

Council Meeting of
September 25, 2012

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

PUBLIC HEARING

Members of the Council:

Subject: Community Development – Consider appeal of Planning Commission approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial warehouse building on property located in the M-2 Zone at 444 Alaska Avenue. RESOLUTION

Expenditure: None

RECOMMENDATION

Recommendation of the Planning Commission and Community Development Director that City Council deny the appeal and adopt a **RESOLUTION** approving a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial warehouse building on property located in the M-2 Zone at 444 Alaska Avenue.

CUP12-00013: Richard L. Parr (Clarify Holdings, LLC)

Funding: Not applicable

BACKGROUND

The applicants are requesting approval of a Conditional Use Permit to allow the operation of an indoor sports and training facility within an existing industrial warehouse building. This request was approved by the Planning Commission on August 15, 2012. On August 29, 2012, the case was appealed by the property owner at 450 Alaska Avenue, citing various concerns with the proposed project.

Prior Hearings and Publications

A Planning Commission Public Hearing was held on August 15, 2012. On August 29, the project was appealed to City Council. On September 14, 2012, 12 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius. A notice of public hearing was posted at the site and a legal advertisement was published in the newspaper on September 14, 2012.

Environmental Findings

The minor alteration of existing public or private structures involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301 (e)(1).

ANALYSIS

The subject site is located on the east side of Alaska Avenue between Columbia Street and California Street. The lot is flag-shaped and 1.20 acres in size. The lot was created via DIV01-00020. The warehouse building was originally built in 1961 and was renovated in 2004 via CUP01-00031. The building measures 25,125 square feet. The existing building footprint will not be altered or expanded. The only exterior alterations are related to ADA pathway requirements at the front of the building.

The site is surrounded by other industrial properties and uses, mostly manufacturing and warehouses.

The facility features an entry alcove, offices, a small retail area, restrooms, and waiting area towards the front of the building. At the rear of the building, there is a strength and conditioning area, with a 10ft by 10ft storage for equipment. There are 15 batting cages total: 3 as part of group A at the southwest corner of the building; 8 for group B along the western wall; and 4 for group C along the eastern wall.

The proposed hours of operation are 6am through 10pm daily. During the school year, adults will be the primary customers from 6am until 3pm, and youths from 3pm until 10pm. During summer and school holiday breaks, the facility will host youth camps from 6am until 3pm, with each camp having 50-100 participants. There will be five to seven staff members at a time. Typical facility usage is expected to be a maximum of 60 participants at one time. The facility will also host team parties. No food will be prepared onsite, and alcohol will be prohibited.

According to TMC 93.2.40.b, racquetball, tennis or similar court facilities, shall be provided four parking spaces for each court. While a batting cage is not a court facility, this parking standard has been applied in other indoor sporting uses, most recently with CUP09-00009 (four spaces per soccer court) and CUP10-00018 (four spaces per swimming pool). As such, the fifteen cages require 60 parking spaces. The facility has 759 square feet of offices (to be parked at 1:300), 81 square feet of retail (to be parked at 1:200), and the previously mentioned 100 square feet of equipment storage for the strength and conditioning area (to be parked at 1:100). Therefore, 64 parking spaces are required, and 67 are provided (3 of which are handicap accessible).

The adjacent property owners to the east at 450 Alaska Avenue have voiced several concerns with the proposed project. They have concerns with traffic, specifically with the driveway. There is an access agreement between properties (as that driveway is the only access to 450 Alaska). Their business has large delivery trucks coming in and out, which can block the driveway for 10 to 15 minutes at a time. With increased traffic to the site, there is concern with access—for customers of both properties. Another expressed concern is with safety as it relates to children being dropped off and with people loitering in the parking lot. The owners of 450 Alaska are unsure as to whether the proposed use can monitor their customers, especially in the parking lot.

In light of these concerns, the applicants contend that their peak hours of operation (4pm through 10pm) will be when the neighboring business, as well as others in the area, are

winding down. Furthermore, there will not be any outdoor activities, and the applicants do not expect customers to loiter in the parking lot.

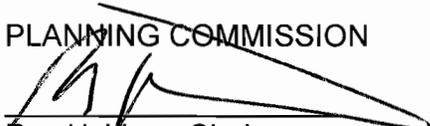
The adjacent property owners reiterated their concerns with their appeal, and still oppose the project.

PLANNING COMMISSION RECOMMENDATION

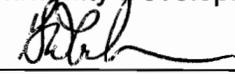
As previously noted, this item was approved by the Planning Commission on August 15, 2012. At this hearing, a representative of the applicants, Richard Parr, introduced himself and detailed the project. Commissioners Rizzo and Polcari disclosed the nature of their interactions, business and private affiliations with members of the applicants and noted that it would not affect their review of the request. Mr. Parr clarified hours of operations, as being 6:00 am to 10:00 pm daily, with adult and collegiate users during the day and children after 3:00 pm. Commissioners also inquired as to the nature of shared access to the subject site and the parcel to the south. The neighboring property owner, Joe De Lorenzo voiced concerns with the proposed operation citing the possibility of large delivery trucks to his business posing safety hazards for children, concerns over the safety of the site during large storms that lead to localized flooding, and appropriateness of the indoor recreational use in this industrial area. The Commission discussed the concerns raised, the practice of some trucks accessing the De Lorenzo site via the train tracks, and the potential for relocating main entrances away from the shared access easement areas. After closing the public hearing and further discussion, the Commission motioned to approve the project with a modification to Condition 14, to allow more than one entry point to the satisfaction of the Police Department, and the addition of hours restrictions of 6:00 am – 10:00 pm daily. The motion for approval passed by a unanimous vote.

Respectfully submitted,

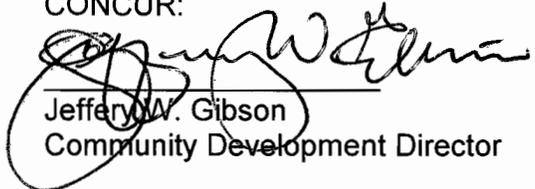
PLANNING COMMISSION


Ray Uchima, Chair

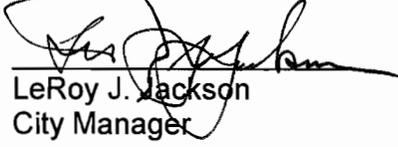
Jeffery W. Gibson
Community Development Director

By 
Gregg D. Lodan, AICP
Planning Manager

CONCUR:


Jeffery W. Gibson
Community Development Director

NOTED:


LeRoy J. Jackson
City Manager

- Attachments:
- A) Resolution for approval
 - B) Location and Zoning Map
 - C) Letter of Appeal
 - D) Planning Commission hearing Minutes Excerpts 8/15/12
 - E) Planning Commission Staff Report 8/15/12
 - F) Proof of Publication and Notification
 - G) Project Information, Site Plan, Floor Plan, and Elevations (Limited Distribution)
 - H) Mayor's Script (Limited Distribution)

RESOLUTION NO. 2012- XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE OPERATION OF AN INDOOR SPORT AND TRAINING FACILITY WITHIN AN EXISTING INDUSTRIAL WAREHOUSE BUILDING ON PROPERTY LOCATED IN THE M-2 ZONE AT 444 ALASKA AVENUE.

CUP12-00013: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on August 15th, 2012, to consider an application for a Conditional Use Permit filed by Richard L. Parr (Clarify Holdings, LLC) to allow the operation of an indoor sport and training facility within an existing warehouse building on property located in the M-2 Zone at 444 Alaska Avenue; and

WHEREAS, the Planning Commission approved the subject request; and

WHEREAS, on August 29, 2012, the case was appealed by the neighbor at 450 Alaska Avenue, citing various concerns with the proposed project; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

WHEREAS, minor alteration of existing public or private structures involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301 (e)(1); and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on September 25, 2012, to consider an appeal of a Planning Commission approval of a Conditional Use Permit filed by Richard L. Parr (Clarify Holdings, LLC) to allow the operation of an indoor sport and training facility within an existing warehouse building on property located in the M-2 Zone at 444 Alaska Avenue; and

WHEREAS, the City Council denied the appeal and approved the subject request; and

WHEREAS, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 444 Alaska Avenue;
- b) That the property is described as a portion of Lot 7 of Tract 7873 per maps recorded in

the Office of the Los Angeles County Recorder, State of California;

- c) That the subject indoor sport and training facility is conditionally permitted in the M-2 Zone and the proposal complies with all of the applicable provisions of the Torrance Municipal Code as conditioned;
- d) That the proposed use will not impair the integrity and character of the zoning district because an indoor recreation center is conditionally permitted in the M-2 Zone;
- e) That the subject site is physically suitable for the type of land use being proposed because the facility will occupy an existing warehouse building, and the existing access, ingress, egress, and parking will adequately service the proposed use;
- f) That the indoor sport and training facility is compatible with nearby land uses because the facility's peak hours of operation do not conflict with the nearest adjacent businesses, and conditions have been implemented to mitigate potential issues;
- g) That the indoor recreation center will be compatible with existing and future uses within the district because the project will not interfere with the surrounding industrial uses, and has been conditioned to be as least intrusive as possible;
- h) That the proposed use will encourage and be consistent with the orderly development of the City as provided for in the General Plan Light Industrial designation and the M-2 Zoning designation as the sport facility is conditionally permitted in the Zone and is consistent with the General Plan;
- i) That the proposed use will not discourage the appropriate existing or planned future use of surrounding property or tenancies as an indoor sport and training facility is compatible with the existing surrounding uses and uses allowed in the surrounding industrial zoning designations;
- j) That there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety;
- k) That there will be adequate provisions for public access to serve the proposed use, because the project shall maintain all existing pedestrian walkways and vehicular access points;
- l) That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of person located in the area;
- m) That the proposed use will not produce any or all of the following results:
 - Damage or nuisance from noise, smoke, odor, dust or vibration,
 - Hazard from explosion, contamination or fire,
 - Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles.

NOW, THEREFORE, BE IT RESOLVED that Conditional Use Permit filed by Richard L. Parr (Clarify Holdings, LLC) to allow the operation of an indoor sport and training facility within an existing warehouse building on property located in the M-2 Zone at 444 Alaska Avenue, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the development and use of the subject space as an indoor recreation center be subject to all conditions imposed in Planning Commission case Conditional Use Permit 12-00013 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the use shall be maintained in conformance with such maps, plans, drawings, specifications, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;
2. That if this Conditional Use Permit is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period of time as provided for in Section 92.27.2;
3. That faded portions of the parking lot shall be repainted and restriped according to City standards to the satisfaction of the Community Development Director; (Development Review)
4. That faded portions of the hatched "No Parking or Stopping" area at the front driveway shall be repainted to the satisfaction of the Community Development Director; (Development Review)
5. That wheelstops shall be installed at all parking spaces that front a building wall or fence; (Development Review)
6. That an exterior lighting plan shall be submitted to the Community Development Department for approval prior to the issuance of any building permits to ensure adequate lighting and to ensure that light does not spill over onto adjacent properties or onto the public right of way, to the satisfaction of the Community Development Director; (Development Review)
7. That the applicants install signage directing customers/traffic away from the adjacent property; (Development Review)
8. That the applicants shall add mulch or groundcover to bare planter areas to the satisfaction of the Community Development Department; (Development Review)
9. That there shall be no outdoor or exterior telephones, vending machines, kiosks, storage containers, etc. permitted onsite; (Development Review)
10. That all activities shall be conducted indoors and any outdoor events shall be subject to the approval of a Temporary Event Permit; (Development Review)
11. That within 30 days of the final public hearing, the applicant shall return the City's "Public Notice" sign and stake (provided there is no appeal) to Development Review; (Development Review)
12. That the applicants install a bicycle rack to the satisfaction of the Community Development Director; (Transportation Planning/Development Review)

13. That the applicants install an alarm system and provide alarmed doorways; (Police/Development Review)
14. That the applicants control public access to the satisfaction of the Torrance Police Department; (Modified by Planning Commission)
15. That the applicants install video security to monitor property doorways, parking lot, and any facilities housing valuable assets; (Police/Development Review)
16. That the applicants paint address numerals (four feet high) on the rooftop; (Police/Development Review)
17. That the applicants shall provide Phase 1 site assessment to confirm there is no history of hazardous materials usage at this site and is safe for recreational use to the satisfaction of the Torrance Fire Marshall; (Fire Prevention)
18. That prohibited signs for this use include A-frame or freestanding signs; bow or flag banners; inflatable signs; sign twirlers or persons holding signs; signs attached to light or utility poles, vehicles, and trees or other vegetation; and signage mounted on the roof of the building; (Environmental)
19. That the applicant shall provide a sign program which details the wall, ground, directional signs, and menu boards proposed for this use. Signage requires a separate review and approval; (Environmental)
20. That the trash enclosure used by this business must meet the National Pollution Discharge Elimination Standards (NPDES), which requires a metal barrier to prevent rain water from entering the trash area. Also, bins must be provided within the trash enclosure for the storage of recyclable materials. Provide verification that the waste hauler will also collect the recyclables; (Environmental)
21. That the check valve shall be upgraded to current standards (double check detector assembly) if fire sprinkler system is modified; and (Engineering)
22. That the hours of operation shall be 6:00 am to 10:00 pm; (Added by Planning Commission)
23. That all conditions of other City Departments received prior to or during the consideration of this case by the City Council shall be met.

