

October 5, 2004

**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, October 5, 2004 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Lieu, Mauno\*, McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker.  
\*arrived at 6:04 p.m.

Absent: None.

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

\*

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 Legal Counsel – Threatened Litigation, and Redevelopment Agency – Conference with Real Property Negotiator pursuant to California Government Code Sections 54956.9 (b)(2)(A) and 54956.8.

The Council reconvened in Council Chambers at 7:02 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 Mauno.

Councilmember McIntyre gave the non-sectarian invocation for the meeting.

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

**MOTION:** Councilmember Scotto 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 McIntyre, and passed by unanimous roll call vote.

**MOTION:** Councilmember Scotto 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 McIntyre and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Fire Chief Bongard reminded everyone that ExxonMobil would be conducting the monthly testing of the siren and community alert system on Wednesday, October 6, at approximately 11:30 a.m.

Councilmember Nowatka announced a meeting of the Ad Hoc Legislative Committee to be held on Tuesday, October 12, at 4:30 p.m. in the Third Floor Assembly Room to discuss November 2 ballot measures.

Councilmember Scotto announced a meeting of the Finance and Governmental Operations Committee to be held on Tuesday, October 26, at 5:30 p.m. in Council Chambers.

Mayor Walker announced that he would be holding the third Mayor's office open house on Wednesday, October 6, and invited anyone who wishes to speak with him to visit his office between 8:00 a.m. and 5:30 p.m., noting that no appointment is necessary.

## **6. COMMUNITY MATTERS**

### **6A. RESOLUTION NO. 2004-125 RE LESLIE KINNEY**

#### **RESOLUTION NO. 2004-125**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING LESLIE KINNEY UPON HER DEPARTURE FROM THE CITY AFTER 24 YEARS OF SERVICE

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2004-125. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

*To be presented at a later date.*

### **6B. PROCLAMATION RE "GERMAN AMERICAN DAY"**

Mayor Walker presented a proclamation to Frigga Breitenstein, President of German-American League, declaring Wednesday, October 6, 2004 as ***German-American Day*** in the City of Torrance and encouraging all residents to participate in the various activities being planned by the German-American League and others to commemorate the contributions German Americans have made to this community and to the nation as a whole.

### **6C. PROCLAMATION RE "FAMILY HISTORY MONTH"**

Mayor Walker presented a proclamation to South Bay Cities Genealogical Society President Janice R. Wheeler and members Betty Fenton, Greg Anderson and Oren Sheldon, declaring the month of October 2004 as ***Family History Month*** in the City of Torrance and encouraging family history research, education, and the sharing of knowledge to renew the commitment to the concept of family and home. Ms. Wheeler noted that the Genealogical Society held a workshop at the Katy Geissert Civic Center Library the previous Saturday and will continue to serve the community by supplying resources to help residents research their ancestry.

## **7. CONSENT CALENDAR**

### **7A. INVESTMENT REPORT FOR AUGUST 2004**

#### **Recommendation**

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of August 2004.

**7B. VENDOR CONTRACT WITH PEERLESS AUTO PARTS**

**Recommendation**

Recommendation of the **General Services** Director that City Council authorize a vendor contract with Peerless Auto Parts of Torrance, CA in an amount not to exceed \$50,000. The vendor will provide the City with automotive parts and supplies on an as-needed basis for a term of one year, beginning October 6, 2004 and ending October 5, 2005.

**7C. CONTRACT RE TORO BRAND LAWNMOWER REPLACEMENT PARTS**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize a vendor contract with Turf Star Inc. of Brea, CA in an amount not to exceed \$40,000 for the sole source purchase of Toro brand lawnmower replacement parts. The term of the contract will be for one (1) year, effective October 6, 2004 through October 5, 2005.

**7D. RELEASE OF SUBDIVISION BONDS FOR TRACT NO. 53286**

**Recommendation**

Recommendation of the **Community Development Director** that City Council approve the release of three subdivision bonds for Tract Map 53286, located at 4425 - 4551 Calle Mayor, and developed by Calle Mayor, LLC.

