

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 7:01 p.m. on Tuesday, July 15, 2008 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

2. FLAG SALUTE/INVOCATION

The flag salute was led by Councilmember Brewer.

Councilmember Rhilinger gave the non-sectarian invocation.

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

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, July 10, 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 Barnett and passed by unanimous roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto announced the birth of his granddaughter Isabel Grace Scotto.

6. COMMUNITY MATTERS

6A. 2008-2009 YOUTH COUNCIL APPOINTMENTS

Recommendation

Recommendation of the Community Services Director that Council confirm the appointments of 18 members to the 2008-2009 Torrance Youth Council and have them officially sworn in by the City Clerk.

Councilmember Brewer announced that he was abstaining from consideration of this item because his daughter is a member of the Youth Council.

MOTION: Councilmember Barnett moved to confirm the appointment of 18 members to the 2008-2009 Youth Council. The motion was seconded by Councilmember Rhlinger and passed by unanimous roll call vote, with Councilmember Brewer abstaining.

City Clerk Herbers gave the oath of office to Youth Council members: Alexis Cabaero - Bishop Montgomery, Anna Lee - California Academy of Math and Science, Aileen Yoon - North High School, Thanh Van - North High School, Rosemary Liu - Torrance High School, Fantana Temory - Torrance High School, Naghmeh Ghafourian - South High School, Bradley Moylan - South High School, Shreyasi Ghosh - West High School, Michael Ohta - West High School, Laura Hunt - Member At Large (Torrance High School), Paulene Le - Member At Large (Torrance High School), Dhaval Dixit - Member At Large (Torrance High School), Christina Kang - Member At Large (South High School), Ashley Park - Member At Large (South High School), Zachary Gray - Member At Large (West High School), Kathryn Wu - Member At Large (West High School), Chelsea Brewer - Member At Large (Chadwick).

6B. PRESENTATION OF RESOLUTION NO. 2008-86R HONORING FIRE CHIEF RICK BONGARD

Mayor Scotto presented previously adopted Resolution No. 2008-86 to Fire Chief Rick Bongard upon his retirement from the City after thirty years of service.

Mayor Scotto noted that Chief Bongard was honored at an event at the Toyota Meeting Hall earlier in the day and congratulated him on his new career as a football coach and part-time teacher.

Councilmembers commended Chief Bongard for his strong leadership and wished him well in future endeavors.

City Manager Jackson also commended Chief Bongard for his dedicated service.

6C. RESOLUTION NO. 2008-94 RE POLICE LIEUTENANT MICHAEL F. PAOLOZZI

RESOLUTION NO. 2008-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **POLICE LIEUTENANT MICHAEL F. PAOLOZZI** UPON HIS RETIRMENT AFTER THIRTY-THREE YEARS OF SERVICE.

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-94. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

Resolution to be presented at a later date.

6D. RECOGNITION OF DEL AMO ROTARY CLUB EXCHANGE STUDENTS

Mayor Scotto presented Certificates of Recognition to Del Amo Rotary Club Exchange Students Capucine Clerc and Nicolas De Testa from Lyon, France, and welcomed them to Torrance.

7. ORAL COMMUNICATIONS #1

7A. Tom Marshall, Torrance, submitted material to the City Council regarding a proposal to charge a toll for carpool lanes on the 110 Freeway; discussed the potential impact on South Bay drivers; and requested that the City Council look into the matter.

7B. Debbie Hays, Torrance, invited the public to the 4th Annual Rock Around the Block party, a free 1950s-style family event in celebration of Torrance's All-America City Award, on Thursday, July 17th, from 5:00 PM - 8:00 PM hosted by the Torrance Historical Society and TOYOTA USA Automobile Museum in downtown Torrance at the front of the Historical Museum (1345 Post Avenue).

