

Council Meeting of
December 18, 2012

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

Members of the Council:

SUBJECT: Community Development – Adopt **RESOLUTIONS** reflecting City Council decision approving a Conditional Use Permit and Development Permit to allow the construction and operation of a new child day care center in conjunction with a Waiver to allow a reduction of the side setback requirement and Division of Lot to consolidate two lots into one on property located within the HBCSP-MP Zone at 23104 Hawthorne Boulevard.

CUP12-00007, DVP12-00003, WAV12-00003 & DIV12-00004: Mary Mellone

Expenditure: None

RECOMMENDATION

Recommendation of the Community Development Director that City Council adopt **RESOLUTIONS** to reflect their decision to approve a Conditional Use Permit and Development Permit to allow the construction and operation of a new child day care center in conjunction with a Waiver to allow a reduction of the side setback requirement and Division of Lot to consolidate two lots into one on property located within the HBCSP-MP Zone at 23104 Hawthorne Boulevard.

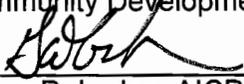
Funding: Not applicable

BACKGROUND

On December 4, 2012, the City Council considered a Conditional Use Permit and Development Permit to allow the construction and operation of a new child day care center in conjunction with a Waiver to allow a reduction of the side setback requirement and Division of Lot to consolidate two lots into one on property located within the HBCSP-MP Zone at 23104 Hawthorne Boulevard. The City Council voted 4-2, with a Council Member absent, to approve the project. As directed by the City Council, resolutions of approval for the Conditional Use Permit, Development Permit, Waiver and Division of Lot have been provided for City Council's consideration.

Respectfully submitted,

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

Attachment: A) Resolutions

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD.

CUP12-00007: MARY MELLONE

WHEREAS, in-fill development projects within City limits on a project site of no more than five acres substantially surrounded by urban uses are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15332; 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, the Planning Commission of the City of Torrance at its meeting of June 6, 2012, conducted a duly noticed public hearing to consider an application for a Conditional Use Permit filed by Mary Mellone to allow the construction and operation of a child day care center on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the Planning Commission of the City of Torrance approved a Conditional Use Permit request on June 6, 2012; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, conducted a duly noticed public hearing to consider an application for a Conditional Use Permit filed by Mary Mellone to allow the construction and operation of a child day care center on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, continued the matter indefinitely;

WHEREAS, the City Council of the City of Torrance at its meeting of December 4, 2012, conducted a duly noticed public hearing to consider an application for a Conditional Use Permit filed by Mary Mellone to allow the construction and operation of a child day care center on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

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

- a) That property for which this Conditional Use Permit is approved is located at 23104 Hawthorne Boulevard;
- b) That the property's Assessor Parcel Number is 7378-002-092;
- c) That the proposed construction and operation of a child day care center is conditionally permitted within HBCSP-MP Zone and complies with all of the applicable provisions of the Torrance Municipal Code with the exception of the side setback requirement, as conditioned;
- d) That the proposed construction and operation of a child day care center will not impair the

integrity and character of the zoning district because a day care center is conditionally permitted in the HBCSP-MP Zone;