**7E. EXTENSION OF RENEWAL PERIOD FOR CHILDREN'S DISCOVERY CENTER LEASE**

**Recommendation**

Recommendation of the **Land Management Team** for the City Council to authorize the extension of the renewal period for the lease by and between the City of Torrance and Children's Discovery Centers (CDC) (C2000-101) for City-owned property located at 1520 Greenwood Avenue."

**7F. APPROPRIATION OF FUNDS FROM POLICE DEPARTMENT'S EL CAMINO TRAINING FUND**

**Recommendation**

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

- 1) Establish a project account for the reimbursement of self-sponsored police academy recruits hired by the Department;
- 2) Appropriate and allocate \$10,000 from the Police Department's El Camino Training Fund to the project account; and
- 3) Replenish the account each fiscal year, not to exceed \$10,000.

**MOTION:** Councilmember McIntyre moved for the adoption of Consent Calendar Items 7A through 7F. The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote.

**10. PUBLIC SAFETY**

**10A. CONSULTANT CONTRACT RE COMPUTER AIDED DISPATCH, RECORDS MANAGEMENT SYSTEM AND MOBILE COMPUTER DATA SOFTWARE**

**Recommendation**

Recommendation of the **Information Technology Director** and the **Chief of Police** that City Council approve a contract with Gartner Consulting, in the amount of \$124,600, to search for Computer Aided Dispatch, Records Management System, and Mobile Data Computer software modules for the Police Department.

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

**11. ADMINISTRATIVE MATTERS**

**11A. STATE OF LOCAL EMERGENCY RE CAROLWOOD LANE AND 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. SUPPLEMENTAL MOU'S FOR TPSA, TFEA AND ENGINEERS ADDING RETIREMENT HEALTH SAVINGS PLAN**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt supplemental Memoranda of Understanding for the Torrance Professional and Supervisory Association (TPSA), Torrance Fiscal Employees Association (TFEA), and Engineers.

**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. 2004-126**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2004-34 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2004-126. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

**RESOLUTION NO. 2004-127**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2004-35 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE ENGINEERS

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2004-127. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**RESOLUTION NO. 2004-128**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2004-36 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE FISCAL EMPLOYEES ASSOCIATION (TFEA)

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2004-128. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote

**12. HEARINGS**

**12A. 2004 BUREAU OF JUSTICE ASSISTANCE LOCAL BLOCK GRANT**

**Recommendation**

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

- 1) Authorize the acceptance of the 2004 Bureau of Justice Assistance (BJA) Local Law Enforcement Block Grant in the amount of \$30,877;
- 2) Approve the appropriation and allocation of \$3,431 of Asset Forfeiture Funds for the required cash match;
- 3) Establish a trust fund for the depositing of the grant monies;
- 4) Convene a public hearing for comment concerning the recommended uses of the grant; and
- 5) At the close of the hearing, appropriate and allocate the grant monies to the recommended program.

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.

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

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

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

**12B. CONSIDERATION OF EXTENSION OF TEMPORARY MORATORIUM ON THREE OR MORE UNITS**

**Recommendation**

Recommendation of the **Community Development Director** that City Council consider:

- 1) Adoption of an interim zoning Ordinance extending an interim zoning ordinance establishing a temporary moratorium on the approval or issuance of permits for the construction of three or more units, and approval of an ordinance summary for publication.

**OR,**

- 2) Approval of an optional approach including:
  - 1) Approval of an alternate Resolution establishing a temporary moratorium on the approval of any application for a zone change or general plan amendment for any parcel of land that currently has a general plan designation or zoning district of residential, commercial, or industrial; and

- 2) Directing staff to bring forward additional solutions that would help alleviate the concerns that led to the adoption of the original interim zoning ordinance.

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, City Attorney Fellows discussed the specialized findings necessary to extend the 45-day moratorium on residential developments of three or more units, which was established on August 24, 2004 pursuant to California Government Code §65858, for an additional 10 months and 15 days. He noted that the City Council accepted and filed the mandatory 35-day report at the September 28, 2004 Council meeting for use at tonight's public hearing.

City Attorney Fellows explained that according to the "Topanga standard," which was derived from a California lawsuit, there must be substantial evidence in the record to support each finding; each finding must be expressly made; and all relevant supporting facts for each finding must be stated. He advised that the California Supreme Court ruled that findings must "bridge the analytic gap between the raw evidence and the ultimate decision."