8. CONSENT CALENDAR

8A. APPROVAL OF TRACT MAP NO. 62099

Recommendation

Recommendation of the Community Development Director that City Council approve the release of three subdivision bonds for Tract Map No. 62099, which was subdivided by Donald T. Stillion and Paula S. Stillion, and located at 2440 - 2444 Andreo Avenue.

8B. LAND USE COVENANT/ENVIRONMENTAL RESTRICTION RE 4135 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the Fire Chief that City Council approve the land use covenant and environmental restriction on property located at 4135 Pacific Coast Highway.

8C. CO-SPONSORSHIP OF CPR TRAINING FOR RESIDENTS

Recommendation

Recommendation of the Chief of Police and the Disaster Council that City Council approve a proposal for the City of Torrance to co-sponsor, with Torrance Memorial Medical Center, a free CPR (cardiopulmonary resuscitation) course for Torrance residents.

8D. RENEWAL OF L.A. COUNTY DELINQUENCY PREVENTION PROGRAM

Recommendation

Recommendation of the Chief of Police that Council accept and endorse the County of Los Angeles Delinquency Prevention Program contract, in the amount of \$28,198, so that the needed assistance to our children can continue.

8E. PURCHASE ORDER FOR TRAFFIC CONTROL EQUIPMENT

Recommendation

Recommendation of the Public Works Director that the City Council authorize a purchase order with Econolite Control Products of Anaheim, California, in the amount not to exceed \$100,000, for the sole source purchase of traffic control equipment and signal hardware on an as needed basis from August 1, 2008 to July 31, 2009.

8F. PURCHASE ORDER FOR PERVO BRAND TRAFFIC PAINT

Recommendation

Recommendation of the Public Works Director that the City Council authorize a purchase order to be issued to Pervo Paint of Los Angeles, California, in the amount not to exceed \$55,000, for the sole source purchase of Pervo brand traffic paint on an as needed basis, from July 16, 2008 through June 30, 2009.

8G. CONTRACT FOR REFURBISHMENT OF AIRPORT HANGAR

Recommendation

Recommendation of the General Services Director that the City Council award a contract with Action Contractors, Inc. for \$26,518 with a 5% contingency of \$1,326 for the refurbishment of the Torrance Airport Hangar 2735A (FEAP #671).

8H. CONTRACT FOR CULTURAL ARTS CENTER CHILLER REPLACEMENT

Considered separately, see page 5.

8I. AGREEMENT FOR INDUSTRIAL/COMMERCIAL INSPECTIONS SERVICES

Recommendation

Recommendation of the Community Development Director that City Council approve a contract services agreement with Charles Abbott Associates, Inc., in the amount of \$87,853, for a term of one year, to provide industrial and commercial inspection services as required for the National Pollutant Discharge Elimination System (NPDES) MS4 permit.

8J. USE OF PORTABLE STAGE FOR AMERICAN CANCER SOCIETY'S RELAY FOR LIFE

Recommendation

Recommendation of the Community Services Director that City Council approve a request for use of the Portable Stage outside the City of Torrance for the American Cancer Society's Relay for Life event to be held at Redondo Union High School in Redondo Beach.

8K. RENEWAL OF CONTRACT FOR GRAFFITI REMOVAL SERVICES

Recommendation

Recommendation of the General Services Director that the City Council approve a one year option to renew the contract with Graffiti Protective Coatings, Inc. (C2007-113) for graffiti removal services in the City of Torrance for fiscal year 2008-2009 for \$250,000, with price adjustment not to exceed the Consumer Price Index- All Urban Consumers.

8L. SUBSIDY OF RENTAL FEES FOR EMPLOYEE VARIETY SHOW

Recommendation

Recommendation of the City Manager that City Council subsidize the rental fees at the James Armstrong Theatre in the amount of \$1,542.75 for the City of Torrance Employee Variety Show, which does not include labor costs.

MOTION: Councilmember Rhilinger moved for the approval of Consent Calendar Items 8A through 8G and 8I though 8L. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote.

