

Council Meeting of
October 27, 2009

PUBLIC HEARING

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

Members of the Council:

SUBJECT: Community Development - Consider the Planning Commission's decision to uphold the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals on property located in the HBCSP-DA1 Zone at 3525 Carson Street.

LOT09-00002 Cottone and Son's

Expenditure: None

RECOMMENDATION

Recommendation of the Planning Commission and Community Development Director that the City Council take the following action on property located at 3525 Carson Street:

1. Adopt a Resolution denying the appeal and upholding the approval of the Seasonal Sales Permit as conditioned.

Funding: Not applicable

BACKGROUND

The subject parcel is 4.76 acres in size and is located just north of the northeast corner of Carson Street and Madrona Avenue. The parcel currently functions as a parking lot that serves the Del Amo Fashion Center. The item was heard at the Planning Commission Meeting of October 7, 2009. At that meeting, the Planning Commission voted to deny the appeal and uphold the Community Development Director's decision to approve the Seasonal Sales Permit as conditioned.

Prior Hearings and Publications

On September 25, 2009, 2 notices were mailed to the property owner and applicants and a notice of public review period was published in the newspaper. A Planning Commission Hearing was scheduled for October 7, 2009. On October 17, 2009, 2 notices were mailed to the property owner and applicants, the site was posted, and a legal advertisement was published in the newspaper.

Environmental Findings

The construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including the placement of seasonal or temporary use items are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15311 (c).

Analysis

On September 22nd, 2009, the Community Development Director approved Seasonal Sales Permit LOT09-00002 to allow the sales of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals onsite at one time on the subject parcel.

This is the second year for the proposed Seasonal Sales Permit. The applicants used this site for pumpkin and Christmas tree sales with a small animal petting zoo and pony ride last year (LOT08-00003).

As with last year's event, the applicants are proposing to occupy 96 parking spaces of the northern portion of the parcel. The applicants are proposing to have 21 total animals for the petting zoo including goats, sheep, llamas, pigs, and a calf. The applicants are proposing a total of 9 ponies for the pony ride. Although their application lists 6 ponies for the pony ride, the Code has a maximum of 5 ponies for riding at one time.

On September 17th, 2008, LOT08-00003 was approved to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride. The application was approved for 15 total animals for the petting zoo, consisting of goats, sheep, and a cow, along with 7 total ponies for the pony ride.

On the morning of November 3rd, 2008, Animal Control and Code Enforcement responded to a complaint and investigated the site. Code Enforcement observed 26 various animals on site, unattended, without food and water. According to the incident report, there were three unapproved pigs and an unapproved dog onsite, and that the animals appeared thirsty and hungry. A citation was issued for violating Planning conditions. Animal Control also cited the applicants for illegally tethering the dog and for failure to clean up after the dog.

According to Animal Control's account of November 3rd, they responded at 9:30am, observed the situation, then requested assistance from Parking Enforcement, Code Enforcement, and a Police Sergeant. Upon arrival, the site and the animals were left unattended. Messages were left for the applicants until contact was finally made around 10:30am. Helpers arrived thereafter to begin caring for the animals. The person responsible for the care of the animals (as shown on the application) arrived around 12:15pm. Animal Control was informed that the dog and pigs were given to the applicants—as with an animal shelter—which was neither an approved nor permitted activity. Animal Control left the site at 12:30pm.

According to TMC Section 92.2.9.g, any violations may result in enforcement actions, immediate suspension of the issued Seasonal Sales Permit, and the denial of an application for such future sales permits. It should be noted that the citation issued by Code Enforcement was ultimately dismissed as the listed applicant was still a minor at the time.

Staff is not opposed to the sales of pumpkins and Christmas trees on the subject parcel. However, based on last year's incidents, LOT09-00002 was approved with additional conditions of approval to address concerns, per TMC Section 92.2.9.f.

One such condition is to limit the maximum number of animals (including ponies) onsite to 10 at one time. The applicants are appealing this condition in order to have 21 animals for the petting zoo and 9 ponies for the pony ride. The condition is intended to prevent the potential for problems related to the animals, similar to last year. Under the advisement of Animal Control, 30 animals are much too many for one person to care for and manage properly.