- e) That the subject site is physically suitable for a child day care center because the site in which the project is located on is 27,803 square feet and will have a floor area ratio of 0.36 which is within the 0.6 maximum allowed in the Zone;
- f) That the proposed child day care center is compatible with the existing nearby land uses because the proposed day care center, as conditioned, will not interfere with existing commercial or residential uses in the immediate area;
- g) The proposed child day care center will be compatible with existing and proposed future land uses within the HBCSP-MP Zone and the general area in which the proposed use is to be located as child day care centers are conditionally permitted in the Zone;
- h) That the proposed child day care center will encourage and be consistent with the orderly development of the City as provided for in the General Plan and Specific Plan because child day care centers are conditionally permitted in this zone;
- i) The proposed day care center will not discourage the appropriate existing or planned future use of surrounding property because the development furthers the goals of the General Plan and the proposed operation will not conflict with the surrounding commercial uses, as conditioned;
- j) That there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed operation is not detrimental to public health and safety;
- k) That there will be adequate provisions for public access, as conditioned, to serve the proposed use because this property can be accessed via Hawthorne Boulevard;
- 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, as conditioned, 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 CUP12-00007 filed by Mary Mellone to allow the construction and operation of a child day care center on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for an child day care center shall be subject to all conditions imposed in City Council case CUP12-00007; 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 shall be maintained in conformance with such maps, plans, specifications, drawings, 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 as provided for in Section 92.27.1;
3. That the maximum number of students shall not exceed 160; (Development Review)
4. ~~That the hours of the outdoor playground be limited between 8:30am to 6pm on weekdays and 10am to 4pm on weekends; (Development Review) (Deleted by City Council)~~
5. That within 30 days of the final public hearing, the applicants shall remove the City's "Public Notice" sign, provided there is no appeal, to the satisfaction of the Community Development Director; (Development Review)
6. That there shall be no outdoor vending machines, pay phones, kiosks, storage containers, etc. permitted onsite; (Development Review)
7. That parking space #26 shall be enlarged to a minimum of 10-feet in width; (Development Review)
8. That a landscape plan shall be submitted to the Community Development Department for approval prior to the issuance of any building permits and shall be implemented prior to occupancy. The plan shall utilize drought resistant/xeriscape plant materials, and shall provide state-of-the-art water saving irrigation system and/or drip irrigation for larger shrubs and trees. That if more than 2,500 square feet is irrigated, the project shall comply with the 2010 State Water Efficient Landscape Ordinance. Landscaping shall be maintained to the satisfaction of the Community Development Director; (Development Review)
9. That exterior color and material samples, incorporating the use of District Color of "Matte Black" (Pantone Matching System Reference #419) shall be submitted to the Community Development Director for approval prior to the issuance of any building permits; (Development Review)
10. That an exterior lighting plan incorporating the design themes of the District shall be submitted to the Community Development Department for approval prior to the issuance of any building permits to ensure adequate lighting for exterior doorways, parking spaces, and pedestrian walkways to the satisfaction of the Community Development Director. Lighting shall be directed away from residential uses; (Development Review)
11. That the applicant shall show the location of all electrical/mechanical equipment located on the property and the method of screening to the satisfaction of the Community Development Director. Equipment cannot be located within the front setback areas; (Development Review)
12. That a detail of the perimeter walls and gates shall be provided to the Community Development Director for approval to assure that there is one cohesive design, finishing/treatment and placement to the satisfaction of the Community Development Director prior to the issuance of building permits; (Development Review)
13. That vehicles associated with the proposed child day care center operation, including employees and visitors, are required to park on site; (Development Review)
14. That the applicant shall work with staff to provide for the elimination, relocation, or re-design of parking spaces #1 and #6 on the street level in front of the school to provide better visibility and eliminate any conflicts between cars or people to the satisfaction of the Community Development Director; (Transportation Division)
15. 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)

16. The following types of signs shall be prohibited for this use: a-frame or freestanding signs; bow or flag banners; air assisted signs; signs attached to light or utility poles, trees or vehicles; persons holding signs; and temporary signs attached to the roof of the building and persons holding signs; (Environmental)
17. The applicant shall provide a noise report performed by a professional acoustical consultant to the satisfaction of the Environmental Division, the consultant shall contact the Environmental Division prior to preparing the noise attenuation plan; (Environmental)
18. The applicant shall post signage on the site which prohibits deliveries, trash pick-ups, and parking lot sweeping between 10:00 p.m. and 7:00 a.m. per Torrance Municipal Code Section 92.30.4; (Environmental)
19. That a commercial radius type driveway, minimum 30 feet wide, with depressed back of walk and wheelchair ramps shall be constructed on Hawthorne Boulevard; (Engineering)
20. That on-site drainage shall be collected within the lot and drained through the curb to the public street; (Engineering)
21. That all connections for water service shall be made to the stubouts provided (unless stubouts are undersized). If existing stubouts are not used, they shall be abandoned at the main; (Engineering)
22. That all proposed and/or existing water meters larger than 2", double check detector assemblies and reduce pressure backflow assemblies shall be located above ground on private property near the public right-of-way. Final location and access shall be approved by the Community Development Director and incorporated into the on-site landscaping plan prior to building permit; (Engineering)
23. That the applicant shall remove the existing 7' wide concrete sidewalk adjacent to curb on Hawthorne Blvd. and construct grass sod with irrigation system or other approved landscaping in parkway area along property frontage; (Engineering)
24. That the applicant shall either fund the relocation (design & construction) of the existing public sewer system to be accessed within the public right-of-way to the satisfaction of the Public Works Director or obtain and present proof of a recorded easement on the property to the north and south (Assessor Parcel #7378-002-087 & 7378-002-091) to the City for access and maintenance of the public sewer to the satisfaction of the Public Works Director. Should the public sewer infrastructure be maintained on private property, the applicant shall:
 - Dedicate 6' additional sewer easement to existing 6' sewer easement south of the northerly property line and 2' additional sewer easement to existing 10' sewer easement west of the easterly property line. A total of 12' wide sewer easement shall be dedicated to the existing public sewer line. See Community Development Department, Engineering Division for forms.
 - Provide a fence and gate plan detail demonstrating sufficient access to the site from the property to the south to the satisfaction of the Public Works Director;
 - Provide a planting and pavement detail for the "playground" area demonstrating sufficient access to the sewer to the satisfaction of the Public Works Director;
 - That only sod or A/C pavement shall be allowed within the sewer easement area to the satisfaction of the Public Works Director;