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

8H. CONTRACT FOR CULTURAL ARTS CENTER CHILLER REPLACEMENT

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Award a contract with Precision Refrigeration and Air Conditioning, Inc. for \$148,500 with a 5% contingency of \$7,425 for the Cultural Arts Center Chiller Replacement (FEAP #664);
- 2) Approve a 10% project management fee of \$ 14,850; and
- 3) Appropriate \$12,287 from the Building Maintenance Capital Project Fund.

Councilmember Brewer related his understanding that this project was eligible for rebate programs, and Facility Services Manager Landis confirmed that staff will be applying for a rebate through Edison’s “Saving by Design” program.

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

12. ADMINISTRATIVE MATTERS

12A. ASSIGNMENTS/APPOINTMENTS TO CITY COUNCIL COMMITTEES AND BOARDS

Recommendation

Recommendation of the City Manager that City Council make appointments to the following Council Committees and Boards:

- 1) Standing Committees;
- 2) Outside Regional Boards and Agencies;
- 3) Ad Hoc Committees; and
- 4) City Council Liaisons.

1) Standing Committees

Councilmembers chose the following committees by seniority:

Committee	Chair	Member	Member
Citizen Development and Enrichment	Brewer	Furey	Barnett
Community Planning and Design	Furey	Sutherland	Barnett

Employee Relations	Rhilinger	Furey	Numark
Finance and Governmental Operations	Sutherland	Numark	Rhilinger
Public Safety	Barnett	Sutherland	Brewer
Transportation	Numark	Brewer	Rhilinger

2) Outside Regional Boards and Agencies;

Mayor Scotto made the following appointments:

Board	Voting Delegate	Alternate
South Bay Cities Council of Governments (SBCOG)	Rhilinger	Brewer

Board	Voting Delegate	Alternate
South Bay Economic Development Partnership (SBEDP)	Numark	Barnett

Board	Voting Delegate	Alternate
Independent Cities Association	Brewer	Rhilinger

Board	Voting Delegate	Alternate
Municipal Area Express (MAX)	Brewer	Sutherland

Board	Voting Delegate	Alternate
LA County Sanitation District	Mayor Scotto	Numark

3) Special Standing Committees:

Armed Forces Day Committee	Chair	Member	Member
	Sutherland	Brewer	Barnett

Naming of Facilities Ad Hoc Committee	Chair	Member	Member
	Barnett	Sutherland	Furey

4) City Council Liaisons

Organization	Liaison	Alternate
Sister City Association	Barnett	Furey

The following appointments were made by vote of the Council:

MOTION: Councilmember Brewer moved to appoint **Councilmember Furey** as representative to the **Los Angeles County Vector Control District** for the balance of former Councilmember Witkowsky's term through December 31, 2008. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

MOTION: Councilmember Brewer moved to appoint **Councilmember Furey** as representative to the **Los Angeles County West Vector Control District** for the term commencing in January 2009. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

MOTION: Councilmember Sutherland moved to appoint **Mayor Scotto** as **voting delegate** and **Councilmember Brewer** as **alternate** to the **Southern California Association of Governments (SCAG)**. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

MOTION: Councilmember Brewer moved to appoint **Councilmember Sutherland** as **voting delegate** and **Councilmember Numark** as **alternate** to the **League of California Cities - LA Division**. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

12B. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Recommendation

Recommendation of the City Manager that City Council approve the recommended designation of voting delegate Councilman Tom Brewer to represent the City of Torrance at the League of California Cities Annual Conference from September 24 - 27, 2008 in Long Beach, California.

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

12C. DESIGNATION OF COOLING CENTERS

Recommendation

Recommendation of the City Manager that the City Council consider designating certain locations as "Cooling Centers" for providing relief to the public in the event of a heat emergency advisory.

Management Associate Jones reported that the Katy Geissert Civic Center Library and the Bartlett Center at 1318 Cravens Avenue have been designated as cooling centers.

Councilmember Sutherland noted that the YMCA on Sepulveda Boulevard will also serve as a cooling center for seniors.