Introduced, approved and adopted this 25th day of September, 2012.

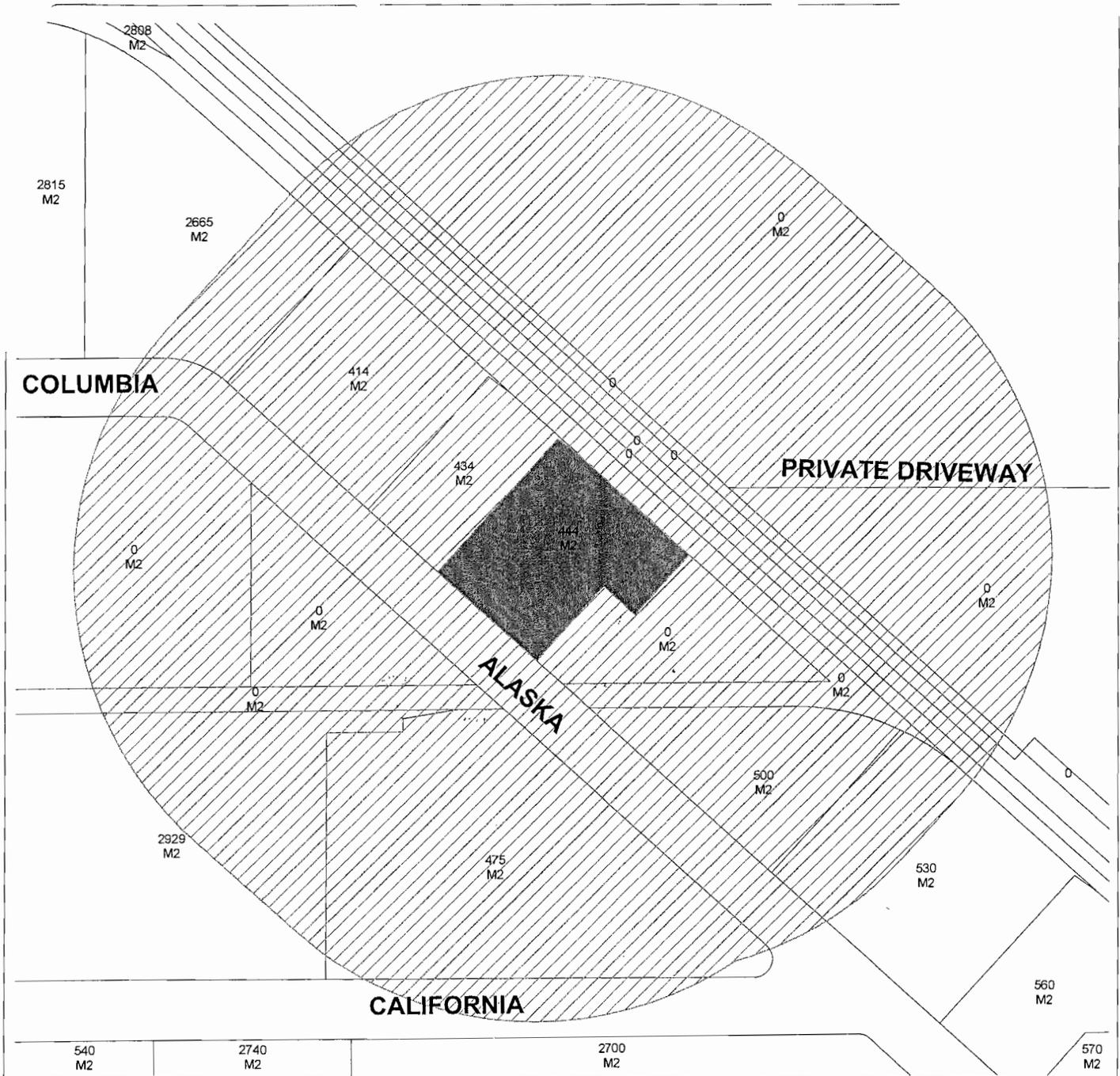
MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

By _____



LOCATION AND ZONING MAP

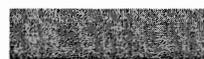
444 Alaska Ave
CUP12-00013



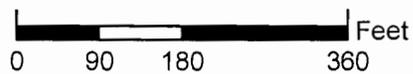
LEGEND



Notification Area



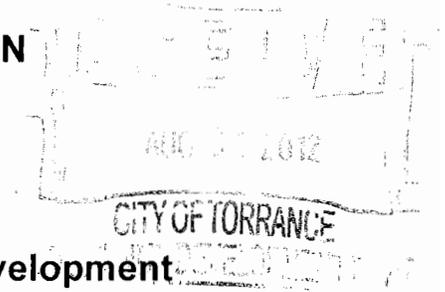
444 Alaska Ave



CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: August 29, 2012



TO: Jeffrey Gibson, Community Development

FROM: City Clerk's Office

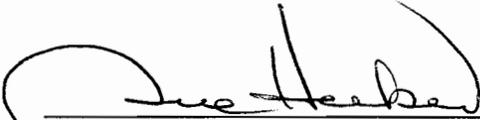
SUBJECT: Appeal 2012-09

Attached is Appeal 2012-09 received in this office on August 29, 2012 from Joe DeLorenzo, 450 Alaska Avenue, Torrance, CA 90503. This appeal is of the Planning Commission's approval on August 15, 2012 regarding CUP12-00013: RICHARD L. PARR (CLARIFYING HOLDINGS, LLC) located at 444 Alaska Avenue, Torrance, CA 90503...SEE ATTACHMENTS.

The appeal fee of \$250.00, paid by check, was accepted by the City Clerk.

SECTION 11.5.3. PROCEDURE AFTER FILING.

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.


 Sue Herbers
 City Clerk

cc: City Council
 Building & Safety



CITY OF TORRANCE

APPEAL FORM

RECEIVED

2012 AUG 29 PM 2: 56

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

Office of the City Clerk OF TORRANCE
 3031 Torrance Boulevard
 Torrance CA 90509-2970
 310/618-2870

Handwritten note: @counter

RE: CUP12-00013 RICHARD L. PARR (CLARIFY HOLDINGS)
 (Case Number and Name)

Address/Location of Subject Property 444 ALASKA AVE.
 (If applicable)

Decision of:

- | | |
|---|---|
| <input type="checkbox"/> Administrative Hearing Board | <input type="checkbox"/> License Review Board |
| <input type="checkbox"/> Airport Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit |
| | <input type="checkbox"/> Other _____ |

Date of decision: 8/15/12 **Appealing:** APPROVAL DENIAL
 OTHER _____

Reason for Appeal: *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

PLEASE SEE ATTACHED 3 PAGES

Name of Appellant Joe DeLorenzo

Address of Appellant 450 ALASKA AVE.

Telephone Number (310) 328-8000

Signature *[Handwritten Signature]*

For office use only:
 Appeal Fee paid \$ 250.00 Date 8-29-2012 Received by *[Signature]*
check # 13309
Notice to: Community Development Department: Planning Building & Safety
 City Council City Manager City Attorney Other Department(s) _____

Reasons For Appeal of CUP12-00013:

Applicant requests the City Council the following aspects of this case:

1. It was apparent at the hearing on August 15, 2012 that the process before the planning commission was unfair and impartial in that several members of the planning commission were close friends of those presenting. It was shocking that those members of the planning commission acknowledged on the record a close relationship to the applicant and yet did not recuse themselves from the hearing on the weak argument and self-serving statement that they could be “impartial”. This type of statement and action at the commencement of the hearing tainted the entire process.
2. The action of the planning commission illegally makes the city of Torrance a party condoning the violation of the recorded easement #02 2159396. This easement is subservient on the applicant’s property to the benefit of De Lorenzo Marble.

From the Recorded Easement, Article 3 of Declaration 02 2159396

Section 3.01. Parking and Traffic. *There shall be no parking or stopping any time of any vehicle or traffic by any of the Parcel Owners, their successors in interest, lessees, their invitees, licensees, occupants or permittees in the Access Easement Area.*

Section 3.02. Signs and Storage. *There shall be no display of signs, or storage of goods, cargo, merchandise or standing of any truck, vehicle, or trailers in or along the easement area.*

As stated in the Preamble below this M2 zoned property was to be developed as office and warehouse space not recreational use. Also, it is very clear in the general plan that defines the intended uses of the M2 – Heavy Industrial Zoning.

PREAMBLE

A. *The real property (“Property”) subject to this Declaration is more particularly described as Parcels 1 and 2 of Parcel Map 26418 in the City of Torrance, County of Los Angeles, State of California, as shown on a Map recorded in Book 311 Pages 82 and 83 of Parcel Maps in the Office of the County Recorder of said County. **Declarant intends to develop the Property as a business center consisting of two (2) separate legal parcels with the potential for office and warehouse space.***

B. *The Property shall be held, used, sold, conveyed, owned, leased and occupied subject to the provisions of the Declaration, which is declare to be executed for the use and benefit of said Property and each Parcel Owner.*

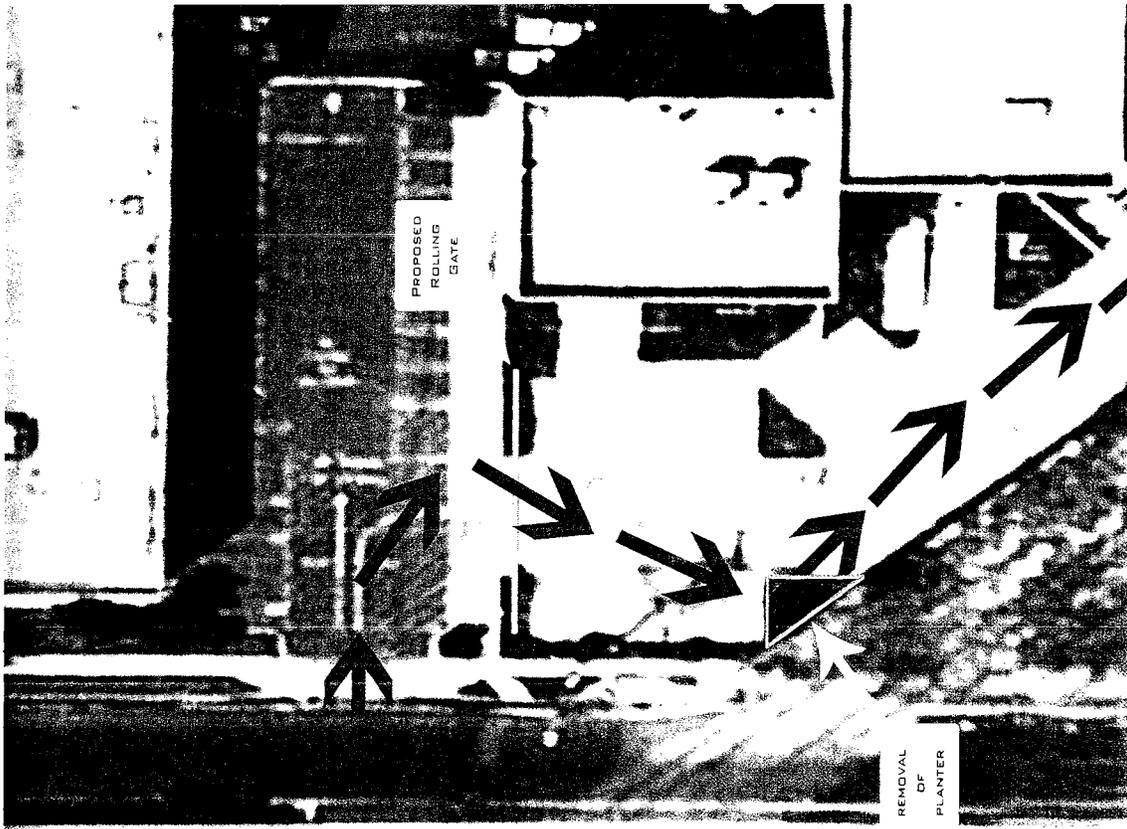
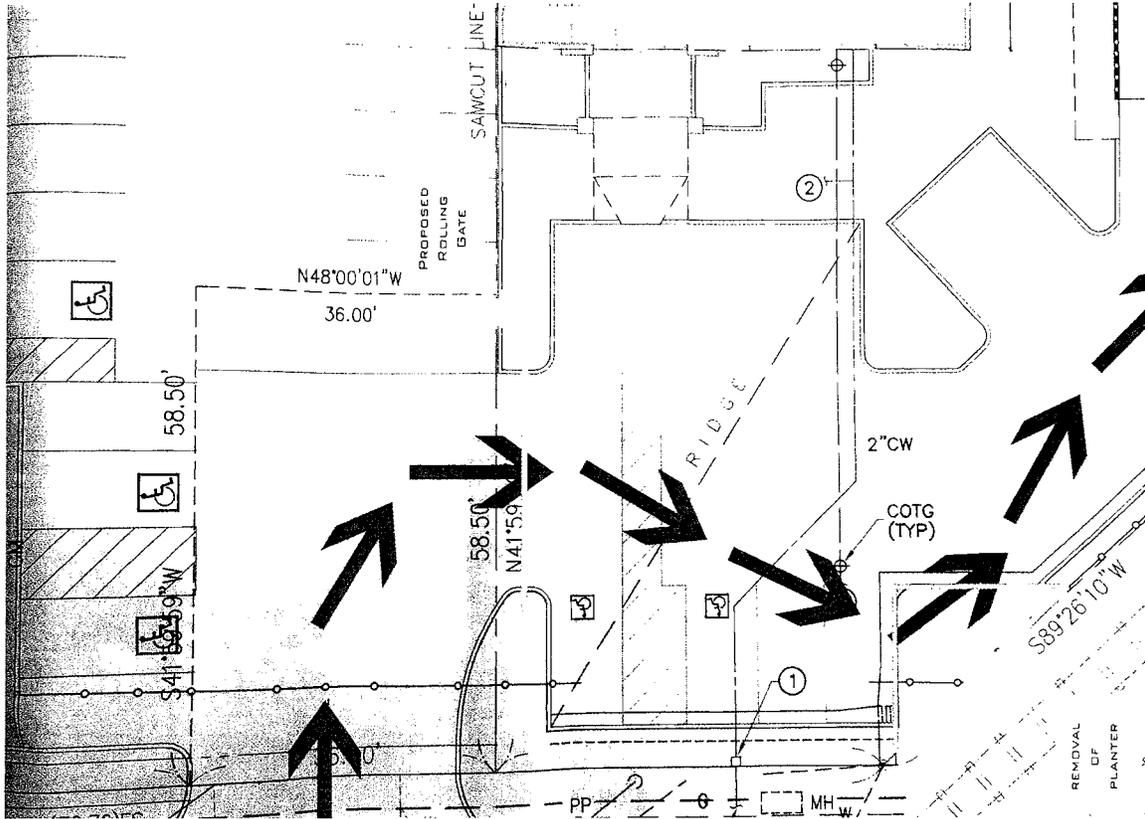
According to the General Plan of the City of Torrance:

M2 - HEAVY INDUSTRIAL (I-HVY)

Heavy Industrial uses are characterized by manufacturing industries which process raw or extracted substances, or which use hazardous materials. Heavy Industrial uses should be segregated from other uses to mitigate safety hazards and minimize noise, pollution, odors, vibrations, and other effects on non-industrial properties. The oil refinery is the main use in this designation.

3. The new expanded and altered use of the 444 Alaska Avenue will create greater obligation and greater liability to the Shared Access Easement. The proposed use is predominantly on Saturday and Sunday with longer hours and higher traffic. This is a burden to De Lorenzo's share of the maintenance cost. Moreover, the age and volume of the clientele imposes a dramatic increase in the liability of the Shared Access Easement. The insurance of the proposed Tennant needs to be in place to adequately indemnify and hold harmless De Lorenzo including the obligation to provide defense from any liability occasioned by this new and expanded use of the easement. Any insurance under this provision should name De Lorenzo as an additional insured. A certificate of the additional insurance should be provided to De Lorenzo.

4. Due to our concern, with regard to the use our parking area as a drop off or turn around during the weekend when we are closed, it would be in everyone's best interest to eliminate access to the De Lorenzo property. The appellant, De Lorenzo, would ask the city to approve a rolling gate similar to that which is on the side of the 444 Alaska property. Also, to alleviate possible congestion in the easement area, we would ask the City of Torrance to allow us to adjust the planter area to make it more suitable for Semi Trucks to ingress and egress our property. Please see attached drawing on Page 3. With the original use as a warehouse space, the gate was not necessary; but, now with the proposed expanded use of the adjoining property, it is an absolute necessity.



EXCERPT OF MINUTES Minutes Approved **Minutes Subject to Approval**

August 15, 2012

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION****1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, August 15, 2012 in City Council Chambers at Torrance City Hall.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENT

Present: Commissioners D'anjou, Gibson, Polcari, Rizzo, Weideman, Skoll and
Chairperson Uchima.

Absent: None.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana
Plans Examiner Noh, Associate Civil Engineer Symons and
Assistant City Attorney Sullivan.

12B. CUP12-00013: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial building on property located in the M-2 Zone at 444 Alaska Ave.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Rizzo disclosed that he went to high school and is a member of the same church as Mr. Waylon, who is seated with the proponents of this project, however, this will not affect his decision this evening.

Richard Parr, South Bay Surf LLC, applicant, briefly described the proposed indoor baseball training facility, which includes 15 batting cages, noting that the facility will be used by ballplayers of all levels from professional to Little League.

Commissioner Polcari disclosed that he has worked with Mr. Parr in conjunction with his employment at Northrop Grumman, but it would not affect his decision in this case.

In response to Commissioner Weideman's inquiry, Mr. Parr reported that the hours of operation will be 6:00 a.m. to 10:00 p.m. He explained that during the school year, youths will be the primary customers from 3:00 p.m. to closing; that adults will use the facility prior to that time; and that during summer and school breaks, the facility will offer youth camps from 6:00 a.m. to 3:00 p.m.

Commissioner Skoll expressed concerns about the access easement this property shares with De Lorenzo Marble & Tile at 450 Alaska Avenue.

Mr. Parr related his understanding that trucks associated with De Lorenzo Marble use the access on the other side of their property near the railroad tracks and the shared easement is only used to access customer parking. He reported that the blacktop in the easement area will be redone and the "No Parking or Stopping" area will be repainted with cross-hatching so it is clearly identified. He offered his assurance that youths will not be allowed to loiter in the parking lot or easement area. He noted that De Lorenzo Marble closes at 4:30 p.m. and most school children will not arrive until 4:00 p.m. so there will only be a brief overlap.

Commissioner D'anjou requested clarification regarding access to De Lorenzo Marble because the staff report mentions that the shared easement is the only access to 450 Alaska Avenue, however she observed a second driveway when visiting the site.

Planning Manager Lodan advised that the secondary access in the railroad right-of-way has evolved into a driveway but there is no approved curb cut for this access and this is probably due to legal issues involving the ownership of the property.

Associate Civil Engineer Symons reported that the land in question is owned by the railroad company.

Jon Corcoran, South Bay Surf LLC, applicant, offered his assurance that the project was designed with the safety of children in mind. He explained that the facility will offer one-hour lessons with professional coaches and it includes waiting areas for parents to wait for their children and for children to wait for their rides.

Mr. Parr indicated that he intends to be at the facility on a daily basis and managing it will be his second career when he retires from Northrop Grumman in three years.

Chairperson Uchima asked about the possibility of installing a closed-circuit camera to monitor the parking lot and Mr. Parr reported that this is a condition of approval (No. 15).

Joe De Lorenzo, Lorenzo Marble & Tile, 450 Alaska Avenue, noted that he submitted a letter detailing his concerns along with photographs and documentation (supplemental material). He contended that the shared driveway would pose a definite safety hazard for children using the facility because large trucks carrying slabs of stone use this driveway. He related his understanding that the applicant intends to offer summer camps for 50-100 children. Additionally, he explained that the site is located in a major flood zone, which could create problems because rainy days are prime time for indoor sports facilities. He reported that the company already had to relocate 8 years ago when M-1 properties surrounding their previous location in west Torrance were rezoned to R-3.

Chairperson Uchima asked about the timing of deliveries. Mr. De Lorenzo explained that he has no control over the delivery of containers from the port; that slab deliveries are usually late in the day; and that deliveries are handled by shipping companies that use trucks of various sizes depending on the load.

Commissioner Skoll pointed out that the documentation submitted by Mr. De Lorenzo concerning the recorded easement clearly states that there shall be no parking

or stopping of any vehicle at any time in the shared access easement area. He expressed concerns about flooding in this area because the photos submitted by Mr. De Lorenzo are quite dramatic.

Associate Civil Engineer Symons advised that the flooding is due to an undersized storm drain owned and maintained by L.A. County that gets overwhelmed during large storms; that it is unlikely to be replaced due to the tremendous expense involved; and that the flooding will be alleviated as properties are redeveloped and they are required to restrict the amount of water that drains from their property.

In response to Commissioner Gibson's inquiry, Planning Manager Lodan provided information about Soccer City's recent approval to operate a school.

Commissioner D'anjou questioned whether the secondary driveway is used by delivery trucks because it seems to align perfectly with the drop-off point at De Lorenzo Marble and trucks using the shared driveway have to make a sharp right turn and go through a narrow opening.

Mr. De Lorenzo stated that some drivers use the secondary driveway, but he tries to discourage them from doing so because it was not designed for this purpose. He confirmed that the primary access is the shared driveway.

Commissioner Weideman requested clarification regarding the site's zoning.

Planning Manager Lodan advised that the property is zoned M-2, Heavy Manufacturing, but the General Plan Designation is Light Industrial and recreational facilities are allowed with approval of a Conditional Use Permit. He explained that the site is part of the City's central manufacturing district, which stretches from Maricopa to 190th Street; that due to a variety of factors, including the downturn in the economy and the movement of industrial uses away from the L.A. basin, some buildings in this area have been remodeled or demolished and rebuilt to provide a more business park type atmosphere; and that staff views alternate uses such as the one proposed as interim uses with the hope that manufacturing will return in the future.

Commissioner Skoll indicated that he liked the project but was concerned about safety issues.

Mr. Corcoran stated that he is a safety professional currently working for Sony pictures and he appreciates the importance of safety. He pointed out that the majority of the parking is at the rear of the property away from the shared driveway and there is another entrance to the building convenient to this parking. He suggested that if there is flooding like what is shown in Mr. De Lorenzo's photos, the facility will be closed because no one, including the people who work there, would be able to enter the site.

Mr. Parr clarified that a condition has been added requiring that there be only one entry point into the building, which will likely be the front entrance because the handicap access and the elevator are located there.

Chairperson Uchima related his belief that providing another entrance away from the shared easement would alleviate concerns about the safety hazard to children.

Sr. Planning Associate Santana advised that the Police Department believes having only one entrance will make it easier to monitor children entering and exiting the

facility, but the condition does not specify which entrance so any of the entrances could be used.

Mr. Parr explained that changing the entrance to the side or rear of the building was not feasible because another ADA approved access would have to be constructed and parking spaces would have to be eliminated to make room for the ramping, which means that the facility would have to be downsized.

Mr. Corcoran offered his assurance that children's safety was a primary consideration in the design of the project and emphasized that there will be cameras monitoring the parking lot and children will not be allowed to loiter there.

Commissioner D'anjou commented that she believes Mr. De Lorenzo's concerns are legitimate because he operates heavy machinery that could potentially injure children and his company would be liable if such injury occurs. She noted that the documentation he submitted indicates that this building was intended for use as office or warehouse space and the proposed use is much different so he needs to be assured that it will be properly managed.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Weideman and passed by unanimous voice vote.

Commissioner Skoll stated that he was in favor of the project because he was convinced that the applicants understood the concerns about children's safety and would do everything possible to protect the safety of everyone who uses the facility.

Commissioner Weideman disclosed that he visited the site earlier in the day but did not speak with anyone. He related his observation that large trucks using the shared driveway have to do a lot of maneuvering to get to Mr. De Lorenzo's business and expressed concerns about their use of the railroad right-of-way because it could be unstable since it was not designed for this purpose.

Commissioner Gibson expressed support for the project, noting that she is strong proponent of children's safety.

Commissioner Rizzo indicated that he also supports the project and believes it will be a good use for this site as long as the applicants are mindful of the neighboring business and try to accommodate them. He strongly encouraged the applicants to look into creating two entry points into the facility, one for handicapped access and one for day-to-day operations.

Chairperson Uchima asked about the possibility of requiring a second entry point.

Sr. Planning Associate Santana recommended modifying Condition No. 14 to allow a second entry point and advised that staff will work with the Police Department to ensure that it meets with their approval.

Chairperson Uchima stated that he would support the project with this modification.

MOTION: Commissioner Polcari moved to approve CUP12-00013, as conditioned, including all findings of fact set forth by staff with the following modifications:

Modify

No. 14 That the applicants shall control public access ~~through a single entry point via lobby or staff desk~~ to the satisfaction of Torrance Police Department.

Add

- That the hours of operation shall be 6:00 a.m. to 10:00 p.m.

The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 12-048.

MOTION: Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 12-048 as amended. The motion was seconded by Commissioner Skoll and passed by unanimous vote.

###

SUPPLEMENTAL #2 TO AGENDA ITEM 12B

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: CUP12-00013

LOCATION: 444 Alaska Avenue

This is a request for approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility.

The attached correspondence was received subsequent to the preparation of the agenda item. The email is in response to the concerns presented by the adjacent property at 450 Alaska Avenue.

Staff also notes an error with the number of handicap accessible parking spaces shown on page 2. There are three spaces onsite, instead of the two as listed.

Staff continues to recommend approval of the project as conditioned.

Prepared by,



Soc Angelo Yumul
Planning Assistant

Respectfully submitted,



Gregg D. Lodan, AICP
Planning Manager

Attachment:
Correspondence

Yumul, Soc Angelo

From: Carlton, Lary [Lary.Carlton@colliers.com]
Sent: Monday, August 13, 2012 5:21 PM
To: Parr, Richard L (AS); Yumul, Soc Angelo
Cc: Shane Schumaker; Peter Boesen; 'Joe'; 'Jon & Stephanie Corcoran'
Subject: RE: CUP12-00013
Importance: High

Ric,

Per my voice message, the landlord Giovanni Negri, provided me a copy of written correspondence he has received from the city regarding the Conditional Use Permit that the neighbor at 450 Alaska has submitted against your intended use.

I think it is important that a few of the items the neighbor has brought up be clarified or corrected.