PLANNING COMMISSION RECOMMENDATION

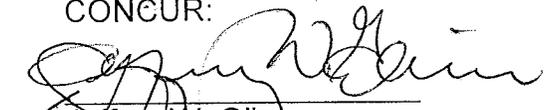
The Planning Commission heard the item on October 7th, 2009. At the hearing, the applicants explained the reasoning behind the request for 30 animals and recounted the events of November 3rd, 2008. Animal Control Officers also recounted the events of that day and expressed concern with allowing one person to care for 30 animals. Animal Control stated that one person for every 10 animals would be more appropriate. The Planning Commission expressed concern with approving the number, considering the problems with last year's event, and explored possible compromises with the number of animals. The Planning Commission then voted to deny the appeal and uphold the approval of the Seasonal Sales Permit as conditioned by a vote of 5 to 1, with a commissioner absent.

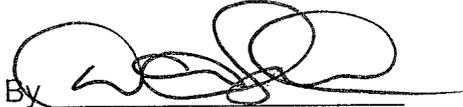

Kurt Weideman
Planning Commission Chairperson

Respectfully submitted,

Jeffery W. Gibson
Community Development Director

CONCUR:


Jeffery W. Gibson
Community Development Director

By 
for: Gregg D. Lodan, AICP
Planning Manager

NOTED:


LeRoy J. Jackson
City Manager

- Attachments: A. Resolution
B. Letter of Appeal
C. Planning Commission Hearing Minute Excerpts from 10/7/09
D. Previous Planning Commission Staff Report
E. Proofs of Publication and Notification
F. Plot Plan (Limited Distribution)
G. Mayor's Script (Limited Distribution)

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE APPROVAL OF A SEASONAL SALES PERMIT AS CONDITIONED AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE SALE OF PUMPKINS AND CHRISTMAS TREES WITH A SMALL ANIMAL PETTING ZOO AND PONY RIDE WITH A MAXIMUM OF TEN ANIMALS ON PROPERTY LOCATED WITHIN THE HBCSP-DA1 ZONE AT 3525 CARSON STREET (APN 7366-019-124).

LOT09-00002: COTTONE AND SON'S

WHEREAS, on September 22, 2009, the Community Development Director approved a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street; and

WHEREAS, on September 23, 2009, Jacob Paz filed an appeal for consideration of the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street; and

WHEREAS, on October 7, 2009, the Planning Commission of the City of Torrance conducted a public hearing and denied an appeal of the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street; and

WHEREAS, on October 13, 2009, Jacob Thomas Paz filed an appeal for consideration of the Planning Commission's decision to uphold the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals on property located within the HBCSP-DA1 Zone at 3525 Carson Street; and

WHEREAS, on October 27, 2009, the City Council of the City of Torrance conducted a public hearing of an appeal of the Planning Commission's decision to uphold the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals on property located within the HBCSP-DA1 Zone at 3525 Carson Street; and

WHEREAS, the construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including the placement of seasonal or temporary use items are Categorical Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15311 (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 2, Article 30 of the Torrance Municipal Code; and

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

- A) That the property for this Seasonal Sales Permit is located at APN 7366-019-124;
- B) That the property is located on a portion of Lot 7 of Parcel Map 1387 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- C) That the modification of the condition limiting the number of animals to ten on site at one time will affect the rights of adjacent property owners or tenants because the applicants have a history of complaints and violations;
- D) That the modification of the subject condition will violate the Seasonal Sales Permit because per TMC Section 92.2.9.f, the Community Development may impose additional conditions to the approval of the Seasonal Sales Permit to insure the preservation of the public peace, safety, health, and general welfare;
- E) That the modification of the subject condition will make a material change in the concept or execution of the project as approved by the Community Development Director because the ten animal limit is intended to prevent potential problems;
- F) That there is no hardship to the applicants if the modification of the subject condition is not granted because the applicants would still be able to operate the sales of pumpkins and Christmas trees in conjunction with a small animal petting zoo and pony ride;
- G) That the modification of the subject condition will be contrary to the established planning or zoning policies of the Community Development Director because the applicants have a history of complaints and violations.

