GRINDING PROJECT**

**Recommendation**

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

- 1) Accept the bid and award a standard public works agreement approved as to form by the City Attorney, to Hardy & Harper, Inc. in the amount of \$179,545 for Phase VI of the Sidewalk Ramping and Grinding Project; and authorize a 10% contingency for this agreement in the amount of \$17,954.50;
- 2) Approve a standard consulting services agreement with Project Partners in an amount not to exceed \$32,000 for project inspection;
- 3) Authorize the Mayor to execute and City Clerk to attest to said agreement; and
- 4) Approve an appropriation of \$250,000 from Gas Tax funds for the Citywide Sidewalk Ramping and Grinding Project (I-55).

**MOTION:** Councilmember Lieu moved for the approval of Consent Calendar Items 7a through 7I. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9a. SUMMARY VACATION OF STREET EASEMENT FOR 232<sup>ND</sup> STREET**

**Recommendation**

Recommendation of the **Engineering Director** that City Council approve and adopt a Resolution summarily vacating a street easement for 232nd Street between Arlington Avenue and the southerly prolongation of Andreo Avenue.

Engineering Director Burt reported that the easement is located in the middle of the schoolyard at Hull Middle School and that it is no longer needed.

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

**RESOLUTION NO. 2003-78**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE SUMMARY VACATION OF A STREET EASEMENT FOR 232<sup>ND</sup> STREET BETWEEN ARLINGTON AVENUE AND THE SOUTHERLY PROLONGATION OF ANDREO AVENUE IN THE CITY OF TORRANCE

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-78. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**11. ADMINISTRATIVE MATTERS**

**11a. CONTINUATION OF STATE OF LOCAL EMERGENCY RE CAROLWOOD/ SINGINGWOOD DRIVE**

**Recommendation**

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

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

**11b. INTERIM MOU FOR TORRANCE CITY EMPLOYEES ASSOCIATION**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt a Resolution approving an interim Memorandum of Understanding for the Torrance City Employees Association (TCEA) effective July 15, 2003 until it is superceded by a successor MOU. This MOU makes changes in the Information Technology Specialist premiums.

Assistant to the City Manager Keane advised that the interim Memorandum of Understanding changes the language that governs the premiums received by the class of Information Technology Specialist.

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

**RESOLUTION NO. 2003-79**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION (TCEA)

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-79. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**11c. STATUS REPORT ON SOUTH BAY ENERGY REWARDS PROGRAM**

**Recommendation**

Recommendation of the **City Manager** that City Council accept and file the status report of City of Torrance participation in the South Bay Energy Rewards Program.

Management Aide Salazar provided an update on the status of the South Bay Energy Rewards Program, which was established by the South Bay Cities Council of Governments to promote energy conservation following the statewide energy crisis in 2000-2001 (per written material of record).

**MOTION:** Councilmember Scotto moved to accept and file the report. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**11d. PERS TWO-YEAR SERVICE CREDIT**

**Recommendation**

Recommendation of the **City Manager** that City Council begin the process of offering a two-year service credit in their PERS System to certain employees whose jobs have been eliminated through recent budget reductions. This will cost no more than \$700,000 and is pursuant to Government Code 20903.

Assistant to the City Manager Keane advised that this was the first step in the process of offering a two-year service credit to employees whose jobs have been eliminated through recent budget reductions and that staff would return with a Resolution opening a window period during which employees taking advantage of the credit must retire.

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

**11e. GRANT/LOAN AGREEMENT BETWEEN THE CITY OF TORRANCE AND BALL CORPORATION**

**Recommendation**

Recommendation of the **City Manager** that City Council approve a grant/loan agreement with Ball Metal Beverage Container Corporation in amount of \$32,000 to provide economic assistance for the warehouse expansion located at 500 Crenshaw Boulevard.

Councilmember Nowatka announced that he was abstaining from consideration of this item as he lives within 300 feet of the subject area and left the Council Chambers.

Sr. Management Associate Wren outlined the proposal to provide economic assistance for the warehouse expansion of Ball Metal Beverage Container Corporation as part of the City's efforts to retain profitable businesses. She explained that the City would offset the fees for expedited permitting and processing in the amount of \$12,000 and provide assistance to underground four of the streetlight poles and electric lines in an amount not to exceed \$20,000.

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

Councilmember Nowatka returned to the Council Chambers.