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

12D. ACCEPTANCE OF PROPERTY DONATION FROM CHEVRON USA

Recommendation

Recommendation of the City Manager that the City Council authorize the Mayor to Execute and the City Clerk Attest to:

- 1) A grant deed with use restrictions from Chevron U.S.A., Inc. to the City of Torrance for property located at the corner of Madrona and Sepulveda for inclusion into the Madrona Marsh preserve (APN 7359-002-031); and
- 2) An indemnity agreement by and between Chevron U.S.A., Inc., and the City of Torrance for the property located at the corner of Madrona and Sepulveda Boulevard.

Assistant to the City Manager Sunshine reported that Chevron has agreed to donate a 24,000 square-foot parcel at the corner of Madrona and Sepulveda for inclusion into the Madrona Marsh preserve, noting that the property is valued at \$720,000. He advised that the site was formerly a gas station and borings revealed no contamination; that Chevron has agreed to indemnify the City should contamination be found in the future; and that easements will be granted to Chevron for pipelines that bisect the site.

Rod Spackman, representing Chevron Corporation, stated that the company was pleased to be able make this donation and thanked staff for their assistance.

Bill Arrowsmith, Friends of Madrona Marsh, expressed appreciation to Chevron for this generous donation.

Assistant to the City Manager Sunshine invited everyone to attend a ceremonial transfer of the property on Saturday, July 19, 2008 at the Madrona Marsh.

MOTION: Councilmember Brewer moved to accept the donation of property from Chevron. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

12E. CONCEPTUAL DESIGN FOR DONATED PROPERTY AT MADRONA MARSH

Recommendation

Recommendation of the Public Works Director and Community Services Director that City Council approve the conceptual use and design of the former Chevron property as part of the Madrona Marsh Restoration and Enhancement Project.

Nature Center Manager Drake reviewed the proposal to create a passive water treatment system on the property donated by Chevron to treat storm water and urban runoff coming into the Marsh from Madrona Avenue, referring to renderings to illustrate.

Following a brief discussion, it was the consensus of the Council to defer action on this item so Chevron could confirm that underground pipelines will not be impacted by the treatment system and to allow the Citizen Development and Enrichment Committee to review the possible addition of signage (monument sign directing to Cultural Arts Center and for advertising community events) on a portion of the land.

12F. AGREEMENTS RE TORRANCE BLVD. STORM DRAIN IMPROVEMENTS

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for the Torrance Boulevard Storm Drain Improvements, I-96 (B2008-27);
- 2) Award a six month public works agreement to Sully Miller in the amount of \$620,000 and authorize a 5% contingency in the amount of \$31,000 for the Torrance Boulevard Storm Drain Improvements, I-96; and
- 3) Award a six month contract services agreement in the amount of \$40,232 to Bureau Veritas North America, Inc. to perform construction inspection services for this project.

Beth Overstreet, Public Works Department, provided an overview of the Torrance Boulevard Storm Drain Improvement Project, noting that the project will commence in August and is expected to be completed by October.

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

The Council recessed from 8:23 p.m. to 8:46 p.m.

13. HEARINGS

13A. PRE07-00028: 3820 NEWTON STREET – JOHN & MERTZ MAHER

Recommendation

Recommendation of the Community Development Director that City Council consider an appeal of the Planning Commission's denial without prejudice of a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 3820 Newton Street.

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 voted unanimously to deny the project without prejudice.

Mertz Maher, 3820 Newton Street, applicant, disputed claims that the project would have an adverse impact on the view, light, air and privacy of neighbors, noting that there are large setbacks on either side of the addition and neighbors across the street are not in the Hillside Overlay. She explained that the project was specifically designed to meet the needs of her family, which includes two children with disabilities, and it would provide a centrally located recreation room on the first floor and a room off the master bedroom on the second floor for a private retreat. She related her belief that some of her neighbors' opposition is based on past disagreements that have nothing to do with the project. She objected to Michael Forbes representing himself as the owner of the property at 3815 Newton when his name is no longer on the deed.