City Attorney Fellows outlined the types of evidence that may be considered, including staff reports, written and oral testimony, exhibits, photographs and statistics. He reviewed Finding 1: *There is a current and immediate threat to the public health, safety, or welfare from the approval of additional residential developments of three units or more*, and offered an example of appropriate evidence to support such a finding. He noted that three additional Findings are detailed in the staff report, the most significant of which is Finding 2: *The continued approval of multifamily housing projects would have a specific adverse impact upon the public health or safety*. He explained that "specific adverse impact" in this context means significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the moratorium is adopted.

City Attorney Fellows advised that should the Council decide to extend the moratorium and there is a legal challenge, the courts are somewhat deferential in determining whether evidence is sufficient, which means that if there is any substantial evidence, contradicted or un-contradicted, to support a finding, and two or more inferences can reasonably be deduced from the facts, the court cannot substitute its deductions for those of the City. He noted that there are no reported appellate cases dealing with the extension of a moratorium.

City Attorney Fellows noted that staff has proposed a second option, the adoption of an alternate resolution establishing a temporary moratorium on the approval of any zone changes or general plan amendments. He explained that the resolution would be effective immediately; that it needs only 4 votes for approval as opposed to the 6 votes needed to approve the ordinance extending the current moratorium; and that it does not require the specific findings necessary for a moratorium on multifamily housing contained in Government Code §65858.

Community Development Director Gibson provided background information about the Council's decision to establish a temporary moratorium and offered an overview of the report prepared by staff and the type of data used, noting that an effort was made to use internally consistent data from credible sources ensuring "apples to apples" comparisons.

Referring to the staff report, Planning Manager Bihn noted that Attachments D through L contain information requested by the Council at the last meeting.

With the aid of slides, Planning Manager Bihn reviewed the following charts: 1) Three charts showing the percentage of change in population, housing units, and population density for South Bay cities from 1990 to 2000; 2) Three charts showing residential building permit data, industrial valuation, and commercial valuation for the years 1993 to the present for the entire South Bay area, South Bay cities excluding Torrance, and the City of Torrance; 3) A graph comparing population growth versus housing growth in Torrance by decade from 1930 to 2000; 4) A chart showing the increase in housing units/estimated increase in population for residential units constructed since 2000, for units approved but not yet constructed, and for units still in the entitlement process, versus General Plan projections for 2010; 5) A chart detailing the number and size of vacant parcels in Torrance with residential development potential and the maximum number of units they can accommodate; 6) A citywide average daily traffic comparison for the years 1990, 1994, and 1999 and projected for 2010; 7) A chart listing traffic generation rates for various residential, retail, commercial and industrial uses; 8) A chart comparing the projected supply and demand for water from 2000 to 2020; 9) A residential growth analysis from 1990 to the present; 10) A General Plan update timeline; and 11) A map showing the vacant land inventory.

Responding to questions from the Council, City staff provided clarification regarding the various charts.

Referring to the Citywide Average Daily Traffic comparison chart, Community Development Director Gibson confirmed that traffic counts indicate that there was a reduction in traffic from 1990 to 1994, explaining that this is not uncommon during times of economic downturn. Conceding that traffic has likely increased since the last citywide traffic study in 1999, he explained that staff was in the process of reviewing RFPs (Request for Proposal) for a citywide traffic study, with the award of contract scheduled to take place in late October or early November, and that the study is expected to take approximately 12 months.

City Attorney Fellows outlined the 4 findings necessary to extend the moratorium and reported that staff believes there is enough evidence to support Finding 1, but not Findings 2, 3 and 4. He noted, however, that additional information might be submitted at this hearing that would lead the Council to conclude otherwise.

In response to Mayor Walker's inquiry, Community Development Director Gibson advised that the proposed Resolution does not meet exactly the same goals as the moratorium because it does not preclude multi-family developments of three units or more, but it does address concerns expressed by the Council and the general public about the number of general plan amendments and zone changes that have been brought forward and allows time for the General Plan update process to be completed. He noted that staff has offered additional solutions for the Council to consider that would help alleviate other concerns that led to the establishment of the original moratorium.