1st) The neighbor at 450 Alaska Avenue is a friend of the landlord at 444 Alaska Avenue (Mr. Giovanni Negri). Mr. Negri has informed me himself that the only concern the neighbor has ever voiced to Mr. Negri had nothing to do with child safety but rather is perception that teenagers would loiter around and leave trash, etc. As you know, this has not been an issue with Soccer City located in the same neighborhood, nor is it characteristic of the caliber and type of clientele you have catered to including many Torrance family residence since the inception of your organization. It is also far afield from the behaviors your organization allows or tolerates. Certainly I think it fair to state your professional, semi-pro, college and serious high school athletes do not and will not behave in this manner at 444 Alaska Avenue.

We have already discussed the fact that your customers will not be allowed to wander the parking lot.

2nd) The neighbor referenced the shared easement and Photo #1. I would like to point out that the neighbor has and uses a different access point off of Alaska Avenue for his truck shipments. This access point is on the opposite side of his building and not adjacent to 444 Alaska Avenue. You may wish to take photos of this other entry point which is the entry point the neighbor at 450 Alaska Avenue actually uses for his shipping and receiving. Mr. Negri has informed me that the only traffic coming to or from 450 Alaska Avenue through the easement is of cars and other small vehicles that the neighbor at 450 Alaska Avenue receives as 'retail' customers. Retail customers for the neighbor at 450 Alaska Avenue may certainly also include families, mom's and dad's and their children. If the neighbor truly has concerns regarding safety of the public that concern must also be applicable to his own retail sales customers.

Please note in the photo #1 that has been presented by the neighbor he has outlined a larger area for the ingress egress easement than what is striped for the through traffic on the asphalt – this can be seen in the photo itself. There is a reason a smaller area is stripped indicating the ingress egress – the neighbor at 450 Alaska Avenue actually has a fence which substantially reduces the area that any vehicles could actually drive thru to access his property. Photo #1 shows the fence is seen at the bottom left hand corner.

The neighbor referenced the main entrance to 444 Alaska Avenue as being located in or around the easement. I do not know how he came to this conclusion given the front entrance is at the front of the building that faces Alaska Avenue and at the parking lot. In fact there are multiple man doors that you

08/15/2012

potentially could use as main points of entry or as primary drop off points including from within the back private fenced yard area well past the easement depending on how you plan to set up the internal operations.

The neighbor references children yet no qualification is made by him as to the age of your clientele which include professional, semi-pro adult athletes, college athletes and serious high school athletes that understand and are required to adhere to your code of conduct while being involved with your training program.

I don't know why the neighbor referenced Section 3.01 and 3.02 as if your clientele will be stopping in the middle of the easement which is right at the entrance of the property from the street. 444 Alaska has a functional two way driveway with substantially parking behind the private fenced yard area and more parking than many if not most other buildings in the area.

The neighbor referenced the flooding that had been a problem on a few occasions. Some of this may have to do with un-cleared storm drains I do not know. I have experienced this throughout this neighborhood and in several residential neighborhoods during the torrential rains we have experienced off and on over the last several years. He provides a couple photo's with large trucks that belong to the tenant at 444 Alaska that will no longer be operating on the premises.

If there a true and present danger to children from the refinery then all the children that utilize the Soccer City facility down the street on Maple must also be in danger, as well as, the children that attend the private school across the street of the Refinery off of Crenshaw and Amapola and the families that live in the residential homes off of Crenshaw off, the homes off of Del Amo (these are downwind of the refinery), and the residential neighborhoods a block a way to the south.

As you know, Colliers International is the dominate industrial real estate brokerage company that has listed properties throughout this entire neighborhood for several years (our signs on most the available properties is evidence enough of this fact). I personally am on this street and the adjacent streets at all hours of the day and early evening often several times a week. The traffic is not heavy on Alaska Avenue at any time. The neighbor at 450 Alaska Avenue makes it sound as if you are installing a large regional park that will house hundreds of people with requisite levels of car traffic daily at the height of the traffic hour. Yet your hours of operation in fact are planned with only 90 minute overlap between his posted hours of operation on his web site and yours. Also, in reality though you will be opening your doors at 3 pm in the preparation the facilities for customers the majority of your customer base will essentially not come to the property till typically 4 pm or later on weekdays.

The neighbor referenced the high turnover rate of parents dropping off and picking up children while having no conception of your client base, the fact that you train adult professional, semi-pro, college athletes, and serious high school athletes, as well as, a younger group of customers. The neighbor does not have any conception as to the level of involvement the parents of your younger customers.

The number and nature of what I perceive to be mischaracterizations are disappointing especially when I consider the fact that the mischaracterizations come from a company that seeks to provide a product to beautify the homes to many of the same customers you serve in Torrance as you build the moral character and physical capacities of your clients.

I will be out of town on the date of the hearing but please feel free to submit or reference my observations above.

Lary Carlton

Senior Vice President | License No. 01222308
Dir +1 310 381 2426 Mobile +1 562 547 8994
Main +1 310 787 1000 | Fax +1 310 787 6869

Lucy M. Burnett

Marketing Coordinator
Dir +1 310 381 2425

lary.carlton@colliers.com

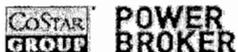
lucy.burnett@colliers.com

http://www.colliers.com/markets/Greater_Los_Angeles/LongBeachSouthBayPropertiesGroup

Colliers International
2050 W. 190th St., Ste. 101 | Torrance, CA 90504 | USA
www.colliers.com



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SUPPLEMENTAL #1 TO AGENDA ITEM 12B

TO: Members of the Planning Commission

FROM: Development Review Division

SUBJECT: CUP12-00013

LOCATION: 444 Alaska Avenue

This is a request for approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility.

The attached correspondence was received subsequent to the preparation of the agenda item. The packet details the concerns of the adjacent property at 450 Alaska Avenue.

Staff continues to recommend approval of the project as conditioned.

Prepared by,



Soc Angelo Yumul
Planning Assistant

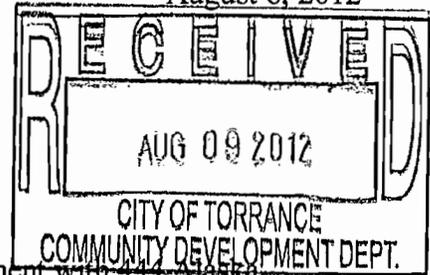
Respectfully submitted,



for: Gregg D. Lodan, AICP
Planning Manager

Attachment:
Correspondence

August 8, 2012



Dear Sirs,

In Reference to # CUP12-00013

As an adjacent property and business owner, sharing an access easement with 444 Alaska Avenue; I wish to present my objections to the proposed use permit of a recreational facility in a M2 zone. After reviewing the plan of Richard Parr, it is evident that this request violates the intended use of M2 zoned industrial property.

Quoted from the City of Torrance General Plan:

Torrance was developed as a City with prominent industrial uses, and these uses continue to be an important part of the City's identity. In 2005, manufacturing industries contributed approximately 15 percent of the total employment in the City of Torrance (Page LU-54).

Torrance recognizes the importance of retaining its strong industrial base to meet revenue and employment needs. Therefore, the City will preserve the primary industrial land uses and encourage intensification and/or redevelopment of underutilized industrial parcels. Expanding industrial uses significantly is not feasible due to the lack and high cost of vacant land. Potential impacts created by the permanent or interim use of tenant space for non-industrial uses should be adequately mitigated. Ensuring the presence of appropriate tenants in industrial developments can minimize safety and traffic conflicts and ensure that these areas are preserved for industrial businesses that contribute positively to the City economy through jobs creation and tax revenue (Page LU-56).

I am a lifetime Torrance resident and our family business has operated in Torrance for 32 years. In 2003, we were faced with a similar zoning issue where the M1 surrounding areas were being converted into R3 and we were forced to move out the property (Spencer St. and Earl Ave.) that we owned for 23 years. We built the building that we currently operate out of (450 Alaska Ave. - Parcel #2) in accordance to the city plan that included a shared access easement (see attached Document #02 2159396).

The easement is located in an area that endangers child safety. Shipments of large slabs of stone are delivered with Semi Trucks that must back up and maneuver through the shared access easement. This is a liability and safety hazard when children are present. The location of the main entrance to the recreational facility places the drop off / pick up point right in and around the easement. Children will naturally congregate in this shared easement area while waiting for their parent to pick them up. Please see attached photo (#01).

From the Recorded Easement, Article 3 of Declaration 02 2159396

Section 3.01. Parking and Traffic. *There shall be no parking or stopping any time of any vehicle or traffic by any of the Parcel Owners, their successors in interest, lessees, their invitees, licensees, occupants or permittees in the Access Easement Area.*

Section 3.02. Signs and Storage. *There shall be no display of signs, or storage of goods, cargo, merchandise or standing of any truck, vehicle, or trailers in or along the easement area.*

This area of Alaska Avenue has a known flood problem due to the location at the base of two inclined streets. Please see attached photos (#02,03,04) of the shared access easement during the rainy season. The storm drain cannot handle the influx of water during a mild to heavy rain. In past 8 years we have operated there, the drive way leading into the easement has been filled with over 4 feet deep with rain water. The city workers will come out and clean the storm drain regularly, but it still does not alleviate the flooding. This creates a major traffic and safety situation during the peak time of an indoor batting facility. The placement of a recreational area adjacent to the Mobil Refinery also brings up environmental issue of children inhaling fumes during their baseball practice. I believe that there are many other locations in the city that have much better air quality.

Lastly, the traffic impact of a recreational facility in this industrial area will exacerbate the already poor conditions. The streets in this area are designed for employees to travel to and from work as well as channel the supply deliveries to the factories. The traffic during the afternoon and early evening hours on Alaska Avenue and Maricopa Street are already severely congested. The high turnover rate of parents dropping off and picking up their children during these peak hours will further obstruct the patrons of this industrial area.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe De Lorenzo". The signature is stylized with a large initial "J" and a long, sweeping tail.