Don Ponder, 3815 Newton Street, voiced objections to the project, stating that it would appear massive from his home and intrude on his view. He suggested that the space the Mahers wish to add could be added to the rear of the home.

In response to Mayor Scotto, Mr. Ponder conceded that the project would not impact the view of the hillside from his second-floor balcony, which would look over the top of the new addition.

Kitty Adamovic, 3811 Newton Street, voiced her opinion that the proposed addition was too massive and out of character with the neighborhood. She maintained that the addition would block the view from 3818 Newton Street, causing it to lose value and decrease her property value as well. She called for the addition to be limited to a single story.

Andrea MacMillan stated that she stands to inherit 3815 Newton Street therefore she has a vested interest in this project. She contended that the proposed addition would appear very large and imposing when viewed from her parents' property, which is lower in elevation than the subject property, and that it would decrease property values in the neighborhood. She noted that this home is already one of the largest on the block and related her understanding that an existing addition at the rear could be converted into a recreation room.

Anne Jensen-Dayon, 3823 Newton Street, voiced her opinion that the proposed addition would greatly detract from the character of the neighborhood and urged that it be limited to a single-story. She expressed concerns about the lack of outreach to neighbors.

Michael Forbes, 3818 Newton Street, contended that the proposed project would intrude on his privacy; decrease the value of his property; and completely obstruct the view from west-facing windows in his kitchen and dining room, from which he can see Malibu and the Getty Museum. He stated that he did not object to the size of the project, but maintained that there were other ways of adding the space the Mahers want without impacting neighbors. He clarified that he still owns the property but the deed has been transferred into the name of his wife Marisol Rose.

Responding to questions from the Council, Mr. Forbes indicated that he would not object to an addition that pushes out the entire front of the house or a second-story addition over the one-story portion of the home. He reported that he purchased the property approximately three years ago with the intention of renovating it and selling it, but took it off the market when real estate took a downturn.

Mayor Scotto suggested that Mr. Forbes' view would be more impacted by an addition that pushed out the entire front of the home rather than the proposed addition, which is in the middle of the property 32 feet away.

Marisol Rose, 3818 Newton Street, stated that the proposed project does not comply with the Hillside Ordinance because it would impact her view, light, air and privacy and decrease the value of her property. She explained that she and her husband are separated and she intends to live in the home, which she has worked very hard to renovate.

Kay White, 645 Via los Miradores, noted that improving a property does not necessarily increase the value of surrounding properties; contended that a project should not be built if it adversely impacts neighbors; and suggested that an occupant's disability should have no bearing on whether or not a project is approved.

Larry Adamovic, 3811 Newton Street, voiced his opinion that the project was too large and imposing and would cause other properties in the neighborhood to lose value, particularly 3818 Newton Street.

Trudy Ponder, 3815 Newton Street, stated that the addition as proposed would be too massive and oppressive, but she would not object to the garage without the second story. She related her understanding that there is additional space available on the property where Ms. Maher's mother lived before she recently passed away.

Beata Ponder echoed concerns about the project's impact on her parent's home at 3815 Newton Street. She clarified that the impacted view is from the living room on the first level, not the second-floor balcony, which is off bedrooms and seldom used.

Returning to the podium, Ms. Maher reported that the view the Ponders are concerned about is of the tree line four blocks away, which is already interrupted by homes, and pointed out that the Ponders' residence is not within the Hillside Overlay so their view is not afforded the same protection. She disputed claims that the addition was out of character with the neighborhood, noting that there are homes of similar height and with the same front setback. She explained that it was not feasible to expand to the rear of the property due to retaining walls and the area where her mother lived is very small and cannot be added to the master bedroom, which is where she needs additional space.

Referring to photographs submitted by Mr. Forbes, Ms. Maher pointed out that the view in question is already obscured by trees beyond the proposed addition. She noted that the improvements Mr. Forbes and Ms. Rose made to their home were without benefit of a permit and she reported this to the City.

