

Council Meeting of
September 25, 2012

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Adopt ORDINANCE amending the Torrance Municipal Code related to Sales Operations to the Public for Christmas tree lots.

RECOMMENDATION

Recommendation of the Community Development Director that City Council:

- 1) Adopt an ORDINANCE to amend Section 92.2.9 subsection (d)(5) of the Torrance Municipal Code related to sales operations to the public for Christmas tree lots; and
- 2) Approve an ordinance summary for publication.

Funding

Not applicable

BACKGROUND/ANALYSIS

On September 5, 2012, an item was brought before the Planning Commission regarding proposed modification to the commencing date of the sales operations for Christmas tree lots. Staff recommended the Code amendment to allow the operators to begin retail sales of Christmas trees to the public on the day after Thanksgiving instead of December 1st as currently stated in the Torrance Municipal Code. The end date of December 25th will remain the same.

After reviewing the report and discussing this matter, the Planning Commission concurred with staff's recommendation and directed staff to bring an item to the City Council to amend Section 92.2.9 subsection (d)(5) of the Torrance Municipal Code to allow the new commencing sales date.

Attached to this item is the Planning Commission report addressing the proposed commencing sales date for Christmas tree lots.

While in keeping with the characteristic of the holiday season, the proposed modification will provide the Christmas tree lot operators a few additional business days and the opportunity to be competitive with Christmas tree lot operations in adjoining jurisdictions.

Respectfully submitted,

CONCUR:



Jeffery W. Gibson
Community Development Director



LeRoy J. Jackson
City Manager

JEFFERY W. GIBSON
Community Development Director

By 

Gregg D. Lodan, AICP
Planning Manager

Attachments:

- A) Ordinance amending Section 92.2.9 subsection (d)(5) of the TMC
- B) Planning Commission Item September 5, 2012
- C) Proof of Publication
- D) Mayor's Script (limited distribution)

ORDINANCE NO.**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 92.2.9 OF THE TORRANCE MUNICIPAL CODE RELATED TO THE SALES OPERATIONS TO THE PUBLIC FOR CHRISTMAS TREE LOTS.**

The City Council of the City of Torrance ordains as follows:

SECTION 1

Section 92.2.9 subsection (d)(5) of the Torrance Municipal Code is repealed and replaced in its entirety with the following:

“(d)(5) Sales operations to the public for Christmas tree lots will begin no earlier than the day after Thanksgiving and end no later than December 25th.”

SECTION 2

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 3

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect that validity of the remaining portion of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

SECTION 4

Any Person violating any of the provisions of this ordinance will be guilty of an infraction and, upon conviction thereof, will be subject to a fine as provided in Section 36900 of the California Government Code.

SECTION 5

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by

the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and APPROVED this _____ day of _____, 2012.

ADOPTED and PASSED this _____ day of _____, 2012.

Mayor Frank Scotto

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

ATTEST:

by _____
Patrick Q. Sullivan, Assistant City
Attorney

Sue Herbers, CMC
City Clerk

ORDINANCE NO. 2012-____

SUMMARY

On _____, 2012, the City Council of the City of Torrance adopted an ordinance repealing municipal code provisions concerning the date that Christmas tree lots may begin retail sales to the public each year and adopting new annual start dates.

Under the new ordinance Christmas tree lots may begin retail sales to the public on the day after Thanksgiving each year.

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****

AGENDA ITEM NO. 15A

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: Land Use Study: LUS12-00002/City of Torrance

DATE: September 5, 2012

BACKGROUND

For a number of years, the operators of seasonal Christmas tree lots have commented to the City concerning the beginning date of the sales operations for Christmas tree lots. They have frequently stated that the traditional industry start date is the day after Thanksgiving. Currently, the Torrance Municipal Code Section 92.2.9 sub-section d) 5) allows Christmas tree lot operators to begin selling Christmas trees no earlier than December 1st and end no later than December 25th of each calendar year.

Staff, in preparation for this item, contacted several neighboring jurisdictions to solicit information regarding their start date requirement for Christmas tree sales. Per our survey, most neighboring communities including Hermosa Beach, Manhattan Beach, Rancho Palos Verdes, Lomita and Lawndale do not have specific regulation concerning the commencing sales date. Redondo Beach and Gardena, via a temporary use permit, typically condition Christmas tree lot operators to start selling no sooner than the day after Thanksgiving.

The City of Los Angeles is the only City that has a required commencing date for Christmas tree sales which is December 1st.

Staff has assessed the potential start date of the Christmas tree sales. In order to allow additional business days while in keeping with the characteristic of the holiday season, staff is proposing that the operators be allowed to begin the sales of Christmas trees on the day immediately after Thanksgiving beginning in 2012. The end date will remain the same. This would allow the operators a few additional days of business and the opportunity to be competitive with Christmas tree lot operations in adjoining jurisdictions.