NOW, THEREFORE, BE IT RESOLVED that LOT09-00002, filed by Cottone & Son's to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals on property located within the HBCSP-DA1 Zone at 3525 Carson Street is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a Seasonal Sales Permit shall be subject to all conditions imposed in LOT09-00002 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 all regulations of TMC Section 92.2.9 regarding the Los Angeles County Department of Animal Health and Control shall be referred to the Torrance Police Department, Animal Control Division; (Development Review)
3. That any complaints or violations shall result in the denial of an application for such future sales permits by the operator and/or the property owner; (Development Review)
4. That all Code requirements and listed Standards and Requirements of LOT09-00002 shall apply; (Development Review)
5. That the co-applicant Andrea Vicencio shall submit a copy of her Driver's License or State Identification Card and contact information for the record; (Environmental)
6. That no animal shelter activities (leaving, giving, adopting, etc) shall be conducted on site; and (Environmental)
7. That any vehicles onsite shall have proper identification; (Police Department)
8. That all conditions of all 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 27th day of October, 2009.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

By

 Patrick Sullivan, Deputy City Attorney

CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: October 13, 2009

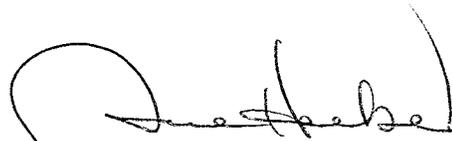
TO: Jeffrey Gibson, Community Development
FROM: City Clerk's Office
SUBJECT: Appeal 2009-10

Attached is Appeal 2009-10 received in this office on October 13, 2009 from Jacob Thomas Paz, 35160 Begonia Lane, Winchester, CA 92596. This appeal is of the Planning Commission's denial on October 7, 2009 regarding LOT09-00002: COTTONE AND SON'S located at 3525 Carson Street, Torrance, CA 90503 for the right to have more animals for pumpkin lot for petting zoo and pony rides.

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

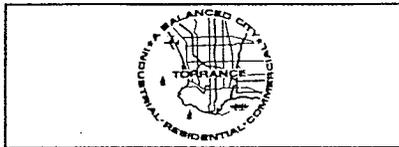
SECTION 11.5.3. PROCEDURE AFTER FILING.

- 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 Manager



CITY OF TORRANCE

APPEAL FORM

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

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

RE: Lot 09-00002
 (Case Number and Name)

Address/Location of Subject Property 3525 Carson St
 (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 _____ |

RECEIVED
 2009 OCT 13 PM 3:38
 CITY OF TORRANCE
 CITY CLERK'S OFFICE
 for council

Date of decision: 10/7/09 Appealing: APPROVAL DENIAL

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.*

for the Right to have more animals for Hampkin Lot
for petting zoo and pony's ride's

Name of Appellant Jacob Thomas pair

Address of Appellant 35160 Begonia LN winchester, CA 92546

Telephone Number (951) 834-7469

Signature Jacob Thomas

For office use only:

Appeal Fee paid \$ 250.00 Date 10-13-2009 Received by [Signature]
 CASH

Notice to: Community Development Department: Planning Building & Safety
 City Council City Manager City Attorney Other Department(s) _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 9SY00884

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 10/09/09

DEFENDANT 01: THOMAS WAYNE COTTONE

LAW ENFORCEMENT AGENCY EFFECTING ARREST: TORRANCE POLICE DEPARTMENT

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
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CASE FILED ON 01/30/09.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 11/03/08 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 92.32.5(A)(1) TMC MISD

COUNT 02: 92.2.9(A) TMC MISD

NEXT SCHEDULED EVENT:

02/03/09 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 713

ON 02/03/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR ARRAIGNMENT

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
CHRISTINE CHEATHAM (REP) GILLIAN STUDWELL (CP)

DEFENDANT DEMANDS COUNSEL.

COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.

PUBLIC DEFENDER APPOINTED. DAVID C. KANUTH - P.D.

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID C. KANUTH DEPUTY PUBLIC DEFENDER

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.

A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.

DEFENDANT ADVISED THAT IN ANY CASE IN WHICH YOU ARE FURNISHED A LAWYER, EITHER THROUGH THE PUBLIC DEFENDER OR PRIVATE COUNSEL APPOINTED BY THE COURT, UPON CONCLUSION OF THE CRIMINAL PROCEEDINGS IN THE TRIAL COURT, THE COURT SHALL MAKE A DETERMINATION OF YOUR PRESENT ABILITY TO PAY ALL OR A PORTION OF THE COST OF COUNSEL. IF THE COURT DETERMINES THAT YOU HAVE THE PRESENT ABILITY TO PAY ALL OR PART OF THE COST, IT SHALL ORDER YOU TO PAY THE SUM TO THE COUNTY IN ANY INSTALLMENTS AND MANNER WHICH IT BELIEVES REASONABLE AND COMPATIBLE WITH YOUR FINANCIAL ABILITY. EXECUTION MAY BE ISSUED ON THE ORDER IN THE SAME MANNER AS ON A JUDGEMENT IN A CIVIL ACTION;