Joe De Lorenzo

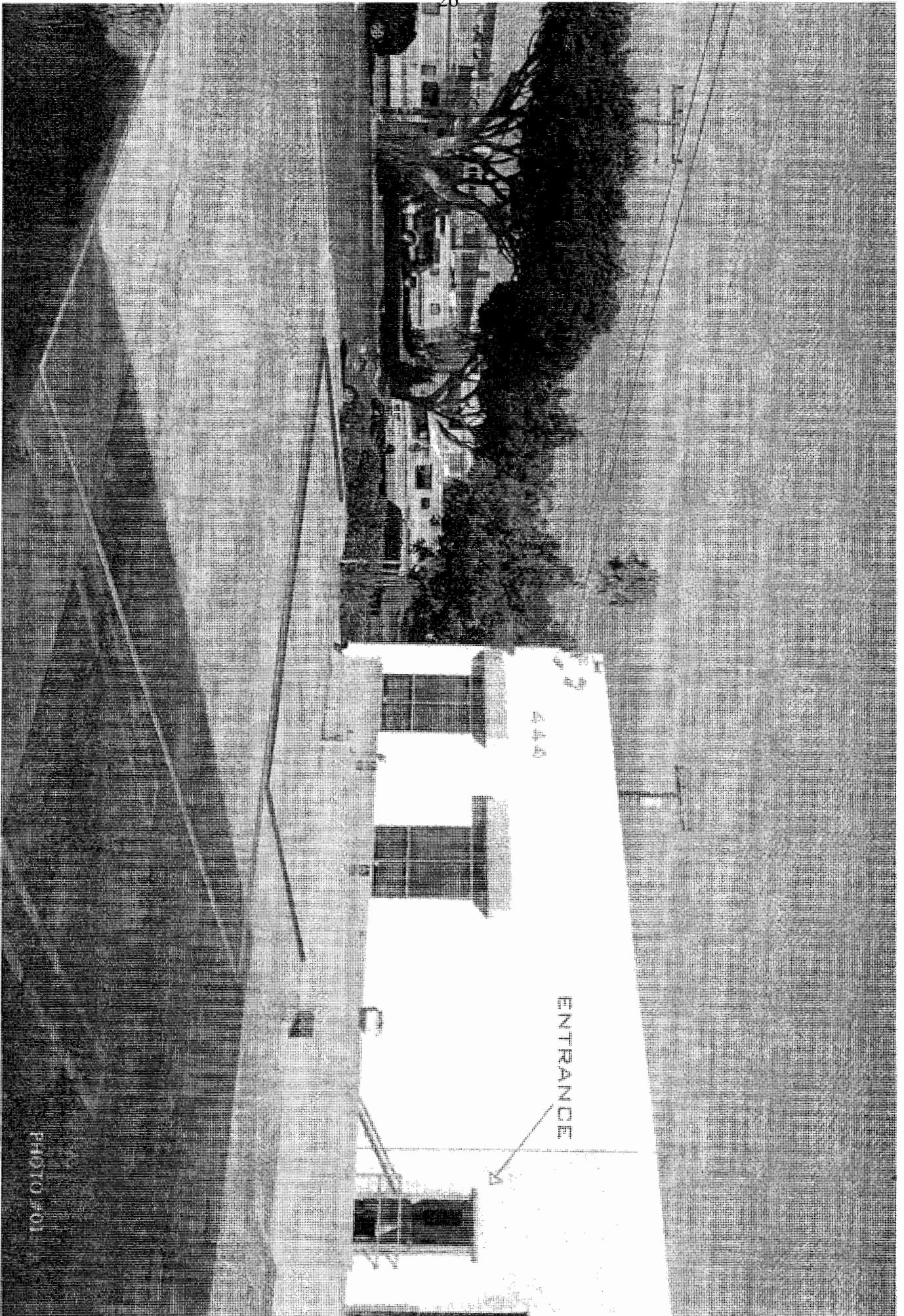


PHOTO 401

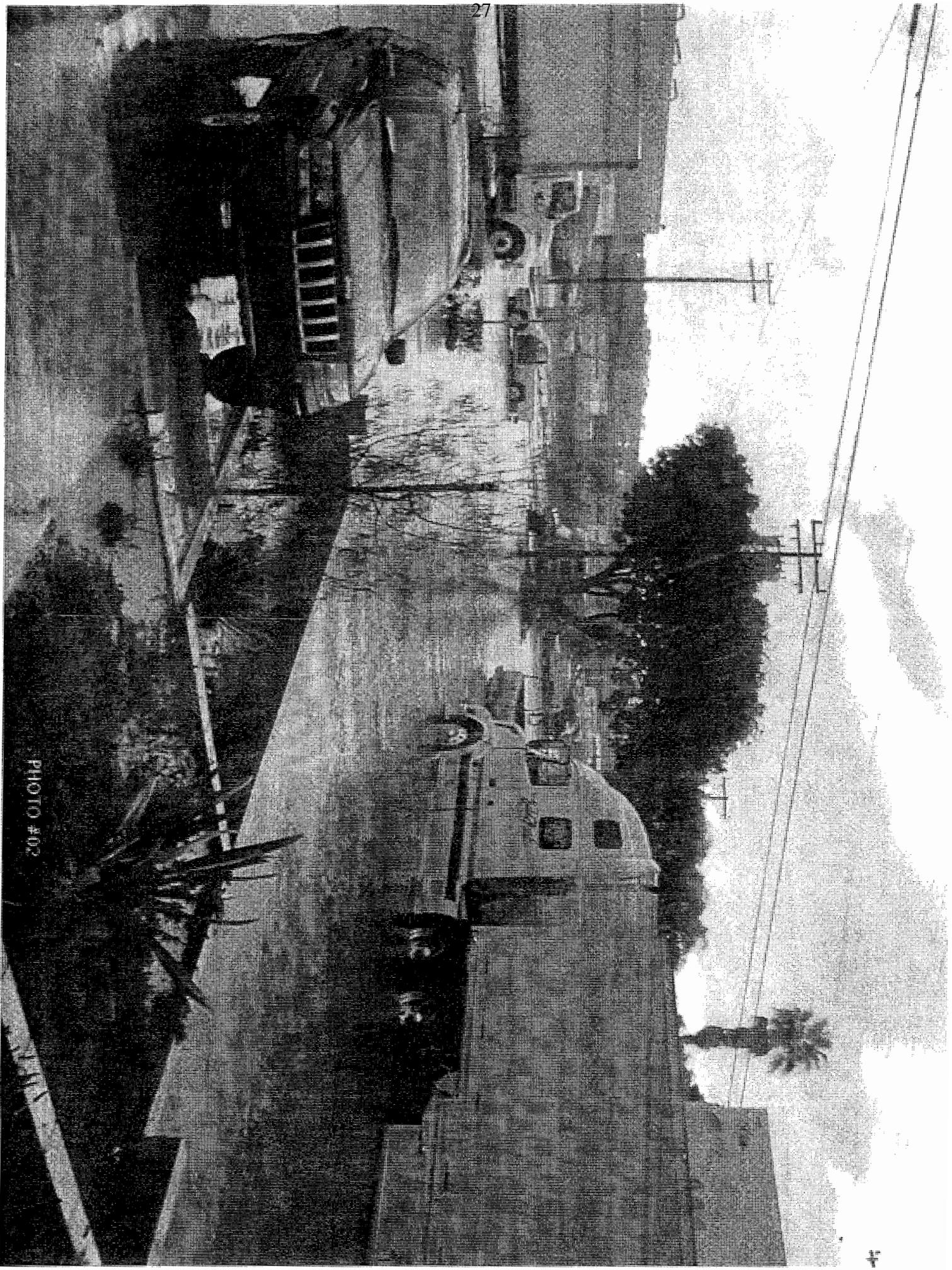


PHOTO #02

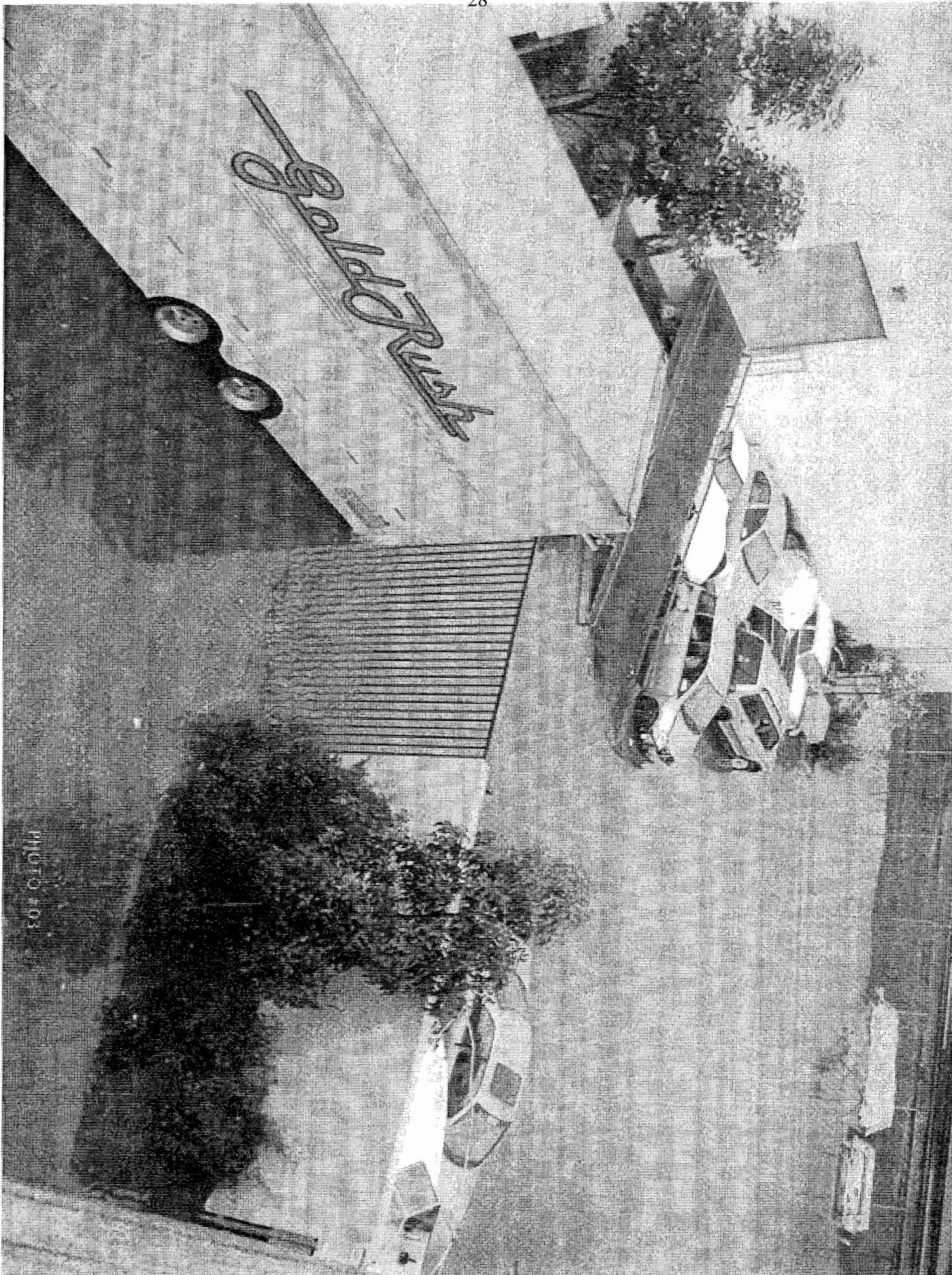
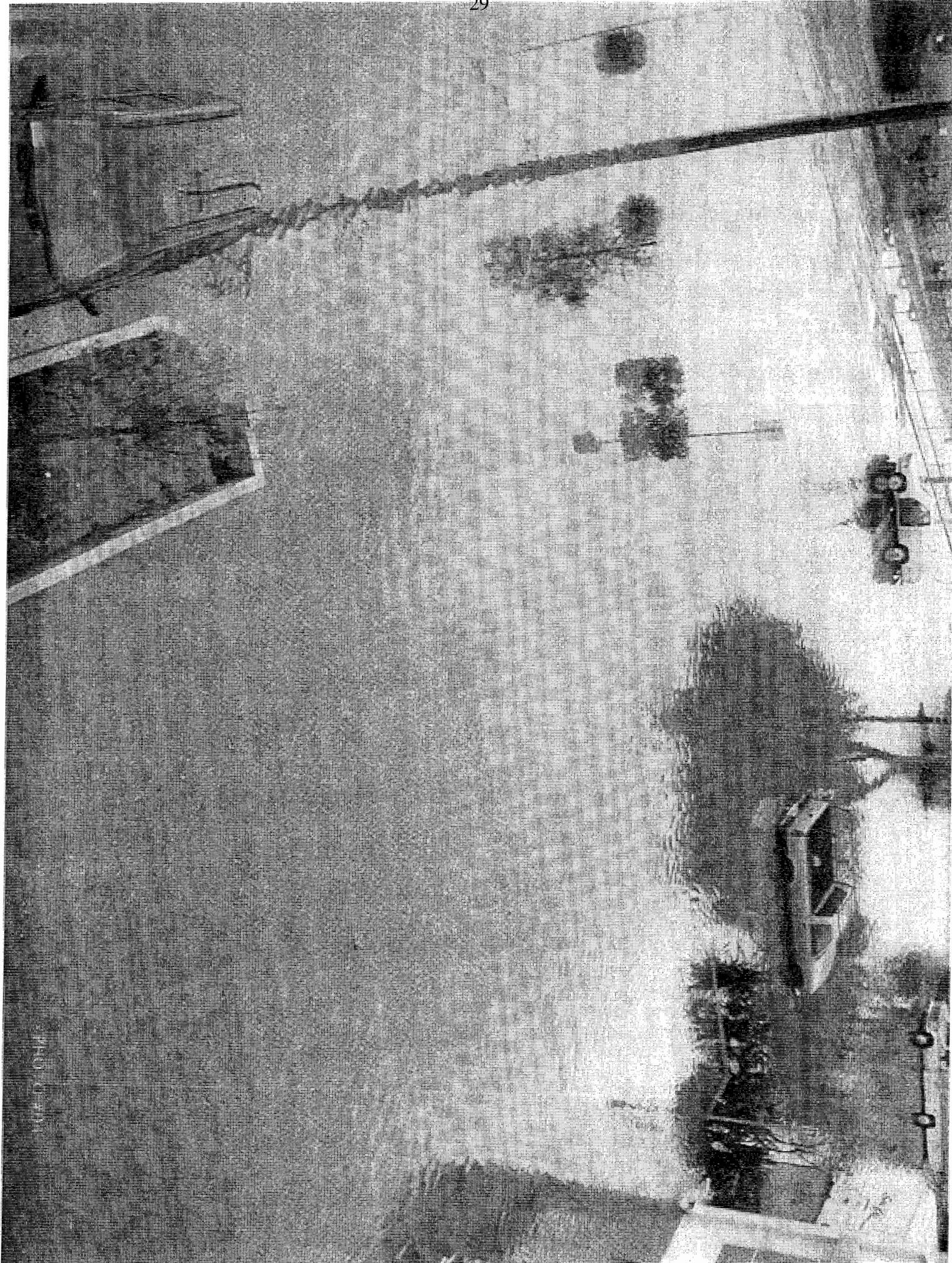
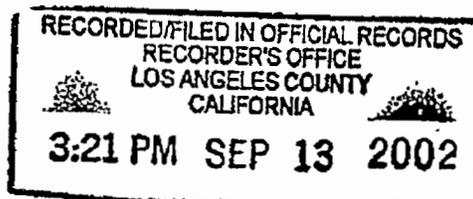


PHOTO #03





02-2159396



SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FEE \$ 130.13

D.T.T.

CODE 20

D.A. FEE Code 20 \$ 2

CODE 19

NCPF Code 19 \$ 39

CODE 9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

2
02-2159396

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Quinn Johnson
5675 E. Telegraph Road
Suite 400
Commerce, CA 90040

DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR KCS ALASKA, L.P., TORRANCE, CA

THIS DECLARATION is made as of September 12, 2002 by KCS ALASKA L.P. (hereinafter "Declarant") with respect to the following:

PREAMBLE

A. The real property ("Property") subject to this Declaration is more particularly described as Parcels 1 and 2 of Parcel Map 26418 in the City of Torrance, County of Los Angeles, State of California, as shown on a Map recorded in Book 311 Pages 82 and 83 of Parcel Maps in the Office of the County Recorder of said County. Declarant intends to develop the property as a business center consisting of two (2) separate legal parcels with the potential for office and warehouse space (the "Project"). The Parcels in the Project are sometimes hereinafter referred to individually as a "Parcel" and collectively as "Parcels" and the owner or owners thereof as "Parcel Owner" or "Parcel Owners."