- That no permanent structures shall be allowed within the sewer easement area to the satisfaction of the Public Works Director;
 - That the owner shall coordinate with the Public Works Department to ensure they have keys to gates on the property and are able to get access to the public sewer line;
25. That should the sewer line be relocated to Hawthorne Boulevard, the applicant shall abandon existing sewer easements on the Final Parcel Map; (Engineering)
 26. That the applicant shall extend the proposed 8-ft high block wall that is located along the south property line west towards the front of the new building to the satisfaction of the Community Development Director; (Added by Planning Commission)
 27. That should a traffic impact develop, the applicant shall work with Community Development and Torrance Police staff to adjust on-site operations to the satisfaction of the Community Development Director and Torrance Police Department; (Added by City Council)
 28. That the applicant shall provide an easement to be recorded to provide a safe pathway from the suggested refuge area located at the rear of the proposed school/daycare to the satisfaction of the Torrance Fire Department, Community Development Director and City Attorney; (Added by City Council)
 29. That the applicant shall comply with the following offered conditions to the satisfaction of the Community Development Director:
 - a. The hours of operation shall be limited to 6:30am – 6:30pm Monday thru Friday.
 - b. That the outdoor playground shall be limited to 9:30am – 4:30pm Monday thru Friday.
 - c. The vehicular queue shall be increased from 24 to 30.
 - d. Provide on-site security system & fire systems.
 - e. Provide on-site patrol person with radio 7:30am to 9:15am M-F to enforce on-site parking condition.
 - f. Provide valet service team as required to mitigate cars queuing on Hawthorne Blvd. from 8:45am to 9:15am. Team is triggered by radio of on-site patrol person.
 - g. Propose up to 2 people at front desk from 8:45am to 9:15am who's tasks include:
 - i. One stationary person at front desk during drop-off and pick-up hours for school safety, giving general information and directing parents.
 - ii. One to be a runner to and from the classrooms delivering children.
 - iii. Both staff members shall observe and secure all children coming and going to vehicles.
 - h. Propose up to 3 people outside from 8:45am to 9:15am who's tasks include:
 - i. Two to aid in unloading the children from the cars and delivering them to the front desk.
 - ii. One to sign-in and sign-out all children dropped off or picked up.
 - iii. Directing parents to safely exit the campus.
 - iv. Observe and secure all children coming and going to vehicles.

- i. Propose one person from 8:45am to 9:15am in lower parking garage who's tasks include:
 - i. Keep cars in an orderly arrangement.
 - ii. Flag cars to proceed to unloading area via radio communication.
 - iii. Observe and secure all children coming and going to vehicles.
- j. Propose one person from 8:45am to 9:15am stationed at the corners entrance to:
 - i. Keep cars from backing onto Hawthorne Blvd.
 - ii. To wave vehicle around the corner if it is necessary to do so.
 - iii. Ensure that parents observe the no parking or standing in street, neighboring parking lots or block driveways.
 - iv. To promote safety by incoming cars and regulate safe driving speeds on site.
- k. Provide enforcement of city conditions:
 - i. Provide a site specific tour and briefing of the conditions pertaining to parking.
 - ii. Provide specific conditions in the parent handbook and a parent contract.
 - iii. Upon enrollment parents must sign an acknowledgement form that confirms they have received the parent handbook and contract and will agree to the school policy, procedures and conditions.
 - iv. Enforce conditions with a singular warning then terminate contract with parents.
- l. That the applicant shall implement the following, if required:
 - i. Reduced cost daycare or free daycare for the early morning parents.
 - ii. Increase the valet parking times.
 - iii. Increase the staffing outside as required to maintain safety.