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 92.32.5(A)(1) TMC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 92.2.9(A) TMC.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/04/09 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 03/04/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
CHERI MALONEY (REP) GILLIAN STUDWELL (CP)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY GIA G. BOSLEY DEPUTY PUBLIC DEFENDER

CASE NO. 9SY00884
DEF NO. 01

PAGE NO. 2
DATE PRINTED 10/09/09

NEXT SCHEDULED EVENT:

04/06/09 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 04/06/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
CHRISTINE CHEATHAM (REP) GILLIAN STUDWELL (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY COURTNEY D. REED DEPUTY
PUBLIC DEFENDER

COUNT (01) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC

COUNT (02) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC

PROOF OF \$200.00 PAYMENT TO THE CITY OF TORRANCE IN THE FILE.

CASE DISMISSED PURSUANT TO 1385 PENAL CODE.

NEXT SCHEDULED EVENT:

PROCEEDINGS TERMINATED

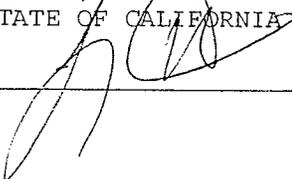
04/10/09 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF
JUSTICE

10/09/09

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

JOHN A. CLARKE , EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY _____, DEPUTY



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 9SY00884 PAGE NO. 1
THE PEOPLE OF THE STATE OF CALIFORNIA VS. CURRENT DATE 10/09/09
DEFENDANT 02: JACOB PAZ
LAW ENFORCEMENT AGENCY EFFECTING ARREST: TORRANCE POLICE DEPARTMENT

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER

CASE FILED ON 12/30/08.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 11/03/08 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 92.32.5(A) (1) TMC MISD

COUNT 02: 92.2.9(A) TMC MISD

NEXT SCHEDULED EVENT:

02/03/09 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 713

ON 02/03/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR ARRAIGNMENT

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
CHRISTINE CHEATHAM (REP) GILLIAN STUDWELL (CP)
THE DEFENDANT FAILS TO APPEAR, WITH SUFFICIENT EXCUSE AND NOT REPRESENTED BY COUNSEL

/
DEFENDANT FAILS TO APPEAR FOR ARRAIGNMENT.

SEE ALSO 8SY11031.

A BENCH WARRANT IS ISSUED FOR THE DEFENDANT'S ARREST.
BAIL ON THE BENCH WARRANT IS SET AT \$1000.00
ONE THOUSAND DOLLARS.

NEXT SCHEDULED EVENT:
BENCH/WARRANT TO ISSUE

02/03/09 BENCH WARRANT IN THE AMOUNT OF \$1,000.00 BY ORDER OF JUDGE CMR BRAD M. FOX ISSUED. (02/03/09).

ON 02/04/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
CHRISTINE CHEATHAM (REP) NONE (DDA)
DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/04/09 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 713

02/04/09 BENCH WARRANT IN THE AMOUNT OF \$1,000.00 RECALLED. (02/04/09).

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 03/04/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE NO. 9SY00884
DEF NO. 02

PAGE NO. 2
DATE PRINTED 10/09/09

CASE CALLED FOR ARRAIGNMENT AND PLEA
PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
 CHERI MALONEY (REP) GILLIAN STUDWELL (CP)
DEFENDANT DEMANDS COUNSEL.
COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.
PUBLIC DEFENDER APPOINTED.
PUBLIC DEFENDER DECLARES CONFLICT OF INTEREST.
ALTERNATE PUBLIC DEFENDER, E. V. ODOM, APPOINTED
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY E. V. ODOM ALTERNATE PUBLIC
DEFENDER