B. It is the desire and intention of the Declarant to restrict to a general and common plan the, use, maintenance, repair and/or restoration of the Project. More specifically this Declaration shall be binding upon all Parcel Owners and their successors in interest, to share the cost and expense of maintaining, repairing, and replacing any easement areas described herein in good condition and repair, and for the reimbursement of any expenses incurred by the Declarant or by any subsequent owners of the Parcels. The Property shall be held, used, sold, conveyed, owned, leased and occupied subject to the provisions of this Declaration, which is declared to be executed for the use and benefit of said Property and each Parcel Owner.

02 2159396

C. The Property and each Parcel shall be held, conveyed, owned, encumbered, leased, rented, used, and occupied subject to the following limitations, restrictions, conditions, and covenants all of which are declared and agreed to be in furtherance of a plan for the protection, maintenance, improvement, and sale of the Property for the purpose of enhancing the protection, value and desirability of the Property, each Parcel therein, and the Project as a first class business center.

D. While provisions of this Declaration may be imposed as equitable servitudes upon the property or any Parcel, all of the limitations, restrictions, easements, conditions and covenants herein shall run with the land and shall be binding on and for the benefit of all the Property (including each individual Parcel) and all parties having or acquiring any right title or interest in the Property, any Parcel, or any part thereof.

ARTICLE I

DECLARATION OF EASEMENTS

Section 1.01. Easements. Each Parcel Owner shall at the request of the Declarant, as a condition of the sale of any Parcel, grant such easements as are necessary to develop and provide pedestrian, vehicle, parking and storage, sewer, storm drain, cable and utility access to any Parcel of the Project as described below.

Section 1.02. Grant of Access Easements. Subject to the terms of this Declaration, the Parcel Owners shall grant in perpetuity to each other and their successors and assigns, an easement solely for the ingress and egress of motor vehicles and pedestrians over the easement area described on Exhibit "A". The easement described in this Section shall hereinafter be referred to as the "Access Easement". The portion of the Property on which the Access Easement is located is referred to herein as the "Access Easement Area". The location of the Access Easement Area is described and depicted on the Parcel Map attached as Exhibit "B" hereto and incorporated herein by this reference.

Section 1.03. Grant of Utility Easements. Subject to the terms of this Declaration, the Parcel Owners shall grant in perpetuity to, and their successors and

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assigns, a blanket easement over the Parcels, with the exception of permanent structures and building footprint areas, solely for the installation, maintenance and repair of sewer pipes, storm drains, water mains and pipes, natural gas lines, an electrical transformer and electrical cables and other utilities. The easements described in this section shall hereinafter be referred to as the "Utility Easement." The portion of the property in which the Utility Easement is located is referred to herein as the Utility Easement Areas. The Access Easement Area and the Utility Easement Area are referred to collectively as the "Easement Areas".

Section 1.04. Grant of Drainage Easement

Subject to the terms of this Declaration, the Parcel Owners shall grant in perpetuity to, and their successors and assigns, a non-exclusive easement under, over, through, and across the Property for drainage of water over and under the Property for cross Parcel drainage.

Section 1.05. Nonexclusive Easements. The easements to be granted in this Declaration are nonexclusive. The grantors shall retain and reserve unto themselves, their successors and assigns, the right to make any use of the Easements Areas, including, without limitation, the right to grant and create additional easements in the Easements Areas, and construct, install, maintain, replace and remove roadways, alleys, sidewalks, fences, parking areas, storm drains, water lines, sewage lines, natural gas pipelines, telephone lines, electrical lines, cable lines, computer networking and internet connection lines, and other utility facilities and services in, on, through, over, under and across the Easements Areas and otherwise to use the Easements Areas for any lawful purpose(s), provided that said easements and uses are not inconsistent with and do not interfere with the use of the easements granted herein.

Section 1.06. Construction and Maintenance in Easement Areas. During any period of construction and maintenance in any Easements Area, grantee, and grantee's agents, employees, contractors and subcontractors shall not unreasonably interfere with the grantor's use of the Easements Area and shall coordinate and schedule any construction with the grantor to minimize, to the extent reasonably practical, any interference of the grantor use of the Easements Area. At any time any

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party commences or causes others to commence work in an Easements Area, such party shall give at least seven (7) days prior written Notice to the other parties and shall cause such work to be diligently performed to completion to minimize the length of time of interruption of the other parties' use of the Easements Area.

Section 1.07. Restoration of Surface and Landscaping. In making any excavation or entry or performing any task or work of any kind in, under or upon any Easement Area, grantee shall do the same in such a manner as will cause the least possible injury to the surface and landscaping of such Easement Area and shall promptly replace and restore the surface and landscaping of any Easement Area, at grantee's sole cost and expense, to the same or better condition as it was prior to such excavation or entry or performance of task or work.

Section 1.08. Maintenance, Replacement and Repair. As a condition and covenant of this Declaration, each of the Parcel Owners shall be responsible for one half of the amounts reasonably necessary to maintain, repair, and replace the Easement Areas. In addition, the grantee of any easement shall be responsible for repairing, at the grantee's sole cost and expense, any damage to the Easement Areas or any improvements located thereon caused by the grantee's or its contractors, employees, licensees, guests, agents, or invitee's negligence.

Section 1.09. Indemnity by Grantees. Any grantee of any easement herein shall indemnify, defend, protect, and hold harmless any grantor of such easement and its heirs, successors, assigns, officers, directors, shareholders, partners, members, employees and agents from and against any and all claims, causes of action, costs (including reasonable attorneys' fees and costs), damages, liabilities, mechanics' liens, materialmans' liens, demands and obligations arising out of the use by such grantee of the easement in question or failure of any grantee to adequately repair and maintain any damage thereto.

Section 1.010. No Boundary Adjustment. This Declaration shall not be construed as a lot line adjustment or other attempt by the Parcel Owners hereto to change the legal description of the fee title interests that they possess in their respective properties. Absolutely no right, title or interest in and to any portion of any grantor's property is hereby given to any grantee, except those rights in and to the

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easements as exclusively provided herein.

Section 1.11. No Public Dedication. Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of any of the Easement Areas to the general public or for any public purpose whatsoever, and this Declaration shall be strictly limited to and for the limited purposes expressed herein.

Section 1.12. Insurance. As a condition precedent to the grant of any easement contained herein and a continuing condition and covenant hereof, each grantee shall procure and maintain through the term of this Declaration a policy of Combined Single Limit Bodily Injury and Property Damage Insurance (including coverage for owned, non-owned or hired automotive equipment) in an amount not less than \$2,000,000 covering grantee's use of the Easement Areas. Said policy shall name any grantor as an additional insured. Any grantee shall provide a certificate of insurance to any grantor upon procuring such policy and anytime thereafter upon request of such grantor. During any construction in the Easement Areas, any grantee shall require its contractor to carry normal and usual contractor's liability insurance in reasonable amounts naming the grantor in question as an additional insured on such policy, and to provide a certificate of insurance thereof to grantor.

ARTICLE 2

EASEMENT AREA REPAIR, REPLACEMENT, AND MAINTENANCE

Section 2.01. Each Owner shall use, occupy and operate its Parcel, and its presence and business thereon, in compliance with all laws, statutes, ordinances and regulations now or hereafter enacted and as any of them may be modified from time to time (collectively, "Legal Requirements").

Section 2.02. Each Owner shall keep, maintain, repair, and manage its respective Parcel, whether occupied or unoccupied, in compliance with all Legal Requirements and in good and clean order, operation and condition in such manner to establish, maintain and present, at all times, the appearance of a clean, well-managed, attractive part of the Project, and in conformance with any rules, regulations, covenants, conditions and restrictions which have been or may be imposed (whether or not recorded) against the Property from time to time, and any amendments, modifications, or supplements thereto, (collectively, the "Maintenance Standards").

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The Maintenance Standards shall include, without limitation, the requirements set forth on attached Exhibit "C".

Section 2.03 Each Owner shall maintain such insurance as is reasonable for an Owner of such a property and as may be required by such Owner's lender or lenders.

Section 2.04. The responsibility for the maintenance and repair of the Property pursuant to the Maintenance Standards shall be the responsibility of each Parcel Owner.

Section 2.05. If any Owner sells its Parcel, then such Owner shall have no further obligation under this Declaration with respect to such Parcel sold after the date of conveyance other than obligation arising prior to the date of the conveyance. However, the provisions of this Declaration shall be binding upon, and shall inure to the benefit of all present and future Owners of all or any part of the Parcel.

ARTICLE 3

ACCESS EASEMENT AREA USE

Section 3.01. Parking and Traffic. There shall be no parking or stopping at any time of any vehicle or traffic by any of the Parcel Owners, their successors in interest, lessees, their invitees, licensees, occupants or permittees in the Access Easement Area.

Section 3.02. Signs; Storage. There shall be no display of signs, or storage of goods, cargo, merchandise or standing of any truck, vehicle, or trailers in or along the any Easement Area.

ARTICLE 4 ENFORCEMENT

Section 4.01. Interest. In the event that any Parcel Owner does not pay the respective share of the maintenance expenses or enforcement expenses as determined within thirty (30) days after demand has been made in writing, that party shall pay interest on said amount at the rate of ten percent (10%) per annum not to exceed any amount allowed by law.

Section 4.02. Action at Law. Any Parcel Owner may bring an action at law in the appropriate court having jurisdiction of the same against the Parcel Owner obliged to perform the covenants, conditions, or restrictions contained herein or pay their

02 2159396

proportionate share of the expenses incurred pursuant to the terms of this Declaration.

Section 4.03. Attorneys' Fees. Any party so bringing such action may recover reasonable attorney fees and court costs for the prosecution of such action. No Parcel Owner may waive or otherwise escape liability for the costs and assessments provided herein, as voted upon by the Parcel Owners, by sale or abandonment of that property.

Section 4.04. Owner. For the purposes of this Section the term "owner" may, at the option of the Declarant, include any lessee holding under a lease.

ARTICLE 5

NOTICES

Section 5.01. Notices. All notices ("Notices") to be given hereunder shall be deemed to have been duly given on the date personally served on the party to whom notice is to be given, or on the second day after mailing if mailed to the party, by certified mail (return receipt requested), or by overnight express mail service, postage prepaid and addressed to the U.S. Post Office designated address for the respective Parcel.

ARTICLE 6

AMENDMENTS

Section 6.01. Amendments. This Declaration or any provision hereof may be amended any time by the unanimous action of the then owners of the Parcels. Such modification shall be effective only by an instrument in writing duly acknowledged and recorded in the Office of the Recorder of the County in which the property is located.

ARTICLE 7

BENEFIT; DURATION

Section 7.01. Run With Land. All of the agreements, obligations, rights, covenants, conditions, restrictions and any grants of easement contained in this Declaration shall run with the land and shall be binding upon and shall inure to the benefit of the Parcel Owners, their respective heirs, successors (by merger,

02 2159396

consolidation, or otherwise), assignees, devisees, administrators, representatives, lessees, and all other persons acquiring said land or any part hereof, whether by operation of law or in any other manner whatsoever.

Section 7.02. Expiration. The conditions, covenants, restrictions, and other terms, provisions, benefits, burdens, and obligations contained in this Declaration shall continue in perpetuity unless agreed to otherwise by the City of Torrance, County of Los Angeles, and majority of the Parcel Owners.

ARTICLE 8

MISCELLANEOUS

Section 8.01. Successors and Assigns. The rights and obligations of the parties hereto shall bind and inure to the benefit of their respective, heirs, assigns and successors in interest.

Section 8.02. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of California.

Section 8.03. Time of the Essence. Time is of the essence of each of the obligations of each of the Parcel Owners.

Section 8.04. Severability. The illegality, invalidity or unenforceability of any term, condition or provision of this Declaration shall in no way impair or invalidate any other term, condition or provision of this Declaration, and all such terms, conditions and provisions shall remain in full force and effect.

Section 8.05. Further Assurances. Each Parcel Owner shall, from time to time, execute and deliver (without unreasonable delay and any additional consideration) such other instruments and documents and shall take such other action (at no cost, expense or liability to the non-requesting party) as may be reasonably required to effectively carry out the terms of this Declaration.

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02 2159396

IN WITNESS WHEREOF, the Declarant set its hand to this Declaration on the day and herein after first written.

KCS Alaska, L.P.

By: 
Randall R. Kendrick

Its: _____
Chairman of General Partner Kendrick
Construction Services, Inc.

(Attach notary form here)

- Exhibit "A" - Legal Description of Access Easement
- Exhibit "B" - Parcel Map Depicting the Access Easement Area
- Exhibit "C" - Maintenance Standards.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

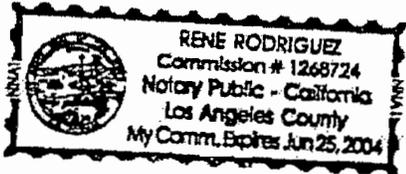
02 2159396

State of California }
County of Los Angeles } ss.