Referring to the Vacant Land Inventory Map, Councilmember Witkowsky pointed out that with the exception of two or three large parcels, which are not zoned for residential use, it appears that land available for residential development is limited to small parcels scattered throughout the City.

City Manager Jackson clarified that while it is true that there is very little vacant land zoned for residential use, there is the possibility that parcels with existing structures could be redeveloped.

Councilmember Witkowsky related her understanding that should an older apartment building be torn down to make way for a more modern structure, today's stricter standards would dictate a lower density. City Manager Jackson noted that the Hawthorne Boulevard Corridor would be one exception where density could be increased.

Councilmember Scotto stated that he was more concerned about the rezoning of industrial land for residential use, noting the low traffic generation rate for industrial uses, and suggested that it would have been helpful if the Council had been provided with a second map showing industrial land that has a potential for being rezoned for residential development.

Indicating that he favored extending the current moratorium, Councilmember Lieu stated that the following issues brought up at the time the moratorium was established still need to be accomplished: 1) the completion of a citywide traffic study; 2) the clarification of floor area ratio (FAR) standards; and 3) the expansion of the notification area from 300 to 500 feet with the notification list expanded to include all homeowner associations. He voiced his opinion that the fact that these three items have not been accomplished is evidence in support of Finding 1.

Councilmember Lieu urged people to consider that vacant land will not remain vacant and when making decisions on land use, it is not a choice of housing or nothing but rather a choice between housing or something else, such as commercial or industrial developments. With regard to concerns about traffic, he noted that office buildings generate 2 times and commercial/retail centers generate over 4 times as much traffic as residential developments and that while heavy industrial generates significantly less traffic than residential uses, it brings with it concerns about safety and pollution. He pointed out that the City spends an enormous amount of time monitoring existing heavy industrial operations in Torrance.

Patrick Furey, President of Northwest Torrance Homeowners Association, indicated that he was speaking on behalf of a coalition of 11 homeowners associations, including Northwest Torrance, Riviera, West Torrance, Madrona, Southwood, Seaside, Hillside, Southwood/Sunray, Walteria, and Save Historical Old Torrance. He reported that the coalition was formed several months ago because of grave concerns about the proliferation of housing developments in Torrance and their impact on traffic, schools, emergency services, and the infrastructure. He explained that the coalition is not opposed to development but became concerned after they observed properties being rezoned and waivers/variances granted to accommodate high-density housing projects.

Mr. Furey stated that the coalition supports Option B, the approval of a Resolution establishing a temporary moratorium on the approval of zone changes and general plan amendments and directing staff to go forward with the three items listed in the staff report: 1) Revising the TMC so that the maximum floor area ratio (FAR) of 0.6 may not be exceeded in multiple-family zones and lowering the maximum FAR in the HBCSP Del Amo Business Sub-Districts DA-1 and DA-2 from 1.0 to 0.6; 2) Expanding the notification area to 500 feet and notifying all homeowners groups of public hearings regarding development applications; and 3) Bringing forward the Development Impact Fee Study for consideration. He explained that the coalition believes this is the more prudent approach because lawsuits could result should the current moratorium be extended due to the extremely high burden of proof required to do so.

Mr. Furey maintained that Option B is the exact approach recommended by representatives of the coalition many months ago; expressed dismay that it has taken all summer to reach this point; and reported that coalition members were looking forward to revisiting the General Plan and playing an integral role in its revision.

Merrietta Fong, a member of the Torrance Chamber of Commerce, urged the Council to consider the economic impact establishing a moratorium would have on local businesses, citing the direct impact on architects, plumbers, electricians, painters, and landscapers, as well as the indirect impact on businesses such as insurance agencies.

Liz Fobes, Andreo Avenue resident, expressed support for extending the current moratorium, stating that she believed there was substantial evidence to support the extension and felt staff was being overly cautious. She stated that she was pleased that the Council was now listening to homeowners on land use issues because she had gotten the impression that residents' opinions were being disregarded. She cited recently approved projects as examples, including condominium projects in downtown Torrance on Border and Gramercy, which were approved despite widespread opposition from neighbors; a condominium project at Washington Street and Plaza del Amo for which the requirement that underground utilities be installed was waived; and a condominium project at Palos Verdes Boulevard and Pacific Coast Highway with an FAR in excess of Hillside Overlay standards. She suggested that a moratorium would provide time for data to be collected to ensure that the right choices are made for the few remaining vacant parcels in the City.