**12. HEARINGS**

**12a. EAS02-00009, GPA02-00003, ZON02-00005, VAR02-00005, CUP02-00040, TTM54028, WAV03-00005: WATT DEVELOPERS LLC/DOUG MAUPIN CITY OF TORRANCE**

**Recommendation**

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and take the following action on property located at the southeast corner of Spencer Street and Earl Street:

- 1) Adopt a Negative Declaration;
- 2) Approve an Ordinance approving a Zone Change from ML (M1-PP) (Limited Manufacturing/Light Manufacturing-Precise Plan) to R-3 (Limited Multiple-Family Residential);
- 3) Adopt a Resolution approving a General Plan Amendment from Business Park to Medium Density Residential;
- 4) Adopt a Resolution approving a Variance to allow tandem parking for the condominium development;

- 5) Adopt a Resolution approving a Conditional Use Permit to allow the construction of a 32-unit town home condominium development;
- 6) Adopt a Resolution approving a Tentative Tract Map to merge nine parcels into one parcel and for condominium purposes; and
- 7) Adopt a Resolution approving a Waiver to allow a reduction of the setback requirement between dwelling units and to allow less than required rear yard setback for two units.
- 8) Approve an Ordinance Summary for publication.  
**EAS02-00009, GPA02-00003, ZON02-00005, VAR02-00005, CUP02-00040, TTM54028, WAV03-00005: WATT DEVELOPERS LLC/DOUG MAUPIN/CITY OF TORRANCE**

Mayor Walker 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 Isomoto discussed the General Plan designations and the underlying zoning of the properties surrounding the parcels proposed for rezoning, noting that the Victor precinct is an area of mixed residential, commercial and industrial uses. She advised that the General Plan Amendment/Zone Change would allow for the recycling of an underutilized property with little potential for industrial development and bring an existing use (mobile home park) into conformity. She provided statistical information regarding the amount of acreage that has been rezoned from industrial to residential, noting that 221.5 acres have changed from industrial to residential use since 1978, 200 of which are in the Plaza del Amo area, and that 20.89 acres have been rezoned since 1992 or .68% of the industrially zoned property in the City. She briefly described the project, which consists of 32 detached condominiums, and reported that the Planning Commission voted 3-1 to approve the project, with Commissioner Muratsuchi dissenting.

Councilmember Lieu questioned whether there is a shortage of industrial space in Torrance. Planning Manager Isomoto stated that she did not believe so, noting that there are vacancies in most industrial areas of the City.

Councilmember Scotto related his understanding that the Victor precinct at one time was under study to determine whether the entire area should be rezoned to residential.

Community Development Director Gibson advised that grants were received to study the potential for housing opportunities in two areas of the City, one of which was the Victor precinct, however, circumstances in the Planning Department at the time prevented the timely implementation of the grants and the grant funds were being returned to the State.

Doug Maupin, Maupin Development, Inc., 2531 W. 237<sup>th</sup> Street, Suite 124, provided background information about the project, noting that it has taken over a year to acquire the nine parcels from five different sellers. He stated that he believed the proposed condominium development was a good use for the property as it would provide needed housing in the area and urged approval of the project.

Kent Carter, 20621 Mansel Avenue, requested and received clarification regarding the distance between the project and residences on his block and the price range of the condominiums. Expressing support for the project, he stated that he believed it would add value to other homes in the neighborhood.

Rich Salmon, property manager for Little Company of Mary Health Services, 4101 Torrance Boulevard, noted that his organization owns four large properties along Earl Street and strongly objects to the rezoning. He stated that as nearby properties have been developed with residences, problems have increased for the hospital due to complaints from residents regarding the hospital's generators and other issues involved in the daily operation of a hospital. Noting the numerous medical offices and convalescent homes in this area, he explained that Earl Street is a 24 hours a day, 7 days a week, emergency vehicle thoroughfare and that new residents would be disturbed at all hours of the day and night by lights, sirens and speeding vehicles.

Jay Kaufman, 20433 Earl Street, co-owner of three buildings on Earl Street and one building on Spencer Street, voiced his opposition to the proposed project, stating that placing a residential development in the middle of an industrial area was contrary to the principles of good urban planning. He urged the Council to consider the following: 1) truck traffic in the area; 2) the incompatibility of having residences next to industrial uses and the likelihood of future problems; 3) the widespread opposition to the zone change; 4) the negligible impact 32 homes would have on the housing shortage; and 5) the potential for adolescents to use industrial properties as sites for recreation. He noted the recent major remodeling of two of his buildings on Earl Street.

Voicing his opposition to the project, George Shaver, 20608 Earl Street, explained that he and his father have a business at this location building racing engines, which involves a lot of noise; that noise abatement has already cost them \$20,000; and that it could cost hundreds of thousands dollars more to mitigate the impact on new residents should this project be approved.