Councilmember Brewer asked about changing the roofline of the addition to make it less imposing. Ms. Maher explained that the roofline was designed to accommodate dormer windows that are necessary for ventilation.

Councilmember Rhilinger suggested the possibility of adding a second story over the family room, and Ms. Maher advised that this area is not large enough to provide the desired space.

Councilmember Numark asked about expanding the first story into the front yard. Ms. Maher explained that she was seeking to improve the utility of the home, not just expand it, and expanding on the first level would not provide the retreat off the master bedroom, which is a main goal of the remodel.

Councilmember Furey expressed concerns about the lack of outreach to neighbors.

Ms. Maher explained that there is a lot of hostility in the neighborhood, which makes it impossible to discuss the project, and described incidents where she had to call the police due to the actions of Mr. Forbes and Mrs. Ponders.

City Attorney Fellows reminded the audience that the testimony should focus on land use issues and not personal conflicts.

Mayor Scotto asked about the possibility of lowering the addition two feet into the grade. Community Development Director Gibson responded that he would need additional information to make a determination, but doubted that it was possible because the addition would not align with the existing second floor.

Councilmember Rhilinger noted that she was not able to visit the home at 3818 Newton Street and asked about staff's assessment of the view impact.

Planning Manager Lodan advised that staff did not believe the impacted view warranted denial of the project due to the totality of the view from this residence and because the affected view was of trees and sky, the same view that is typical from any R-1 residence, and the Hillside Ordinance was enacted to protect views unique to the hillside area, such as views of the ocean, city lights or the coastline.

In response to Councilmember Rhilinger's inquiry, Planning Manager Lodan confirmed that photographs submitted by Mr. Forbes accurately represent the view of the silhouette from windows in the kitchen and dining room at 3818 Newton.

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

Councilmember Furey indicated that he would not support the project. He reported that he observed a definite view loss at 3818 Newton Street, which is on the side of the street covered by the Hillside Overlay. He pointed out that while the project complies with front setback requirements by maintaining an average of more than 20 feet, the addition itself is only 15 feet from the front property line and the silhouette appears to be very close to the street and imposing. He stated that he was also concerned about the lack of outreach to neighbors, noting that Ms. Maher declined the Planning Commission's offer to continue the hearing to allow her an opportunity to meet with neighbors to try to reach a compromise.

Councilmember Sutherland, referring to neighbors' claims that the project was too massive, noted that it complies with all requirements and is well under height and FAR (floor area ratio) limits. He explained that the maximum size of a project is dictated by the size of the lot, not by the size of neighbors' homes, some of which in this case are on much smaller lots. He indicated that he was more inclined to support a long-time resident, who is trying to remodel her home to suit the needs of her family, as opposed to someone who may suffer some a potential view loss from a home he bought specifically to "flip."

Councilmember Barnett noted his concurrence with Councilmember Furey's remarks, stating that he also thought the silhouette was imposing and observed a definite view loss at 3818 Newton Street. He related his belief that it didn't matter whether the owners of 3818 Newton sell the property or stay there because the Hillside Ordinance was designed to protect views regardless of who lives there. He stressed the need to dialogue with neighbors as he felt there were other options that could be explored.

Councilmember Brewer voiced support for the project. With regard to view impact, he stated that he believed the primary view at 3818 Newton Street was from the front-facing window in the dining room, not the side-facing window. He pointed out that the 15-foot front setback complies with Code requirements, which require an average of 20 feet, and that the FAR of 0.43 is well under the maximum allowed. He suggested that it was not the Council's role to redesign the project as it must suit the needs of the people who live there and must pay for the project.

