

Council Meeting of
December 16, 2008

PUBLIC HEARING

SUPPLEMENTAL #1 TO ITEM 13A

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

Members of the Council:

SUBJECT: Supplemental #1 to Item 13A

Community Development - Consider an appeal of a Planning Commission adoption of a Mitigated Negative Declaration and approval of a Conditional Use Permit and Planning Commission Review to allow the construction of two three-story medical office buildings and two parking structures with controlled parking in two parcels in conjunction with a Division of Lot to consolidate four parcels into one on property located in the C-3 Zone at 5215, 5305, 5315 & 5331 Torrance Boulevard.

EAS08-00002, CUP08-00011, PCR08-00002 & DIV08-00005: PMB – Daily Breeze (Providence Health System – SC)

Staff has received the following correspondence from the appellant withdrawing his appeal of EAS08-00002, CUP08-00011, PCR08-00002 & DIV08-00005.

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: Correspondence

Gibson, Jeff

From: Michael L. Stark [michael@starkclan.com]
Sent: Monday, December 15, 2008 2:18 PM
To: Gibson, Jeff
Cc: Herbers, Sue; 'McOsker, Timothy B.'; dpvld@sbcglobal.net; Tom Stark
Subject: Stark Appeal of PMB Daily Breeze EAS08-00002
Attachments: Stark letter to Torrance CDD.pdf; McOsker letter.pdf

Dear Jeff

Attached to this email are two documents.

- 1) A letter to you advising that we are desirous of withdrawing our appeal of the above referenced project as long as the City of Torrance approves the modifications proposed by the developers of the above referenced project.
- 2) Correspondence between Timothy McOsker of Mayer Brown, the representatives of Providence Little Company of Mary Torrance, and myself regarding their acceptance of the modifications that my family has proposed.

I can be reached at the below listed numbers if you wish to discuss this matter.

The cooperation and assistance of the Torrance Community Development Department is very much appreciated.

Sincerely,
Mike Stark

Michael L Stark
805 377-4353 cell
818 224-2938 Office

C: Tom Stark

MAYER • BROWN

Mayer Brown LLP
 350 South Grand Avenue
 25th Floor
 Los Angeles, California 90071-1503

Main Tel (213) 229-9500
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 www.mayerbrown.com

Timothy B. McOsker
 Direct Tel (213) 229-5102
 Direct Fax (213) 576-8130
 tmcosker@mayerbrown.com

December 15, 2008

VIA EMAIL AND US MAIL

Email: MichaelLStark@aol.com
Michael@StarkClan.com

Michael Stark
 1345 Woodlow Court
 Westlake Village, CA 91361

Re: Providence Little Company of Mary Torrance/
 Medical Office Buildings at the Daily Breeze Site

Dear Mr. Stark:

This office represents Providence Little Company of Mary Torrance ("LCOM") regarding the application for two medical office buildings and parking structures (Phase One and Phase Two) at the Torrance Daily Breeze site. This letter is in response to your December 14, 2008 letter to Dave Visel (attached for your convenience).

In response to our conversations and your letter, LCOM hereby agrees to the development of the Phase One parking structure with the 45 foot set back, based upon your withdrawal of the appeal to the Torrance City Council and the following conditions:

1. The height of the parking structure, as shown on final drawings to be submitted to the City will not exceed 36 feet.
2. The plantings of the landscaped area along the north wall of the parking structure will achieve a height of at least the parking structure within 6 months of the final certificate of occupancy for Phase One, and will be maintained at a height no more than 10 feet above the parking structure.
3. In the event that the trees along the northern wall of the parking structure of Phase One do not provide the privacy that is anticipated by the design, the residents of 5214, 5220, or 5224 Maricopa may request, within 7 months of the final certificate of occupancy for Phase One, an additional aesthetically pleasing fence along the top of the north end of the parking structure to alleviate the privacy issues. The modifications to be made by LCOM or its representative will be completed within 60 days of the request from the residents.

This letter of commitment shall be filed with the City and be made part of the application for the LCOM Daily Breeze project upon your withdrawal of the appeal from the Planning Commissions approval.

MICHAEL L. STARK

VIA EMAIL

December 15, 2008

Mr. Jeff Gibson
Community Development Director
Torrance Community Development Department
3031 Torrance Boulevard
Torrance, California 90503

Re: Stark Appeal of the PMB Daily Breeze EAS08-00002

Dear Jeff:

Our family has been in discussion with representatives of the Little Company of Mary project and believes that we have achieved a agreement with them that will allow us to withdraw our appeal of the Planning Commission's ruling.

I have attached to this email the correspondence that has been exchanged between my family and Timothy McOsker of Mayer Brown, the representatives of Providence Little Company of Mary Torrance. We are satisfied with the modifications they have proposed and their acceptance of the modifications we have proposed.

Based on this, and as long as the City of Torrance approves these modifications, we are open to withdrawing our appeal of this matter at this time.

If appropriate, I request a refund of our appeal fees as this matter was resolved prior to appearing before the Torrance City Council on December 16, 2008.

Please feel to contact me if I can be of further assistance.

Sincerely,



Michael L. Stark

C: Ms. Sue Herbers, City Clerk

Mayer Brown LLP

Michael Stark
December 15, 2008
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If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

Timothy B. McOsker

Accepted and agreed to:

Michael Stark

MICHAEL L. STARK

December 14, 2008

Mr. Dave Visel
 DPV Ltd.
 2230 W. 230th Place
 Torrance, California 90501

Re: Little Company of Mary/Daily Breeze Project

Dear Dave:

Following the our meeting on Friday, December 12, 2008 regarding the above referenced project, I met with a number of the residents on Maricopa Street to review your proposed modifications. Based on these discussions, I believe that an agreement can be reached that will allow for the development of the Phase One parking structure with the forty-five (45") set back and the withdrawal of our appeal to the Torrance City Council, if the below listed items can be agreed to:

- 1) The set back will be a minimum of 45' south of the north property line of the property at 5216 Torrance Boulevard, Torrance, California.
- 2) The height of the parking structure at the most northeastern point will not exceed twenty-seven (27') feet and the at the most northwestern point not exceed thirty-six (36') feet.
- 3) There will be large trees planted in the forty-five (45') foot set back area that will be located closer to the north wall of the structure than the north property line. These trees will achieve a height of at least the height of the parking structure and no more than ten (10') feet above it within six months of occupancy. Little Company of Mary will maintain the trees and insure that their future height does not exceed more than ten (10') feet above the structure.
- 4) In the event that the trees do not provide the privacy that is anticipated by this design, at the sole discretion of the residents of 5214, 5220, and 5224 Maricopa, Little Company of Mary will build an additional aesthetically pleasing fence along the top of the north end of the parking structure to alleviate any privacy issues within sixty (60) days of being notified of this issue.

Dave, based on our call this evening, I am pleased that these items do not appear to be an issue for developers and Little Company of Mary. If you can obtain something from them in writing that supports the acceptance of the items in this letter, my brother and I are prepared to withdraw our appeal with the Torrance City Council on Monday, December 15, 2008.

Sincerely,



Michael L. Stark