Jim Dilamarter, representing Parnelli Jones, owner of Torrance West Business Park, 20501 Earl Street, stated that Mr. Jones strongly objects to the rezoning of these properties and considers the construction of condominiums in the center of a prime industrial area an unnecessary encroachment, which would create a myriad of problems. He listed other large industrial parcels in Torrance currently under consideration for rezoning to residential use and commented on the cumulative impact of the loss of industrial/commercial properties. He reported that this area is a highly desirable location for businesses due to its proximity to shopping, restaurants and the financial center and that there is a very low vacancy rate. He suggested that the impetus for the rezoning was the fact that the sellers could get a higher selling price for residentially zoned property and maintained that once the project is complete, the developer will be long gone leaving property owners/tenants to deal with the consequences. He expressed concerns that Mr. Jones could lose tenants and his investment could be jeopardized if this project goes forward.

Tom Caracash, 20551 Mansel Avenue, urged the Council to deny the project and the request for rezoning, stating that the rezoning would pave the way for the mobile home park to be developed with 35-foot high condominiums, which would tower over his adjacent property.

Brad Commiso, 20550 Earl Street, #13, whose family owns and operates the mobile home park, voiced support for the proposed project and the rezoning, maintaining that a residential development was the highest and best use for this land. He disputed the contention that the project would be in the middle of an industrial area, noting that, in addition to the mobile home park, there are single-family homes and multi-family developments throughout the area and that there are currently residential uses on the

subject parcels. He expressed dismay that the previous speaker had alarmed people in the mobile home park by telling them that they were going to be displaced, stating that he would simply like the park's zoning to be consistent with its use.

Donald Powelson, 20550 Earl Street, #6, voiced support for the rezoning of the property.

George Spengler, 20555 Mansel Avenue, stated that he opposes the rezoning because if an R-3 development is eventually built on the mobile home park site, it would impact his air, view and privacy.

Steve Fechner, president of Surf Management, Inc., 357 Van Ness Way, Suite 100, stated that his family owns three properties fronting on Spencer Street and that they strongly oppose the project despite the fact it could benefit them by providing customers for their self-storage business because they feel the Spencer-Earl business zone is worth preserving.

Using slides to illustrate, Mr. Fechner contended that locating a residential development on this site was contrary to the principles of good planning and that it would be detrimental to businesses in the vicinity. He noted that a petition submitted in opposition to the project was signed by every property owner along the project's perimeter and almost every property owner and several tenants in the immediate vicinity. He stated that Mr. Maupin suggested that Surf Management's opposition to the project was hypocritical because the company built the Del Amo Commerce Center next to existing residences, however, that project is an example of good zoning because the commerce center provides a buffer between the houses and the loud automotive uses on Hawthorne Boulevard. He disagreed that a residential development was the best and highest use for the land, stating that zoning decisions should not be based on financial considerations and that the City should be patient and wait for a project consistent with surrounding uses. He reported that there is a strong demand for business park space in this area due to its proximity to Palos Verdes and beach cities, as evidenced by rising rents and low vacancy rates.

Steve Goddard, Remax Beach Cities Realty, 319 26<sup>th</sup> Place, Manhattan Beach, agent for the owners of three of the subject parcels on the corner of Spencer and Earl, reported on efforts to market the property. He noted that industrial property owners as well as tenants in the immediate area were notified that the site was for sale and no one expressed an interest in the property until Mr. Maupin came forward with an offer more than nine months later. He stated that if Mr. Maupin had not purchased the parcels, it was likely that the properties would be sold individually and the use would remain the same.

Judith Vanderpool Gow, representing the Vanderpool Trust, 521 W. 224<sup>th</sup> Street, Carson, offered historical information about the area and her parents, who formerly operated a swim school on the subject parcels at the corner of Spencer and Earl. She noted that her parents lived on Earl before most of the industrial complexes were built, including Mr. Jones' business park, and also noted that three large residential housing developments have been built in the area in recent years. She reported that Mr. Maupin was the only potential buyer to offer a purchase price close to the appraiser's estimate and explained that her family would be financially damaged if the project does not go forward because all of their tenants have moved. She pointed out that residential uses successfully coexist with commercial uses in other areas of the City and that mixed-use

developments have been built in Redondo Beach and downtown Torrance. She voiced her opinion that the site should remain residential and urged approval of the project.

Kevin Webb, read a letter on behalf of Don Wilson Builders, 23705 Crenshaw Boulevard, Suite 200, in support of the proposed project. In the letter, John Caskey, president of Don Wilson Builders, reported that his company owns approximately 1000 apartment units in the South Bay, many of which are directly adjacent to industrial properties, and complaints of nuisances have been virtually non-existent. He noted Mr. Maupin's reputation for building exceptional projects.