Responding to Ms. Fobes' comments, Mayor Walker noted that the project at Palos Verdes Boulevard and Pacific Coast Highway underwent significant revisions before being approved with an FAR of .59, which is within the permitted FAR of .60 in the Hillside Overlay District, and pointed out that the 14-unit condominium project replaced a 40-unit motel. With regard to the condominium project at Washington Street and Plaza del Amo, he recalled that the Council denied the request to waive the requirement that utilities be undergrounded despite the considerable expense involved. He reported that the Border project was approved only after it was downsized and redesigned to be more in character with the neighborhood and the two-unit condominium project on Gramercy came down to a matter of a property owner's right to utilize the property, which was zoned for R-2 development. He stated that he has already indicated to the press that he would support a continuation of the moratorium if there is a legal basis for doing so, however, the proposed resolution would do basically the same thing and arrive at the same outcome.

Judy Weber, Border Avenue resident, stated that if the rules laid out in the City's General Plan were always followed, people would not have to petition the City Council to have their projects approved. She expressed concerns that the staff recommendation does not address the preservation of historical homes within the boundaries of the original City of Torrance. She questioned whether the moratorium on zone changes and general plan amendments would mean that no waivers or variances would be granted. She urged the Council to approve Option A, extending the current moratorium on three or more units.

Mayor Walker reported that the Community Planning and Design Committee, chaired by Councilmember Witkowsky, has held two meetings to discuss historical preservation and another meeting is scheduled before a recommendation on this issue will be brought forward.

Councilmember Lieu stated that he believed the fact that there is nothing to prevent historical houses or other historical structures from being razed for the building of housing projects is evidence in support of extending the moratorium, Findings 1, 2, 3 and 4, because once these assets are lost, they cannot be replaced. He stated that this loss would have a specific adverse impact on the public welfare; that the moratorium is necessary to avoid this impact; and that there is no feasible alternative because the moratorium on zone changes and general plan amendments, which would be established by the alternate resolution, would not prevent this from happening.

Ann Ferrelli, Newton Street resident, requested clarification regarding the number of projects that are already vested and therefore not subject to a moratorium enacted at this meeting.

Community Development Director Gibson offered to discuss the issue with Ms. Ferrelli, and Mayor Walker called for a brief recess.

The Council recessed from 8:56 p.m. to 9:15 p.m.

Diana Sutherland, El Prado resident, voiced support for extending the current moratorium. She expressed concerns about overcrowded schools, reporting that Torrance schools have already exceeded their capacity while the General Plan speaks of declining enrollment and the closure of schools. She also expressed concerns about the loss of open space due to the installation of portable classrooms on school property and questioned whether the requirement was being enforced that subdivisions of 50 units or more include a park. She stated that the Torrance Rotary Club has been trying to develop a pocket park on the former site of the Begonia Farm for over 3 years and suggested that the City should help facilitate this process. She noted that the Council's decision will have a huge impact on the City's future and maintained that the best reason for continuing the moratorium is because once something is built, you can never go back. She stated that she could find no time frame in the proposed resolution for the temporary moratorium and requested that one be added should the Council approve this option.

Cor Van Diepen, Cota Avenue resident and member of Save Historical Old Torrance, stated that he would like to see the moratorium extended and a plan developed to ensure that any new housing built in the old Torrance area will be consistent with the architectural style of existing homes. He noted that historical old Torrance encompasses the area from Dominguez to Plaza del Amo and Crenshaw to Western and encouraged the establishment of a historical overlay zone.

Sara Guyan, resident, indicated that she favored extending the current moratorium because the resolution proposed in Option B includes no time frame and nothing to prevent the Council from breaking the rules. Noting that she is a third generation resident, she expressed disappointment about what is happening in Torrance.

Robert Feldman, Cathann Street resident, stated that he did not believe the Council had enough information to make an intelligent decision on this issue, noting that there are no traffic measurements for the last four years, and urged the Council to wait to take action until this information is available.