Introduced, approved and adopted this 18th day of December, 2012.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By _____
Patrick Q. Sullivan, Assistant City Attorney

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A DIVISION OF LOT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSOLIDATION OF TWO LOTS INTO ONE PARCEL ON PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD.

DIV12-00004: MARY MELLONE

WHEREAS, minor alterations to land use, such as reversion to acreage, are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, section 15305(c); 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, the above described conforms to the Land Use Element of the General Plan of the City of Torrance; and

WHEREAS, the Planning Commission of the City of Torrance at its meeting of June 6, 2012, conducted a duly noticed public hearing to consider an application for a Division of Lot filed by Mary Mellone to allow the consolidation of two lots into one parcel on property located in the HBCSP-MP Zone at 23104 Hawthorne Blvd; and

WHEREAS, the Planning Commission of the City of Torrance approved a Division of Lot request on June 6, 2012; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, conducted a duly noticed public hearing to consider an application for a Division of Lot filed by Mary Mellone to allow the consolidation of two lots into one parcel on property located in the HBCSP-MP Zone at 23104 Hawthorne Blvd; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, continued the matter indefinitely;

WHEREAS, the City Council of the City of Torrance at its meeting of December 4, 2012, conducted a duly noticed public hearing to consider an application for a Division of Lot filed by Mary Mellone to allow the consolidation of two lots into one parcel on property located in the HBCSP-MP Zone at 23104 Hawthorne Blvd; and

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

- a) That property for which this Division of Lot is approved is located 23104 Hawthorne Boulevard;
- b) That the property's Assessor Parcel Number is 7378-002-092;
- c) The proposed construction and operation of a child day care center, as conditioned, is conditionally permitted within the HBCSP-MP Zone, and substantially complies with all of the applicable provisions of this Division;

- d) That the proposed Division of Lot, together with the provisions for its design and improvement, is consistent with the City's General Plan designation of General Commercial;
- e) That the proposed lot consolidation of two lots into one parcel meets the requirements of the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED that DIV12-00004 filed by Mary Mellone to allow the consolidation of two lots into one parcel on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a child day care center shall be subject to all conditions imposed in DIV12-00002 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 said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, 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 Division of Lot is not used within two years after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.29.13;
3. That the project shall comply with all conditions associated with CUP12-00007, DVP12-00003 & WAV12-00003;

Introduced, approved and adopted this 18th day of December, 2012.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By _____
Patrick Q. Sullivan, Assistant City Attorney

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A DEVELOPMENT PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 36 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY ON PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD.

DVP12-00003: MARY MELLONE

WHEREAS, in-fill development projects within City limits on a project site of no more than five acres substantially surrounded by urban uses are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act, Section 15332; 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, the Planning Commission of the City of Torrance at its meeting of June 6, 2012, conducted a duly noticed public hearing to consider an application for a Development Permit filed by Mary Mellone to allow the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the Planning Commission of the City of Torrance approved a Development Permit request on June 6, 2012; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, conducted a duly noticed public hearing to consider an application for a Development Permit filed by Mary Mellone to allow the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, continued the matter indefinitely;

WHEREAS, the City Council of the City of Torrance at its meeting of December 4, 2012, conducted a duly noticed public hearing to consider an application for a Development Permit filed by Mary Mellone to allow the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

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

- a) That property for which this Development Permit is approved is located at 23104 Hawthorne Boulevard;
- b) That the property's Assessor Parcel Number is 7378-002-092;
- c) That the proposed child day care facility is consistent with the purpose and requirements of the Meadow Park Sub-district, complies with all applicable provisions of the Hawthorne Boulevard Corridor Specific Plan with the exception of the northerly side setback, and as conditioned, is consistent with the objectives, policies, and programs of the General Plan

and with the land use designation of General Commercial and zone;