Our review of relevant Code Sections indicates that the new start date of Christmas tree sales will not be in conflict with any existing Sections of the Torrance Municipal Code. Section 33.9.4 (Operational Period) currently allows the license issued to Christmas tree lot operators to be valid for the period from November 15th to December 25th of each year. Planning approval for Christmas tree lots can also be obtained by the operators on November 1st and site preparation and set up can begin on November 15th of each calendar year, per Section 92.2.9 sub-sections c) and d) 3) respectively.

CDD RECOMMENDATIONS – 9/05/12
 AGENDA ITEM NO. 15A
 CASE NO. LUS12-00002

CONCLUSION

The Planning Commission may:

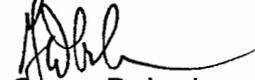
- concur with staff's recommendation to modify Section 92.2.9 sub-section d) 5) of the Torrance Municipal Code regarding the seasonal sales operations to the public for Christmas tree lots; and
- Direct staff to prepare an item to the City Council to amend Section 92.2.9 sub-section d) 5) of the Torrance Municipal Code modifying the sales operations to the public for Christmas tree lots .

Prepared by,



Peerapol Suree, AICP
Planning Assistant

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachments:

1. TMC Section 92.2.9 d)5)

SECTION 92.2.9. - SEASONAL PUMPKIN AND CHRISTMAS TREE SALES LOTS

- a) No person will conduct sales of pumpkins and/or Christmas trees on any vacant property without first obtaining a Seasonal Sales Permit issued from the Planning Director.
- b) An application for a Seasonal Sales Permit must be filed with the Planning Department and will include the following:
 - 1) A completed application form signed by the applicant and the property owner acknowledging and agreeing to all applicable conditions; and
 - 2) A dimensioned plot plan of the proposed location. The plot plan must indicate the following information:
 - A) The location and dimensions of all Christmas tree sales and storage areas, public activity areas, fenced areas, incidental activity areas, and distances between tree displays, parking areas and temporary structures as required by the Fire Department;
 - B) The location of temporary buildings, trailers, tents, electrical or mechanical equipment, trash receptacles, and signs;
 - C) The location of required safety devices such as portable fire extinguishers, no smoking signs, and emergency exits;
 - D) The location, layout and dimensions of required driveways and parking spaces; and,
 - E) Any other information found by the Planning Director to be necessary for the review of the application.
- c) No Seasonal Sales Permit will be issued by the Planning Director prior to September 1st for any pumpkin sales lot and November 1st for any Christmas sales lot.
- d) A Seasonal Sales Permit must be obtained for each individual sales lot. The Seasonal Sales permit will be issued if in the judgment of the Planning Director the subject sales lot will conform to the following criteria:
 - 1) The proposed sales lot is located on a vacant property zoned for commercial or manufacturing use;
 - 2) The proposed sales lot operation is conducted between the hours of 9:00 A.M. to 10:00 P.M. daily;
 - 3) Site preparation and set up for the sales lot will not commence prior to September 20th for a pumpkin sales lot, and November 15th for a Christmas tree sales lot;
 - 4) Sales operations to the public for pumpkin lots will begin no earlier than October 10th and end no later than October 31st;
 - 5) Sales operations to the public for Christmas tree lots will begin no earlier than December 1st and end no later than December 25th;

Daily Breeze

21250 HAWTHORNE BLVE, STE 170 * TORRANCE CALIFORNIA 90503-4077
Direct: (310) 543-6636 Fax: (310) 316-6827

PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published _____

in the City of Torrance*
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of _____

June 10, 1974

Case Number SWC7146

that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

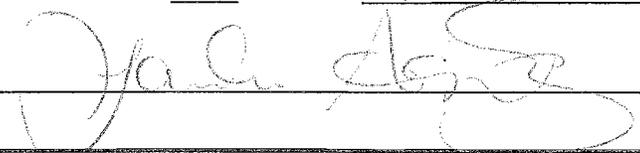
_____ September 14,

all in the year 2012

the foregoing is true and correct.

Dated at Torrance

California, this 14 September 2012



*The Daily Breeze circulation includes the following cities:
Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San Pedro, Santa Monica, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

RECEIVED

2012 SEP 20 AM 10:00

CITY CLERK'S OFFICE

**DB 9-46
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at **7:00 p.m., September 25, 2012** in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

City Council consideration of an ORDINANCE amending the Torrance Municipal Code related to sales operations to the public for Christmas tree lots.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the Community Development Department at (310) 618-5990.

**SUE HERBERS
CITY CLERK**

Published: September 14, 2012