DEFENDANT STATES HIS/HER TRUE NAME AS CHARGED.
A COPY OF THE COMPLAINT AND THE ARREST REPORT GIVEN TO DEFENDANTS COUNSEL.
DEFENDANT ADVISED THAT IN ANY CASE IN WHICH YOU ARE FURNISHED A LAWYER, EITHER
THROUGH THE PUBLIC DEFENDER OR PRIVATE COUNSEL APPOINTED BY THE COURT, UPON
CONCLUSION OF THE CRIMINAL PROCEEDINGS IN THE TRIAL COURT, THE COURT SHALL
MAKE A DETERMINATION OF YOUR PRESENT ABILITY TO PAY ALL OR A PORTION OF THE
COST OF COUNSEL. IF THE COURT DETERMINES THAT YOU HAVE THE PRESENT ABILITY
TO PAY ALL OR PART OF THE COST, IT SHALL ORDER YOU TO PAY THE SUM TO THE

COUNTY IN ANY INSTALLMENTS AND MANNER WHICH IT BELIEVES REASONABLE AND
COMPATIBLE WITH YOUR FINANCIAL ABILITY. EXECUTION MAY BE ISSUED ON THE ORDER
IN THE SAME MANNER AS ON A JUDGEMENT IN A CIVIL ACTION;

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF
CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 92.32.5(A)(1) TMC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 92.2.9(A) TMC.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

04/06/09 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 713

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 04/06/09 AT 830 AM IN TORRANCE COURTHOUSE DEPT 713

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CMR BRAD M. FOX (JUDGE) SHELIA BRAY (CLERK)
 CHRISTINE CHEATHAM (REP) GILLIAN STUDWELL (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY COURTNEY D. REED DEPUTY

PUBLIC DEFENDER APPEARING FOR NICOLE NEWMAN

COUNT (01) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC

COUNT (02) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC

NEXT SCHEDULED EVENT:

PROCEEDINGS TERMINATED

04/10/09 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF
JUSTICE

10/09/09

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC DOCKET
ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

JOHN A. CLARKE , EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY _____, DEPUTY



PETITION

Cottone and Son's
 For the use of animals
 For petting zoo and pony rides

Signature

Address

<i>[Signature]</i>	5711 Ravenspur dr Rancho Palos Verdes
<i>Rwan Clark</i>	23701 S Western Spcc 14 Torrance CA 90501
<i>Carlos Lorenzo</i>	15219 Pondo Ave Carmen CA 90249
<i>[Signature]</i>	27036 W 45 Ave
<i>[Signature]</i>	2849 Sonoma St
<i>[Signature]</i>	1118 W 158th St
<i>[Signature]</i>	1118 W 158th St
<i>Ami Kuroda</i>	1211 Tern Ave Torrance
<i>Maggie Ortiz</i>	4705 W 173rd Lawndale
<i>[Signature]</i>	1100 Irvine Blvd #875 Tustin CA
<i>[Signature]</i>	208 S Irena Ave #7 RB CA
<i>[Signature]</i>	20527 Madison, Torrance CA
<i>GREG NAOSADY G Nalsady</i>	4218 CARMEN ST TORRANCE, CA 90503
<i>[Signature]</i>	14050 Wadkins Ave Gardena CA 90249
<i>[Signature]</i>	PO BOX 2423 Palos Verdes, 90274
<i>[Signature]</i>	604 Manhattan Ave #13 2278 W. 230th Pl Torrance
<i>[Signature]</i>	29 Sperry Way Talispell MT
<i>[Signature]</i>	16612 Patfonella Ave Torrance
<i>[Signature]</i>	14903 Bedbean Ave Torrance
<i>[Signature]</i>	35160 Begonia Ln
<i>ROBER CAVITO</i>	22620 Ocean Ave TORRANCE
<i>[Signature]</i>	3209 Ouzado St TORRANCE