On Sept. 13, 2002 before me, RENE RODRIGUEZ, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared RANDALL KENDRICK
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
René Rodriguez
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



12

02 2159396

LEGAL DESCRIPTION**ACCESS EASEMENT**

AN EASEMENT FOR INGRESS AND EGRESS PURPOSES SITUATED IN THE CITY OF TORRANCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 26418 PER MAP FILED IN BOOK 311 PAGES 82 AND 83, RECORDS OF SAID COUNTY IN SAID STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 1, SAID CORNER BEING A POINT IN THE EASTERLY RIGHT-OF-WAY OF ALASKA AVENUE, 80 FEET WIDE AS SHOWN ON SAID MAP, THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 48° 00' 01" WEST 36.00 FEET; THENCE NORTH 41° 59' 59" EAST 58.50 FEET; THENCE SOUTH 48° 00' 01" EAST 36.00 FEET; THENCE SOUTH 41° 59' 01" WEST, 58.50 FEET TO THE POINT OF **BEGINNING**.

CONTAINING AN AREA OF 2,106.00 SQ. FT. (0.048 ACRES)

C:\COORY\LEGAL\M02108 ACCESS EASEMENT 090302.COM

EXHIBIT "A"

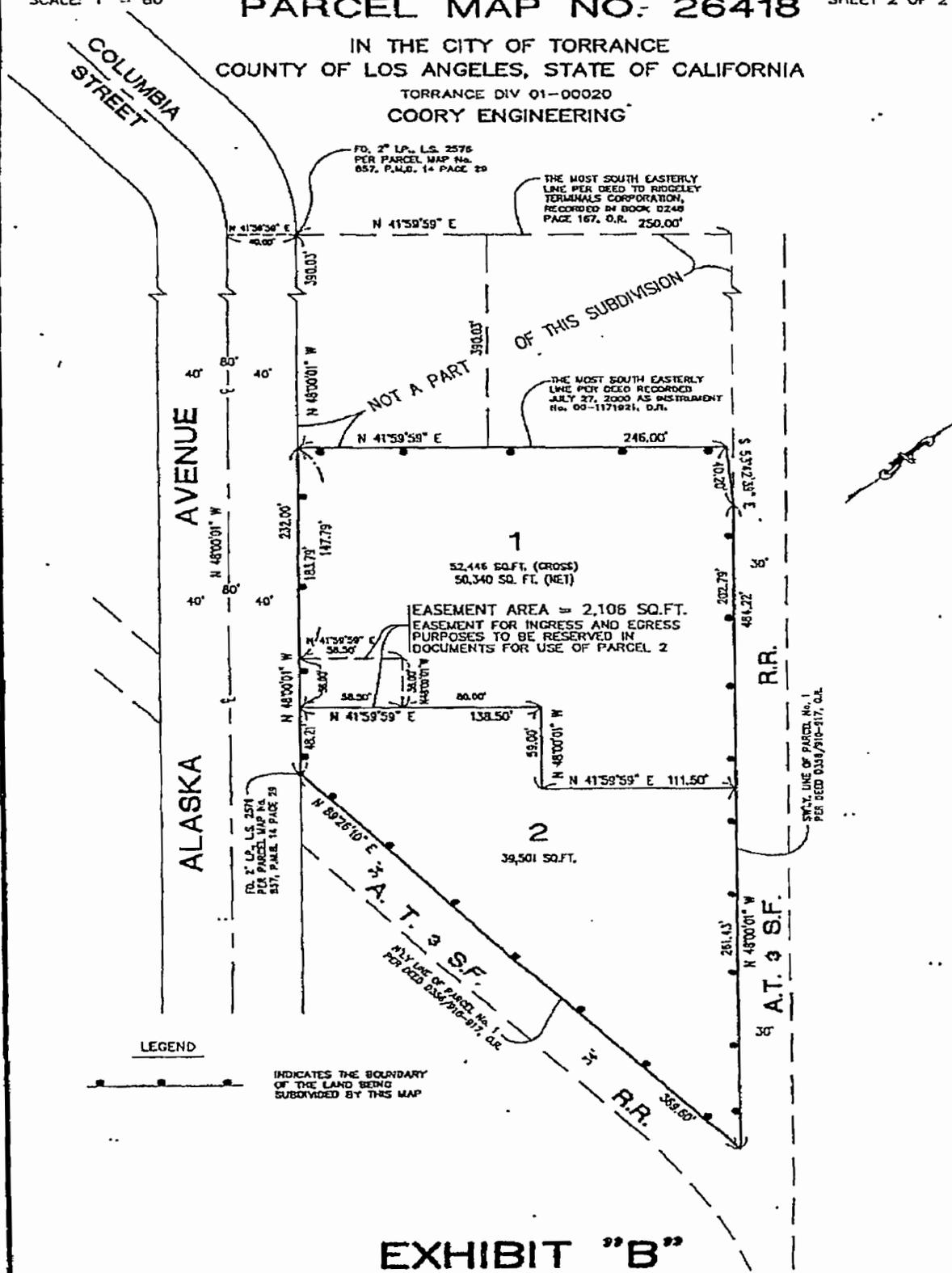
02 2159396

SCALE: 1" = 80'

PARCEL MAP NO. 26418

SHEET 2 OF 2 SHEETS

IN THE CITY OF TORRANCE
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
TORRANCE DIV 01-00020
COORY ENGINEERING



LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

EXHIBIT "B"

02 2159396

EXHIBIT C

Maintenance Standards

1. Each Owner shall take such action as is reasonably necessary to maintain, manage and operate the driveways, parking areas, landscaping, buildings and other improvements in good and clean order, operation condition and repair in such manner to establish, maintain and present, at all times, the appearance of a clean, well-managed, attractive Project. Maintenance is to include, but not limited to, the following:

Easement Areas:

- (a) Maintaining the surface of the Easement Areas in a level, smooth and evenly covered and properly striped condition, using the types of surfacing material and paint originally installed, or such substitutes as in all respects shall be equal or better in quality, use and durability;
- (b) Repairing and replacing the Easement Areas where necessary;
- (c) Placing, maintaining and replacing any necessary directional signs, markers and lines and any other appurtenances to the Easement Areas;
- (d) Maintaining and repairing where necessary any curbing or drainage facilities for the Easement Areas; and
- (e) At least once every five [5] calendar years slurring and restriping the Easement Areas.

Landscape:

Maintaining the landscaping originally installed, or such substitute as in all respects shall be equal or better in quality, use and appearance, in a clean and healthy appearance.

AGENDA ITEM NO. 12B**CASE TYPE AND NUMBER:** Conditional Use Permit, CUP12-00013**NAME:** Richard L. Parr (Clarify Holdings, LLC)**PURPOSE OF APPLICATION:** Request for approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial building.**LOCATION:** 444 Alaska Avenue**ZONING:** M-2, Heavy Manufacturing District**ADJACENT ZONING AND LAND USE:**

NORTH: M-2, Heavy Manufacturing District, Manufacturing, Refinery

EAST: M-2, Heavy Manufacturing District, Manufacturing, Showroom/Warehouse

SOUTH: M-2, Heavy Manufacturing District, Manufacturing, Warehouse

WEST: M-2, Heavy Manufacturing District, Manufacturing, Office/Warehouse/Storage

GENERAL PLAN DESIGNATION: Light Industrial**COMPLIANCE WITH GENERAL PLAN:** The Light Industrial designation (I-LT) is characterized by a wide range of industrial uses where manufacturing or assembly is primarily limited to enclosed buildings, professional and medical office, research and development, warehouse, and wholesale uses. The maximum floor area ratio (FAR) is 0.6.

The proposed indoor sports and training facility within an existing industrial building is a conditionally permitted use in the M-2 zone. This use is consistent with the type of uses permitted within the Light Industrial land use designation. The property's current M-2 zoning does not conform to its I-LT general plan designation. A City-initiated zone change to M-1, Light Manufacturing District will be conducted at the time the City updates its Zoning Code in order to bring the zoning into conformance with the General Plan.

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES: The subject parcel is currently developed an industrial warehouse building and its related parking lot.**ENVIRONMENTAL FINDINGS:** The minor alteration of existing public or private structures involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301 (e)(1).**BACKGROUND AND ANALYSIS:**

The applicants are requesting to operate an indoor sport and training facility within an existing industrial warehouse building. A Conditional Use Permit is required to allow the operation of an indoor commercial recreation facility in the M-2 Zone.

The subject site is located on the east side of Alaska Avenue between Columbia Street and California Street. The lot is flag-shaped and 1.20 acres in size. The lot was created via DIV01-00020.

The warehouse building was originally built in 1961 and was most recently renovated in 2004 via CUP01-00031. The building measures 25,125 square feet. The existing building footprint will not be altered and no new square footage will be added. The only exterior alterations proposed are related to ADA pathway requirements at the front of the building.

The site is surrounded by other industrial properties and uses, mostly manufacturing and warehouses.

The facility features an entry alcove, offices, a small retail area, restrooms, and a seated waiting area towards the front of the building. At the rear of the building, there is a strength and conditioning area, with a 10ft by 10ft storage for equipment. There are 15 batting cages total: 3 as part of group A at the southwest corner of the building; 8 for group B along the western wall; and 4 for group C along the eastern wall.

According to the operation summary (Attachment #4), the proposed hours of operation are 6am through 10pm daily. During the school year, adults will be the primary customers from 6am until 3pm, and youths from 3pm until 10pm. During summer and school holiday breaks, the facility will host youth camps from 6am until 3pm, with each camp having 50-100 participants. There will be five to seven staff members at a time. Typical facility usage is expected to be a maximum of 60 participants at one time.

The facility will also host team parties. No food will be prepared onsite, and alcohol will be prohibited.

According to TMC 93.2.40.b, racquetball, tennis or similar court facilities, shall be provided four parking spaces for each court. While a batting cage is not a court facility, this parking standard has been applied in other indoor sporting uses, most recently with CUP09-00009 (four spaces per soccer court) and CUP10-00018 (four spaces per swimming pool). As such, the fifteen cages require 60 parking spaces. The facility has 759 square feet of offices (to be parked at 1:300), 81 square feet of retail (to be parked at 1:200), and the previously mentioned 100 square feet of equipment storage for the strength and conditioning area (to be parked at 1:100). Therefore, 64 parking spaces are required, and 67 are provided (2 of which are handicap accessible).

Staff spoke with the adjacent property owners to the east at 450 Alaska Avenue and they voiced several concerns with the proposed project. They have concerns with traffic, specifically with the driveway. There is an access agreement between properties (as that driveway is the only access to 450 Alaska). Their business has large delivery trucks coming in and out, which can block the driveway for 10 to 15 minutes at a time. With increased traffic to the site, there is concern with access—for customers of both properties. Another expressed concern is with safety as it relates to children being dropped off and with people loitering in the parking lot. The owners are unsure as to whether the proposed use can monitor their customers, especially in the parking lot.

In light of these concerns, the applicants contend that their peak hours of operation (4pm through 10pm) will be when the neighboring business, as well as others in the area, are winding down. Furthermore, there will not be any outdoor activities, and the applicants do not expect customers to loiter in the parking lot.

Staff conducted a site visit of the property and noted opportunities for improvements, including: restriping faded parking throughout the site, especially at the rear; repainting the hatched "No Parking or Stopping" area at the front driveway; adding wheelstops to any parking space that fronts a wall or fence; installing additional lighting throughout the parking lot to ensure adequate lighting; adding signage to direct customers away from the adjacent property; installing bicycle racks to encourage less traffic; filling bare planter areas; and prohibiting exterior payphones, kiosks, or vending machines. Staff has added conditions to address these concerns.

In the judgment of staff, the subject indoor sport and training facility, as conditioned, will be compatible with the surrounding uses which are mostly industrial. The project will not conflict or interfere with the adjacent industrial businesses, provides more than the required parking onsite, and will experience peak occupancy at traditionally off peak times for surrounding properties. Therefore, staff recommends approval of the subject request.

The applicant is advised that a partial list of Code requirements has been included as an attachment to the staff report, and is not subject to modification by the Planning Commission.

PROJECT RECOMMENDATION: APPROVAL

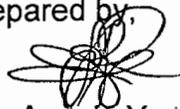
FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE REQUEST:

Findings of fact in support of the subject request are set forth in the attached Resolution.

RECOMMENDED CONDITIONS IF THE PROJECT IS APPROVED:

Recommended conditions of the subject request are included in the attached Resolution.

Prepared by,



Soc Angelo Yumul
Planning Assistant

Recommended by,



For: Gregg Lodan, AICP
Planning Manager

Attachments:

1. Resolution
2. Location and Zoning Map
3. Code Requirements
4. Project Information, Site Plan, Floor Plan, and Elevations

PLANNING COMMISSION RESOLUTION NO. 12-048

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE OPERATION OF AN INDOOR SPORT AND TRAINING FACILITY WITHIN AN EXISTING INDUSTRIAL WAREHOUSE BUILDING ON PROPERTY LOCATED IN THE M-2 ZONE AT 444 ALASKA AVENUE.