- d) That the proposed project, as conditioned, conforms with all applicable design/landscaping guidelines and review criteria of the Hawthorne Boulevard Corridor Specific Plan. Further, the development has been designed and conditioned to minimize possibly intrusive impacts on residential properties;
- e) That the subject site is physically suitable for the type and intensity of development, and for the type of land use being proposed as the site provides adequate parking and will have a floor area ratio of 0.36;
- f) That by virtue of high quality design and construction, the proposed development will positively contribute to the orderly and harmonious development of the Hawthorne Boulevard Corridor and the general welfare of the City as it will be implementing the District design guidelines and appropriate uses;
- g) That the proposed development will enhance the commercial development of the area so as to increase the taxable value of real property and sales tax return to the City, and to maintain the stability and value of the property and of the Hawthorne Boulevard Corridor as a desirable commercial area by providing support services to residents and employees in the area;
- h) That traffic impacts have been mitigated, in whole or in part by the design of the on-site circulation system so as to minimize hazard and congestion, to facilitate on-site movements, and to maximize opportunities for pedestrian and transit connections via pedestrian access off of Hawthorne Boulevard, as conditioned;
- i) That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety as the site is located in an area surrounded by urban uses;
- j) That the proposed development is consistent with the objectives, policies, general land uses and programs of the Torrance General Plan as it is an appropriate use for designation and conforms to the Floor Area Ratio requirement for the area;
- k) That the proposed development would not be detrimental to the public interest, health, safety, convenience or welfare as it complies with all required development standards with the exception of the northerly side setback, as conditioned;
- l) The proposed development meets the requirements of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that DVP12-00003 filed by Mary Mellone to allow the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard 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 property for a child day care facility shall be subject to all conditions imposed in City Council case Development Permit 12-00003; 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 shall be maintained in conformance with such maps, plans, specifications, drawings, 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 Development 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 as provided for in Section 92.27.1; and
3. That the applicants shall comply with all conditions of CUP12-00007, DIV12-00004 & WAV12-00003;

Introduced, approved and adopted this 18th day of December, 2012.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By _____
Patrick Q. Sullivan, Assistant City Attorney

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION OF THE SIDE SETBACK REQUIREMENT, IN CONJUNCTION WITH THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY ON PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD.

WAV12-00003: MARY MELLONE

WHEREAS, Setback Waivers are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Class 5, Section 15305 (a); 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 4, Article 2 of the Torrance Municipal Code; and

WHEREAS, the Planning Commission of the City of Torrance at its meeting of June 6, 2012, conducted a duly noticed public hearing to consider an application for a Waiver filed by Mary Mellone to allow a reduction of the side setback requirement, in conjunction with the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the Planning Commission of the City of Torrance approved a Waiver request on June 6, 2012; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, conducted a duly noticed public hearing to consider an application for a Waiver filed by Mary Mellone to allow a reduction of the side setback requirement, in conjunction with the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

WHEREAS, the City Council of the City of Torrance at its meeting of August 7, 2012, continued the matter indefinitely;

WHEREAS, the City Council of the City of Torrance at its meeting of December 4, 2012, conducted a duly noticed public hearing to consider an application for a Waiver filed by Mary Mellone to allow a reduction of the side setback requirement, in conjunction with the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard; and

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

- a) That property for which this Waiver is approved is located at 23104 Hawthorne Boulevard;
- b) That the property's Assessor Parcel Number is 7378-002-092;
- c) That the project is in compliance with the General Commercial General Plan Designation

and the Meadow Park Sub-district of the HBCSP Zone with the exception of the northerly side setback, as conditioned;

- d) That there are unreasonable difficulties resulting from strict enforcement of the side setback requirement because the reduced setback allows for a sizeable outdoor toddler play area;
- e) That the reduction of the side setback requirement will not be materially detrimental to the public welfare because the reduced setback allows for a sizeable toddler play area and because the project is in conformance with height, floor area ratio, and parking requirements;
- f) That the reduction of setback requirement will not substantially interfere with the orderly development of the City because reduced setback will not interfere with pedestrian and vehicular access and circulation around and on the site;

NOW, THEREFORE, BE IT RESOLVED that WAV12-00003 filed by Mary Mellone to allow a reduction of the side setback requirement in conjunction with the construction and operation of a child day care facility on property located in the HBCSP-MP Zone at 23104 Hawthorne Boulevard 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 property for a child day care facility shall be subject to all conditions imposed in City Council case Waiver 12-00003 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 said use shall be established for constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, 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 Waiver 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 as provided for in Section 92.27.1;
3. That the applicants shall comply with all conditions of CUP12-00007, DVP12-00003 & DIV12-00004;

Introduced, approved and adopted this 18th day of December, 2012.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III, City Attorney

By _____
Patrick Q. Sullivan, Assistant City Attorney