PETITION

Cottone and Son's
For the use of animals
For petting zoo and pony rides

Signature	Address
Kara Ryan	2209 OnRado St TORRANCE CA 90503
Paula [unclear]	25405 SIOUX PL HARBOUR CITY CA 90710
Beth Nielsen	29611 Arlington Ave Torrance
Dana Sakayama	2313 El Dorado St. Torrance 90501
Michelle [unclear]	17011 HARVARD BLVD, Gardena 90247
Michelle [unclear]	2422 W. 225th PL CA 90501
Michelle [unclear]	1326 W 223rd
Michelle [unclear]	1017 J-st + 90502
Marlene Cunningham	3422 Maricopa St #107 90503
[unclear]	18342 Amie Ave Torrance
[unclear]	11711 Avon Way #10 LA 90066
[unclear]	515 W 168th ST GARDENA 90248
Sarit Kastro	15231 Alby Laund LA 90260 90714
Debra Wheeler	14001 Thunderbird Seal Beach
Jesse Nolan	4750 Declane ST Torrance 90503
[unclear]	27927 Ridgeway CTN, 90275
[unclear]	15407 Cense ave Torrance
[unclear]	401 Ave G Redondo Beach CA 90277
[unclear]	3708 White Ct, Torrance CA 90503
[unclear]	3642 W. 227th PL Torrance, CA
Nancy Pittman	1442 W. 215th St. Torrance CA 90501
Celeste Burns	3730 Garnet St Torrance 90503
Claudia Blahnik	21901 Marjorie Ave, Torrance Ca 90503
Eileen Silva	21901 Marjorie Ave Torrance CA 90503
George Blahnik	21901 Marjorie Ave. Torr Ca 90503
Charla Falls	10474 1/2 Eastborne Ave LA CA 90024
Sarah Meyers	10474 1/2 Eastborne Ave LA CA 90024
Sherry Khandia	10462 National Bl #10 LA CA 90024
MARCUS EILINGSON	814 MAPLE, TORRANCE, CA 90505

PETITION

Cottone and Son's
For the use of animals
For petting zoo and pony rides.

Signature	Address
<i>Marta Ruiz</i>	21420 MESA A - TORRANCE
<i>Acuplomas</i>	3317 ONRADO ST TORRANCE
<i>M. Hayward</i>	3313 ONRADO ST TORRANCE
<i>Sadie F. Hill</i>	3301 ONRADO ST TORRANCE
<i>Ruth Hayward</i>	3213 ONRADO ST. TORRANCE
<i>John Hayward</i>	3121 ONRADO ST TORRANCE
<i>John Hayward</i>	3109 ONRADO
<i>John Hayward</i>	3206 ONRADO ST, TORRANCE
<i>B. Lund</i>	3214 ONRADO ST TORRANCE CA
<i>Andrew B. Paulsen</i>	3222 ONRADO ST. TORRANCE, CA
<i>Yasu Omatsu</i>	3306 SONOMA ST TORRANCE
<i>Yasu Omatsu</i>	3305 SONOMA ST.
<i>Yasu Omatsu</i>	2239 241 st ST. #10 LOMITA 90717
<i>John Omatsu</i>	2515 El dorado St. Torrance
<i>Kita Platan</i>	6325 Taragon Rd, RPV 90275
<i>Robert + Rebecca</i>	2610 ROSECROWS #20 90250
<i>SARAH AREVALO</i>	3610 ROSECROWS AVE HAWTHORNE
<i>LUNETIA NEWMAN</i>	1841 262nd St Lomita 90717
<i>Yamara Reed</i>	2544 Pinkard Ave RB CA 90211
<i>Jason Owens</i>	23328 Los Cadenas Torrance
<i>LIMBERLY VILLA</i>	1412 BENTON RD RB CA 90504
<i>Beula Bay</i>	3906 W 178th St. Torrance CA 90504
<i>Beula Bay</i>	1325 W ROSECROWS 90242
<i>Beula Bay</i>	18705 DORR AVE 90504
<i>Phillip Villa</i>	2412 W. 239th St. 90501
<i>ANITA JOSENA</i>	24456 WARD ST, 90505
<i>Melanie Martiner</i>	2505 1/2 Huntington In RB CA. 90278
<i>CAMRAN AGANGE</i>	4214 MESA ST TORRANCE, CA 90505

EXCERPT OF MINUTES

Minutes Approved
 Minutes Subject to Approval

October 7, 2009

**MINUTES OF A REGULAR MEETING OF
 THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:01 p.m. on Wednesday, October 7, 2009 in the Council Chambers at Torrance City Hall.

3. ROLL CALL

Present: Commissioners Browning, Busch, Horwich, Skoll, Uchima and Chairperson Weideman.

Absent: Commissioner Gibson.

Also Present: Planning Manager Lodan, Planning Assistant Graham, Civil Engineer Symons, Fire Marshal Kazandjian, Plans Examiner Noh and Deputy City Attorney Sullivan.

14A. LOT09-00002: COTTONE AND SONS

Planning Commission consideration of an appeal of a Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street.

Recommendation

Denial of appeal.

Planning Assistant Graham introduced the request.