CUP12-00013: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on August 15th, 2012, to consider an application for a Conditional Use Permit filed by Richard L. Parr (Clarify Holdings, LLC) to allow the operation of an indoor sport and training facility within an existing industrial space on property located in the M-2 Zone at 444 Alaska Avenue; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 5, Article 1 of the Torrance Municipal Code; and

WHEREAS, minor alteration of existing public or private structures involving negligible or no expansion of use beyond that previously existing are Categorically Exempted by the Guidelines for implementation of the California Environmental Quality Act, Section 15301 (e)(1); and

WHEREAS, the Planning Commission of the City of Torrance does hereby find and determine as follows:

- a) That the property for this Conditional Use Permit is located at 444 Alaska Avenue;
- b) That the property is described as a portion of Lot 7 of Tract 7873 per maps recorded in the Office of the Los Angeles County Recorder, State of California;
- c) That the subject indoor sport and training facility is conditionally permitted in the M-2 Zone and the proposal complies with all of the applicable provisions of the Torrance Municipal Code as conditioned;
- d) That the proposed use will not impair the integrity and character of the zoning district because an indoor recreation center is conditionally permitted in the M-2 Zone;
- e) That the subject site is physically suitable for the type of land use being proposed because the facility will occupy an existing warehouse building, and the existing access, ingress, egress, and parking will adequately service the proposed use;

- f) That the indoor sport and training facility is compatible with nearby land uses because the facility's peak hours of operation do not conflict with the nearest adjacent businesses, and conditions have been implemented to mitigate potential issues;
- g) That the indoor recreation center will be compatible with existing and future uses within the district because the project will not interfere with the surrounding industrial uses, and has been conditioned to be as least intrusive as possible;
- h) That the proposed use will encourage and be consistent with the orderly development of the City as provided for in the General Plan Light Industrial designation and the M-2 Zoning designation as the sport facility is conditionally permitted in the Zone and is consistent with the General Plan;
- i) That the proposed use will not discourage the appropriate existing or planned future use of surrounding property or tenancies as an indoor sport and training facility is compatible with the existing surrounding uses and uses allowed in the surrounding industrial zoning designations;
- j) That there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety;
- k) That there will be adequate provisions for public access to serve the proposed use, because the project shall maintain all existing pedestrian walkways and vehicular access points;
- l) That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of person located in the area;
- m) That the proposed use will not produce any or all of the following results:
 - Damage or nuisance from noise, smoke, odor, dust or vibration,
 - Hazard from explosion, contamination or fire,
 - Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles.

WHEREAS, the Planning Commission by the following roll call vote APPROVED CUP12-00013, subject to conditions:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that Conditional Use Permit filed by Richard L. Parr (Clarify Holdings, LLC) to allow the operation of an indoor sport and training facility within an existing industrial space on property located in the M-2 Zone at 444 Alaska Avenue, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the development and use of the subject space as an indoor recreation center be subject to all conditions imposed in Planning Commission case Conditional Use Permit 12-00013 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the use shall be maintained in conformance with such maps, plans, drawings, specifications, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;
2. That if this Conditional Use Permit is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period of time as provided for in Section 92.27.2;
3. That faded portions of the parking lot shall be repainted and restriped according to City standards to the satisfaction of the Community Development Director; (Development Review)
4. That faded portions of the hatched "No Parking or Stopping" area at the front driveway shall be repainted to the satisfaction of the Community Development Director; (Development Review)
5. That wheelstops shall be installed at all parking spaces that front a building wall or fence; (Development Review)
6. That an exterior lighting plan shall be submitted to the Community Development Department for approval prior to the issuance of any building permits to ensure adequate lighting and to ensure that light does not spill over onto adjacent properties or onto the public right of way, to the satisfaction of the Community Development Director; (Development Review)
7. That the applicants install signage directing customers/traffic away from the adjacent property; (Development Review)
8. That the applicants shall add mulch or groundcover to bare planter areas to the satisfaction of the Community Development Department; (Development Review)
9. That there shall be no outdoor or exterior telephones, vending machines, kiosks, storage containers, etc. permitted onsite; (Development Review)
10. That all activities shall be conducted indoors and any outdoor events shall be subject to the approval of a Temporary Event Permit; (Development Review)
11. That within 30 days of the final public hearing, the applicant shall return the City's "Public Notice" sign and stake (provided there is no appeal) to Development Review; (Development Review)

12. That the applicants install a bicycle rack to the satisfaction of the Community Development Director; (Transportation Planning/Development Review)
13. That the applicants install an alarm system and provide alarmed doorways; (Police/Development Review)
14. That the applicants control public access through a single entry point via lobby or staff desk; (Police/Development Review)
15. That the applicants install video security to monitor property doorways, parking lot, and any facilities housing valuable assets; (Police/Development Review)
16. That the applicants paint address numerals (four feet high) on the rooftop; (Police/Development Review)
17. That the applicants shall provide Phase 1 site assessment to confirm there is no history of hazardous materials usage at this site and is safe for recreational use to the satisfaction of the Torrance Fire Marshall; (Fire Prevention)
18. That prohibited signs for this use include A-frame or freestanding signs; bow or flag banners; inflatable signs; sign twirlers or persons holding signs; signs attached to light or utility poles, vehicles, and trees or other vegetation; and signage mounted on the roof of the building; (Environmental)
19. That the applicant shall provide a sign program which details the wall, ground, directional signs, and menu boards proposed for this use. Signage requires a separate review and approval; (Environmental)
20. That the trash enclosure used by this business must meet the National Pollution Discharge Elimination Standards (NPDES), which requires a metal barrier to prevent rain water from entering the trash area. Also, bins must be provided within the trash enclosure for the storage of recyclable materials. Provide verification that the waste hauler will also collect the recyclables; (Environmental)
21. That the check valve shall be upgraded to current standards (double check detector assembly) if fire sprinkler system is modified; and (Engineering)
22. That all conditions of all other City departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 15th day of August 2012.

Chairman, Torrance Planning Commission

ATTEST:

Secretary, Torrance Planning Commission

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss
 CITY OF TORRANCE)

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 15th day of August 2012, by the following roll call vote:

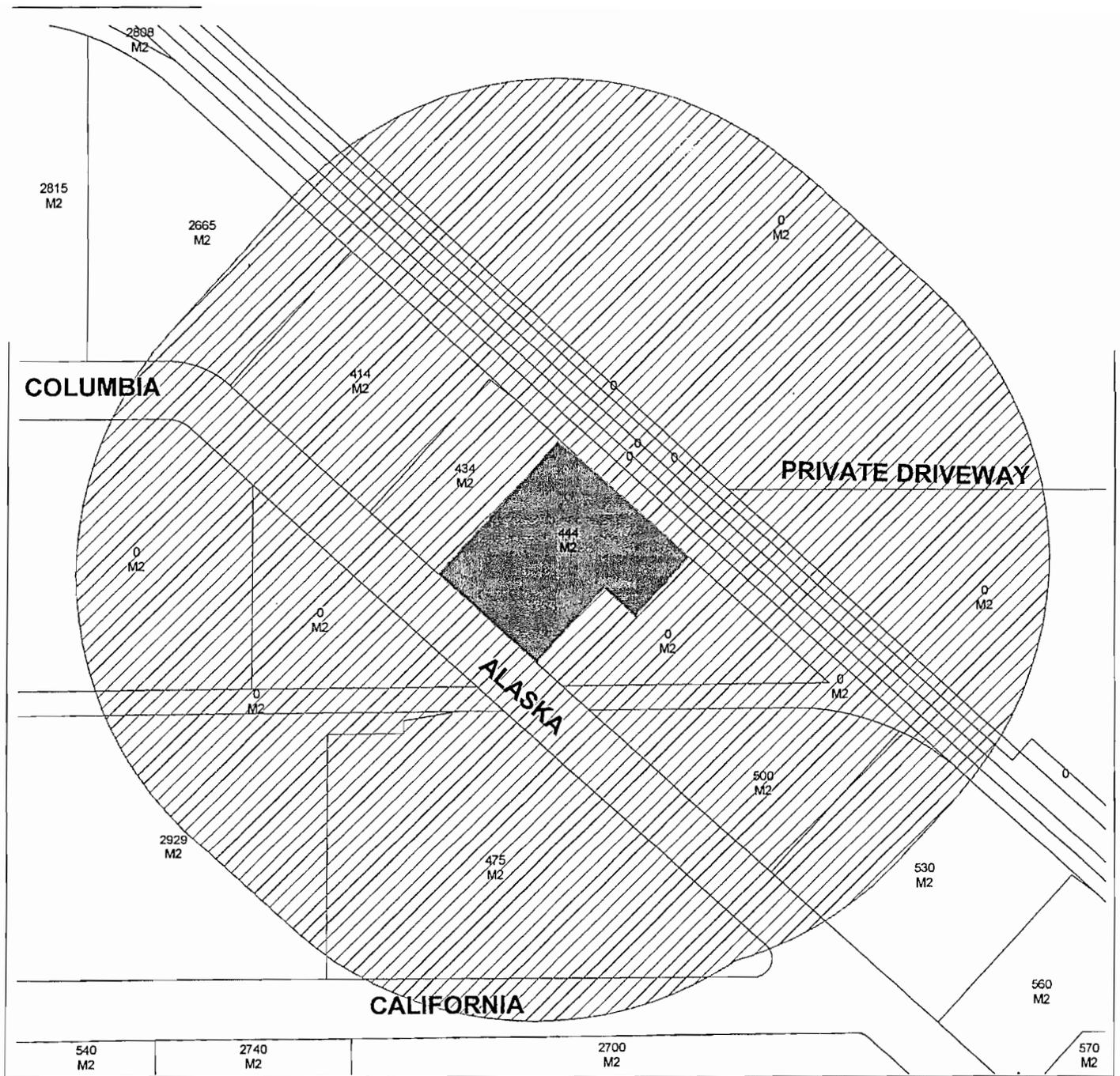
AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission



LOCATION AND ZONING MAP

444 Alaska Ave
CUP12-00013

LEGEND

	Notification Area
	444 Alaska Ave

0 90 180 360 Feet

CODE REQUIREMENTS

The following is a partial list of Code requirements applicable to the proposed project. All possible Code requirements are not provided here and the applicants are strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the Code requirements. They are provided for information purposes only.

Building and Safety:

- Comply with State energy requirements.
- Comply with State handicap requirements.
- Obtain Los Angeles County Health Department approval.
- Upgrade the building structurally per ASCE 7-05 Section 1.6 if occupant load in one area exceeds an occupant load of 300 people.
- Explain the use of each room with a proposed occupant load of each area.

Environmental:

- All equipment to be screened (TMC 92.30.2).

Fire:

- Fire sprinkler system.
- Fire alarm system.
- Approved occupant load.

Engineering:

- A Construction and Excavation Permit (C&E Permit) is required from the Community Development Department, Engineering Permits and Records Division, for any work in the public right-of-way.

Daily Breeze

21250 HAWTHORNE BLVE, STE 170 * TORRANCE CALIFORNIA 90503-4077
Direct: (310) 543-6635 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

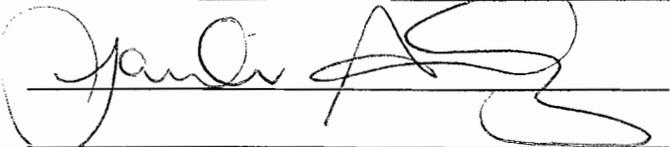
August 3,

all in the year 2012

the foregoing is true and correct.

Dated at Torrance

California, this 3 August 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

2012

(ll)

Proof of Publication of

Legal Notice	Legal Notice	Legal Notice
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**DB 8-17
LEGAL NOTICE**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY OF TORRANCE PLANNING COMMISSION AT 7:00 P.M., AUGUST 15, 2012 IN THE CITY COUNCIL CHAMBERS OF CITY HALL, 3031 TORRANCE BOULEVARD, TORRANCE, CALIFORNIA, ON THE FOLLOWING MATTERS:

PCR12-00001, WAV12-00005 : Petition of **ELPIDIO MANALO** for approval of a Planning Commission Review to allow two units to exceed a 0.50 floor area ratio, in conjunction with a Waiver of the side yard setbacks on property located within the Small Lot, Low-Medium Overlay District in the R-2 Zone at 2212 Gramercy Avenue.

CUPI2-00011, DVP12-00006, WAV12-00009 : Petition of **BEHROUZ ELIASSI (GLUKEL, LLC)** for approval of a Conditional Use Permit and Development Permit to allow the expansion of an existing auto repair facility with retail, in conjunction with a Waiver to allow a reduction of the setback requirement on property located in the H-MP Zone at 22707 Hawthorne Boulevard.

CUP12-00013: Petition of **RICHARD L. PARR (CLARIFY HOLDINGS, LLC)** for approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial building on property located in the M-2 Zone at 444 Alaska Avenue.

If you challenge any of the above matters 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 Clerks 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. [28CFR35.102-35.104 ADA Title II]

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at 310.618.5990.

JEFFERY W. GIBSON
Community Development Director

Published: August 3, 2012

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **August 3, 2012**, I caused to be mailed **12** copies of the within notification for **CUP12-00013: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **August 3, 2012**, at Torrance, California.



(signature)

Daily Breeze

21250 HAWTHORNE BLVE, STE 170 * TORRANCE CALIFORNIA 90503-4077
Direct: (310) 543-6635 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 9-34

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:

CUP12-00013 Richard L. Parr (Clarify Holdings, LLC): City Council consideration of an appeal of a Planning Commission approval of a Conditional Use Permit to allow the operation of an indoor sport and training facility within an existing industrial warehouse building on property located in the M-2 Zone at 444 Alaska Avenue.

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 **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

**SUE HERBERS
CITY CLERK**

Published: September 14, 2012

PROOF OF SERVICE BY MAIL

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **September 14, 2012**, I caused to be mailed **43** copies of the within notification for City Council **CUP12-00013: RICHARD L. PARR (CLARIFY HOLDINGS, LLC)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **September 14, 2012** at Torrance, California.



(signature)