Tim Good, on behalf of his mother, Margaret Burton, owner of one of the subject parcels at 4114 Spencer Street, voiced support for the project. He stated that his mother has lived at this address since 1972 and has no recollection of ever being disturbed by ambulances or any of the surrounding businesses. He noted that most of the commercial space in this neighborhood consists of office-type uses and that there was no reason a residential development and offices could not exist together in harmony. He reported that the sale of the property will fund his mother's retirement and should the project not be approved, she would most likely fix up her residence and sell it.

Responding to audience member's comments, Mr. Maupin disputed the contention that a residential development at this location was inappropriate, citing similarly situated projects that some of those who spoke in opposition to this project have been involved in. He stated that potential buyers will be aware of the surroundings and can choose whether or not they wish to live there and pointed out that only 7 of the units are adjacent to industrial property. He maintained that the project would be an improvement for the neighborhood; that it would not diminish the business district; and that it was the only way the sellers would realize a fair market value for their property. He displayed an overview of the area showing existing uses to demonstrate that it is an area of mixed uses; noted that if all the properties Mr. Dilamarter mentioned were rezoned for residential use, it would amount to only 1.5% of the City's industrial property; and pointed out the proliferation of self-storage facilities in this neighborhood, which do not provide jobs or generate sales tax revenue. He commented on his long-term involvement in this community and urged approval of the project.

Councilmember Mauno asked about noise attenuation, and Mr. Maupin advised that an acoustical engineer would be hired to review the plans and that dual-glazed windows and extra insulation would be used to mitigate the impact of adjacent industrial uses.

In response to Councilmember Nowatka, Mr. Fechner provided clarification regarding his remarks.

**MOTION:** Councilmember Scotto, seconded by Councilmember Witkowsky, moved to close the public hearing; roll call vote reflected unanimous approval.

Councilmember Scotto stated that while it was a very nice project, which he would be happy to have in another area of the City, he did not believe a residential project was appropriate for this location in the middle of industrial uses. He indicated that he would be amenable to a residential project at this location only if the entire area were rezoned for residential use.

Councilmember Lieu asked if there was some way to ensure that homebuyers are aware of the potential for noise at this location. Planning Manager Isomoto advised that

a condition could be included requiring that the Conditions, Codes and Requirements (CC&Rs) contain a provision stating that the purchaser understands that surrounding properties have industrial uses. Councilmember Lieu voiced support for such a condition.

Councilmember McIntyre stated that she generally likes Mr. Maupin's projects as they are well conceived and well designed, however, with regard to long-range planning, she believed an industrial use was more appropriate for this site. She commented on the stewardship factor involved, noting that the land will be here for a long time to come and she viewed her role as that of a caretaker, and voiced her opinion that it was important to maintain continuity with existing uses.

Councilmember Witkowsky stated that she was very familiar with this area and that deciding the best use for this site was a very difficult decision. She noted that there is a definite housing shortage in Torrance because it is such a desirable area to live; related her experience that businesses in the area have not caused problems for residential neighbors; and voiced her opinion that the proposed development would be a great improvement for the neighborhood. She noted that while these homes are technically condominiums because of shared common areas, they are detached and will look like single-family homes.

Councilmember Mauno stated that noise is the primary concern when considering the interfacing of residential and commercial uses and that he understood nearby businesses' concerns about having a residential development in close proximity, however, given the distance between the different uses and sound attenuation efforts, he believed such concerns were more perceived than actual problems. He further stated that the project represented a wonderful opportunity to recycle these 9 parcels and indicated that he did not believe it would have a detrimental impact on surrounding businesses, noting that there are residential uses currently on the subject parcels.

Councilmember Nowatka indicated that he was not swayed by arguments about the length of time Mr. Maupin has been working on this project or the sellers' financial interests. He agreed that there is a stewardship factor involved in this decision but noted that Councilmembers could have differing interpretations of what proper stewardship is with regard to this land. He stated that having studied the materials and listened to the arguments, he had concluded that no one would be harmed by approval of the project and that he would support it because he thought it was the right thing to do and not because of anybody's personal interest.

Councilmember Scotto commented on the possibility that residents of this development would eventually attempt to curtail the operations of surrounding businesses even though the businesses were there first, similar to the dispute that erupted between West End Racquet Club and adjacent condominium residents.