Councilmember Numark stated that while he has great empathy for the Mahers and their desire to improve their property, he could not support the project. He noted

that the Hillside Ordinance requires that a project have no adverse impact on other properties in the vicinity and that it be designed to cause the least intrusion. He stated that he believed the proposed project would have a significant adverse impact on 3818 Newton Street because it would eliminate the view from the west-facing dining room window. He indicated that he also gave weight to the Planning Commission's unanimous decision to deny the project.

Councilmember Rhilinger stated that she shared concerns about the lack of outreach to neighbors and the imposing look of the project, however, the deciding factor for her was the view impact at 3818 Newton Street because she believed this property would suffer a considerable negative impact. She noted that there are large picture windows on both the west and the north walls in the dining room, which are obviously intended to take advantage of the view, and the proposed project would completely block the view from the western window.

Mayor Scotto commented that this was a difficult case because the applicant was not requesting any Waivers or Variances and the decision hinges on the view from a side-facing window at 3818 Newton Street and whether or not this view is significant. He noted that the Mahers could plant a row of trees along the property line and eliminate this view entirely.

MOTION: Councilmember Brewer moved to uphold the appeal and approve the project. The motion was seconded by Councilmember Sutherland and **failed to pass** as reflected in the following roll call vote:

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

MOTION: Councilmember Furey moved to deny the appeal and concur with Planning Commission's denial of the project without prejudice. The motion was seconded by Councilmember Rhilinger and **passed** as reflected in the following roll call vote:

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

RESOLUTION NO. 2008-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT
AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE
TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND-STORY
ADDITIONS TO AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE
LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT
3820 NEWTON STREET

PRE07-00028: JOHN & MERTZ MAHER

MOTION: Councilmember Barnett moved for the adoption of Resolution No. 2008-98. The motion was seconded by Councilmember Furey and passed as reflected in the following roll call vote:

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

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The Council met as the Redevelopment Agency from 10:35 p.m. to 10:37 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Furey announced the first of a series of City of Torrance Hot Fun Sunday free concerts to be held on Sunday, July 20, from 4:00 p.m. to 6:00 p.m. at Columbia Park, 4045 190th Street, featuring the classic rock band GOOD COP BAD COP, noting that Northwest Torrance Homeowners Association will be providing free lemonade and popcorn.

17B. Councilmember Numark congratulated Leadership Torrance 2008 graduates on completing the Torrance Chamber of Commerce program.

17C. Councilmember Numark reported that he had been on a Metropolitan Water District trip to northern California the past weekend, which demonstrated the fragility of the water system, and emphasized the need for continued investment in water infrastructure.

17D. Councilmember Numark invited the public to attend the Aerospace Players production of *My Fair Lady* at the Armstrong Theatre over the weekend.

17E. Councilmember Rhilinger announced the first free Movie in the Park event at Greenwood Park on Saturday, July 19, at dusk (8:00 p.m.) and encouraged the public to attend.

17F. Councilmember Sutherland commented on the lateness of the hour to the new members of the Council.

17G. Councilmember Barnett agreed with Councilmember Numark's comments about the MWD water trip, noting that it was very educational.

17H. Councilmember Barnett commended the Parks and Recreation Commission for recognizing the recipients of Parks and Recreation awards at a recent event.

17I. Councilmember Barnett announced a lecture and class on Origami at the Katy Geissert Civic Center Library on July 30 at 7:00 p.m. by Peggy Hasagawa.

17J. Councilmember Brewer reported on his attendance at the Independent Cities Association meeting over the weekend, noting that there was discussion of green initiatives and grant monies available to cities for various projects.

17K. Mayor Scotto asked City Manager Jackson to have staff bring back a report to the City Council on the material provided to the Council earlier in the evening regarding proposed 110 Freeway toll lanes (Orals #1 Item 7A) .

18. **EXECUTIVE SESSION** - None.

19. **ADJOURNMENT**

At 10:47 p.m., the meeting was adjourned to Tuesday, July 22, 2008, at 5:00 p.m. for a personnel hearing, with regular business commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Frank Scotto
Mayor of the City of Torrance

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

Approved on September 23, 2008