Mayor Walker explained that the law requires that the Council make a decision on whether or not to extend the moratorium this week.

Kurt Reeder, 236<sup>th</sup> Place resident, stated that he totally supports extending the moratorium and voiced objections to the rezoning of commercial and industrial land for residential development. He contended that heavy industrial developments should be encouraged because they generate very little traffic, noting that people are not complaining about pollution from industry but rather about over-development, traffic congestion, and overcrowded schools. He suggested that if the General Plan were followed the City would not be in this situation and urged the Council to start listening to residents or risk being voted out of office in the next election.

Sharon Imel, Border Avenue resident, expressed concerns that the City is turning into a hodgepodge of development with no comprehensive plan for its overall design.

John Mirrassou, Susana Avenue resident, indicated that he was speaking as a Torrance resident and not on behalf of Anastasi Development. He voiced objections to the proposal to reduce the allowable Floor Area Ratio in Del Amo Business Sub-Districts One and Two from 1.0 to 0.6. He reported on successful mixed-use developments in San Diego, Pasadena, Fullerton and Brea, which have revitalized retail areas by incorporating housing in a pedestrian-friendly environment, and suggested that this type of development could help revitalize Del Amo Fashion Center, but will not be possible should the reduction in the FAR be approved.

Mary Ann Reis, Engracia Avenue resident, expressed concerns about the poor condition of paving on Arlington Street; commented on condominiums that were built in downtown Torrance next to a tire store and across the street from a mortuary; and asked that the Council deny the developer's request to tunnel under Carson Street to expand Del Amo Fashion Center.

A Cota Avenue resident, name inaudible (no speaker card), voiced support for extending the moratorium, stating that there is a lot of concern in her neighborhood about this issue and people are feeling like they are living in a tyranny rather than a democracy because of projects that were approved despite overwhelming opposition from neighbors. She expressed concerns that corruption might be involved, noting that the number of residential units approved over the last 2 years is equal to the number approved in the previous 10 years.

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

Councilmember Scotto proposed that a straw vote be taken to determine whether there is enough support to extend the current moratorium before discussing the necessary findings of fact.

**MOTION:** Councilmember Scotto moved to extend the current moratorium. The motion was seconded by Councilmember Lieu, and discussion continued.

Councilmember Mauno indicated that he favored Option B, and offered the following substitute motion:

**MOTION:** Councilmember Mauno moved to concur with Option B, establishing a temporary moratorium on zone changes and general plan amendments by adoption of the proposed resolution. The motion was seconded by Councilmember Witkowsky, and discussion continued.

Councilmember McIntyre voiced support for taking a straw vote on the moratorium so the Council would know in which direction to proceed. She stated that she believed the possibility of extending the current moratorium should be fully explored, but conceded that the required findings would be very difficult to support.

Councilmember Witkowsky stated that she was pleased to learn that the coalition of homeowners associations support Option B because this approach – which calls for strict adherence to the City’s General Plan while staff is compiling the information necessary to complete an update – is consistent with comments she has been hearing from residents and the League of Women Voters’ report. She asked about including a timeframe in the proposed resolution.

City Attorney Fellows advised that the resolution was left open-ended with the intent that it would remain in force until the General Plan update has been completed, which is projected to take almost two years.

Councilmember Witkowsky expressed her preference that a finite date is included in the resolution so that residents would not have to be concerned that the moratorium could end after a few months.

Mayor Walker indicated that he favored tying the resolution to the completion of a specific task – the General Plan update – rather than an arbitrary date. He stated that he saw no reason the update could not be completed within one year given the resources available.

Councilmember Nowatka stated that he was not ready to give up on Option A because he believed a number of findings had surfaced which provide justification for extending the current moratorium.

Councilmember Lieu wanted to clarify, since different figures have been mentioned, that the current City Council, in place since April 2002, has considered 17 housing projects out of which 16 were approved for a total of approximately 800 units. With regard to suggestions that this Council has departed from rules and regulations, he pointed out that this Council’s actions have been consistent with the actions of previous Councils according to the following statistics provided by staff: 1) Between 1998 and 2000, the Council considered 6 projects and approved all 6, each of them including either a zone change, waiver, variance, modification or general plan amendment, with a total of 3 zone changes; 2) Between 2000 and April 2002, the Council considered 15 projects and approved 14, 10 of which included a zone change, waiver, variance, modification or general plan amendment with a total of 8 zone changes; and 3) Between April 2002 to the present, the Council has considered 17 projects and approved 16, of which 13 included a zone change, waiver, variance, modification or general plan amendment.