**MOTION:** Councilmember Witkowsky moved to concur with the staff recommendation to deny the appeal and approve the project with the following added condition: That the CC&Rs shall contain a provision stating that the surrounding area is zoned and used for industrial purposes that may operate 24 hours a day. The motion was seconded by Councilmember Lieu and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**MOTION:** Councilmember Witkowsky moved to adopt a Negative Declaration. The motion was seconded by Councilmember Lieu and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**ORDINANCE NO. 3539**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET ML (M1-PP) (LIMITED MANUFACTURING/ LIGHT MANUFACTURING-PRECISE PLAN) TO R-3 (LIMITED MULTIPLE FAMILY RESIDENTIAL)

**MOTION:** Councilmember Nowatka moved for the adoption of Ordinance No. 3539. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**RESOLUTION NO. 2003-80**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 34 OF THE TORRANCE MUNICIPAL CODE TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM BUSINESS PARK TO MEDIUM DENSITY RESIDENTIAL LAND USE FOR PROPERTY LOCATED IN THE R-3 ZONE (ZONE CHANGE PENDING) IN THE CITY OF TORRANCE AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-80. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**RESOLUTION NO. 2003-81**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, GRANTING A VARIANCE FORM THE PROVISIONS OF DIVISION 9, CHAPTER 4, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW TANDEM PARKING FOR A THIRTY-TWO UNIT TOWNHOME DEVELOPMENT ON PROPERTY LOCATED IN THE ML (M1-PP) ZONE AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-81. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**RESOLUTION NO. 2003-82**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A THIRTY-TWO UNIT CONDOMINIUM DEVELOPMENT AND FOR A FLOOR AREA RATIO OVER .6 ON PROPERTY LOCATED IN the ML (M1-PP) ZONE AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-82 as amended. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**RESOLUTION NO. 2003-83**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 54028 AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE MERGER OF NINE PARCELS INTO ONE PARCEL AND FOR CONDOMINIUM PURPOSES ON PROPERTY LOCATED IN THE ML (M1-PP) ZONE AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-83. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**RESOLUTION NO. 2003-84**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION OF THE SETBACK REQUIREMENT BETWEEN DWELLING UNITS AND TO ALLOW LESS THAN THE REQUIRED YARD SETBACK FOR TWO UNITS IN CONJUNCTION WITH THE DEVELOPMENT OF A THIRTY-TWO UNIT TOWNHOME DEVELOPMENT ON THE PROPERTY LOCATED IN THE ML (M1-PP) ZONE AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2003-84. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

**MOTION:** Councilmember Nowatka moved to approve an ordinance summary for publication. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers McIntyre and Scotto dissenting and Mayor Walker abstaining.

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The Redevelopment Agency met from 9:17 p.m. to 9:20 p.m.

**16. ORAL COMMUNICATIONS**

**16a.** Councilmember Lieu commented on a recent article in the press on local police departments switching to Glock weapons noting that the Torrance police department made the change nine years ago.

**16b.** Councilmember Mauno noted he had attended the Pacific Village open house and asked staff if they could look into the question of amenities such as additional storage space for this type of development.

**16c.** Councilmember Mauno congratulated the City for putting together a wonderful 4<sup>th</sup> of July event.

**16d,** Councilmember Mauno asked staff for reports of any delinquencies due to newly increased fees.

**16e.** Councilmember McIntyre congratulated the Transit Department for signs on the front of the Torrance Transit buses that show the new 50-cent fare.

- 16f.** Councilmember Nowatka echoed previous comments on the 4<sup>th</sup> of July event.
- 16g.** Councilmember Nowatka congratulated City Attorney John Fellows on his marriage.
- 16h.** Councilmember Nowatka announced the birth of his eighth grandchild, Alexander James Barnett, born July 2<sup>nd</sup>.
- 16i.** Councilmember Scotto echoed comments on the 4<sup>th</sup> of July event and expressed satisfaction that the City is still able to afford such an event along with the Armed Forces Day observance.
- 16j.** Councilmember Witkowsky also congratulated City Attorney Fellows.
- 16k.** Councilmember Witkowsky stated that she has received emails and letters on the re-synchronization of the traffic lights and asked staff for information to report to the community.
- 16l.** Councilmember Witkowsky asked for appropriate recognition for the North Torrance Little League Dodgers as 2003 Champions, noting that this was the second year in a row the team has won the championship.
- 16m.** Mayor Walker asked, with the concurrence of the City Council, that the City begin removing the brown bags from streetlights.
- 16n.** Mayor Walker asked for City Council concurrence to explore options for enhancing the fountain in front of City Hall at no cost to the taxpayers.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**18. ADJOURNMENT**

At 9:30 p.m., the meeting was adjourned to Tuesday, July 22, 2003, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of  
Mary Ogawa***

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on August 26, 2003