Councilmember Lieu noted that the moratorium established by this Council was a departure from the actions of prior Councils; indicated that he favored extending the moratorium as it looks to the future; and voiced his opinion that there was sufficient evidence to support the necessary findings for continuing the moratorium.

Councilmember Scotto clarified that the figures provided by Councilmember Lieu regarding the number of projects/units approved since April 2002 do not include projects approved by the Planning Commission, which were not appealed to the City Council.

In response to Councilmember Scotto's inquiry, City Attorney Fellows provided clarification of procedural issues concerning the voting on the original and substitute motions and the reconsideration of a motion after it has failed.

Councilmember Mauno stated that he felt very strongly that extending the current moratorium and stopping development for another 10½ months was not the right approach because updating the General Plan was likely to take much longer. He suggested that this will be the most comprehensive, challenging, and thought-provoking review of the General Plan in the City's history and it was important to allow enough time to gather the necessary data and explore the issues in a rational, calm and intelligent manner. He stressed the importance of community involvement.

Mayor Walker asked about moratoriums in other cities in California, City Attorney Fellows advised that there are no reported cases where a moratorium, having been adopted and extended, was the subject of litigation. He noted, however, that there might have been lawsuits where decisions were not appealed.

Mayor Walker called for a vote on the substitute motion.

City Attorney Fellows noted a scrivener's error in the proposed resolution and suggested the addition of language stating that the moratorium shall remain in force until such time as the updated General Plan has been adopted or until a date certain.

The maker of the motion, Councilmember Mauno, expressed his preference that the resolution remain in effect until the updated General Plan has been adopted; Councilmember Witkowsky, the seconder of the motion, agreed.

**MOTION:** Councilmember Mauno moved to concur with Option B, approving an alternate Resolution establishing a temporary moratorium on the approval of any application for a zone change or general plan amendment until such time as the updated General Plan has been adopted by the City Council. The motion was seconded by Councilmember Witkowsky and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Mauno, Witkowsky and Mayor Walker.

NOES: Councilmembers Lieu, McIntyre, Nowatka and Scotto.

Mayor Walker called for a vote on the original motion (straw vote).

**MOTION:** Councilmember Scotto moved to extend the current moratorium on the approval or issuance of permits for the construction of three or more units. The motion was seconded by Councilmember Lieu and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Lieu, McIntyre, Nowatka, Scotto and Mayor Walker.

NOES: Councilmembers Mauno and Witkowsky.

**MOTION:** Councilmember Nowatka moved to reconsider the motion to concur with Option B. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**MOTION:** Councilmember Nowatka moved to concur with Option B, approving an alternate Resolution establishing a temporary moratorium on the approval of any application for a zone change or general plan amendment until such time as the updated General Plan has been adopted by the City Council. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

Councilmembers expressed their preference that staff move forward with the three items listed in the staff report and briefly discussed the issue of historical preservation.

Councilmember Nowatka, a member of the Community Planning and Design Committee, reported that the committee was in the process of dealing with the historical preservation issue, through the implementation of the Mills Act and other means, and that staff has been given extensive instructions regarding what information to bring back to the next committee meeting. It was the consensus of the Council that this issue was being addressed appropriately and there was no need for further direction to staff.

**MOTION:** Councilmember Scotto moved to direct staff to evaluate the merits and bring forward recommendations on: 1) Revising the TMC so that the maximum floor area ratio of .6 may not be exceeded in multiple-family zones and lowering the maximum FAR in the HBCSP Del Amo Business Sub-Districts DA-1 and DA-2 from 1.0 to 0.6; 2) Expanding the notification area to 500 feet and notifying all homeowners groups of public hearings regarding development applications; and 3) To bring forward the Development Impact Fee Study for consideration. The motion was seconded by Councilmember McIntyre and hearing no objection, Mayor Walker so ordered.

Community Development Director Gibson advised that the expansion of the notification area could be accomplished within the next few weeks, but the other two items will require more time as the process includes a review by the Planning Commission before a recommendation is forwarded to the City Council.

Councilmember Scotto apologized to residents for the time it has taken to get to this point and encouraged their continued involvement in local government.

#### **RESOLUTION NO. 2004-129**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A TEMPORARY MORATORIUM ON THE APPROVAL OF ANY APPLICATION FOR A ZONE CHANGE OR GENERAL PLAN AMENDMENT ON ANY PARCEL OF LAND THAT CURRENTLY HAS A GENERAL PLAN LAND USE DESIGNATION, OR ZONING DISTRICT OF RESIDENTIAL, COMMERCIAL OR INDUSTRIAL

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2004-129 as amended. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 10:38 p.m. to 10:39 p.m.

#### **16. ORAL COMMUNICATIONS**

**16A.** City Clerk Herbers reminded voters that they must be registered by October 18, 2004 in order to vote in the November 2 election. She reported that all sample ballots will be mailed by October 10 and that a booklet will be mailed to each household with proposition information. She noted that information on absent voter ballots and early electronic voting can be found on the City's website or on lavote.net and that Torrance has a Charter Amendment on the ballot - Measure T.

**16B.** City Clerk Herbers announced a candidate campaign event to be held by the League of Women Voters of Torrance and the Beach Cities League of Women Voters at the Ken Miller Recreation Center on Sunday, October 17, at 2:00 p.m. for the 53<sup>rd</sup> Assembly District and the 36<sup>th</sup> Congressional District seats.

**16C.** City Clerk Herbers announced a panel discussion/debate on Torrance Measure T to be held by the Northwest Torrance Homeowners Association at the North High School Library on Thursday, October 28, at 7:00 p.m.

**16D.** Councilmember Lieu stated that he was very pleased that Governor Schwarzenegger vetoed Assembly Bill 2702, a bill that would have severely limited the City's ability to regulate the building of second units on R-1 lots. He thanked the many people who worked to defeat the bill, including Sandi Monda and Liz Fobes.

**16E.** Councilmember Lieu encouraged everyone to register to vote, stating that the more people who vote, the better it is for democracy.

**16F.** Councilmember Mauno thanked all who have taken the time to become involved in the moratorium issue this past summer and encouraged their continued involvement in the update of the General Plan.

**16G.** Councilmember Mauno echoed comments on Assembly Bill 2702, noting that the Independent Cities Association will continue to be very aggressive in their efforts to defeat bills that attempt to take away local control.

**16H.** Councilmember McIntyre commended everyone who worked to defeat AB 2702, noting that in his remarks justifying the veto, Governor Schwarzenegger indicated his strong support for local government.

**16I.** Councilmember McIntyre thanked residents who have continued to monitor City Council meetings and thanked staff for all of their hard work on the moratorium issue.

**16J.** Councilmember Nowatka added his thanks to residents for becoming involved in the moratorium issue, noting that there is much more to be done in terms of the General Plan update.

**16K.** Councilmember Nowatka commented on the defeat of AB 2702.

**16L.** Councilmember Scotto commended Torrance residents who spearheaded the fight against AB 2702, noting that their phone calls, letters and faxes made Torrance's position on this issue well-known in Sacramento.

**16M.** Councilmember Scotto reported on the Armed Forces Day Committee's trip to Washington DC the previous weekend to discuss the May 21, 2005 Armed Forces Day Parade. He thanked committee members Deputy Chief Besse, Captain Neu, Lieutenant Smith, Lieutenant Matsuda, Detective Walsh and Councilmember Mauno.

**16N.** Councilmember Witkowsky thanked members of the public who provided input at this meeting, stating that she was pleased with the outcome and glad to have been part of the process.

**16O.** Mayor Walker thanked Councilmember Mauno for serving as Mayor Pro Tem for the past six months and announced that Councilmember McIntyre will now be serving in that position.

**16P.** Mayor Walker thanked homeowners groups for their input on the moratorium issue and expressed confidence that within a year or two everybody will be totally satisfied with what has transpired.