Jacob Paz, representing Cottone and Sons, reported that the Community Development Director has limited the number of animals that may be present on-site at the pumpkin sales lot to 10, however, 10 ponies are needed for the pony ride alone so this would not allow for the petting zoo. He requested to be allowed to have 21 animals for the petting zoo plus ponies for the pony ride as listed on the application.

Commissioners asked Mr. Paz about the incident detailed in the staff report that occurred on November 3, 2008, when Animal Control found animals at the pumpkin sales lot unattended and the applicant was cited by Code Enforcement for: 1) Leaving animals unattended; 2) Having more than the approved number of animals on-site; and 3) Having pigs present, which is not an animal listed on the permit. Additionally, the applicant was cited by Animal Control for illegally tethering a dog and failure to clean up after the dog and it was noted that the on-site trailer had no license plate, registration or vehicle identification number.

Mr. Paz explained the following:

- That the animals were left unattended when the woman he hired to take care of them had to leave unexpectedly and he had a letter from her attesting to this fact;
- That there were more than the approved number of animals because a lady had given him three baby pigs she could not keep;
- That all of the animals are well cared for and inspected on a regular basis at the family's farm in Riverside;
- That the court dismissed all charges connected with the November 3, 2008 incident;
- That there is a new trailer on-site this year which is registered but the license plates have not been received.

In response to Commissioner Horwich's inquiry, Mr. Paz indicated that he was not of legal age last year when he filled out the Seasonal Sales Permit Application and that his mother was included on this year's application because he will not be 18 years old until November. He noted that his mother was not the woman who left the animals unattended last year.

Planning Manager Lodan clarified that staff considers Mr. Paz's mother Andrea Vicencio to be the applicant since Mr. Paz is not of legal age. He explained that staff considered prohibiting animals at the pumpkin sales lot this year because of the incident last November, and ultimately decided that allowing 10 animals was a reasonable compromise.

Thomas Cottone, 5190 Agate Street, Riverside, stated that his grandson Jacob is the third generation to work in the business, which has been in Torrance for 50 years, and he promised his great grandfather before he died last year that he would continue the operation. He explained that he was called to the site last year on November 3rd when the animals were found unattended and the animals were in good shape, however, there were three pigs that had been donated by a woman who lives in Palos Verdes and an old dog that had been abandoned, which were not listed on the application. He expressed concerns that the Cottone operation was being held to a higher standard than other seasonal sales lots, noting that he submitted 3 sets of photographs showing violations at other sales lots in Torrance to the Community Development Department.

Commissioner Skoll questioned what Animal Control staff would recommend with regard to the type and number of animals to be allowed at the pumpkin sales lot.

Animal Control Officer Behn advised that staff was more concerned about the ratio of caretakers to animals, not the type of animals. She explained that staff believes having one person to handle 30 animals is not adequate, noting that the City limits residents to a total of 4 animals per household to ensure they are properly cared for. Additionally, she reported that the applicant was operating like a shelter by allowing people to drop off unwanted pets and this is not permitted.

Animal Control Supervisor D'Amico stated that 30 animals are way too many for one person to care for and he would be more inclined to support the application if there were 3 caretakers for the 30 animals.

Commissioner Skoll asked about the number of ponies needed for the pony ride, and Animal Control Supervisor D'Amico related his understanding that ponies are allowed to work for a period of 8 hours and then must rest.

In response to Commissioner Busch's inquiry, Animal Control Supervisor D'Amico confirmed that Animal Control staff would do spot checks at the pumpkin sales lot to ensure compliance.

Returning to the podium, Mr. Paz reported that he lived at the pumpkin sales lot 24/7 last year after the incident that occurred on November 3rd and during that entire period he never saw Animal Control staff.

Commissioner Gibson stated that her only concern was about the number of animals and not about Mr. Paz's ability to care for them.

Mr. Paz offered to reduce the number of animals for the petting zoo to 15, but explained that 9 or 10 ponies are needed for the pony ride to ensure that they are not overworked. He stated that there is no rule that ponies can only work 8 hours a day, only that they cannot be overworked, noting the USDA checks on the well being of the animals twice a week.

Commissioner Skoll asked how many people would be present to look after the animals. Mr. Paz reported that there would be 3 or 4 people on-site during the daytime with him handling the pony rides, another person taking care of the petting zoo and a third person walking around the animal pens, and that he and another person would be there during nighttime hours.

Commissioner Uchima stated that he would be more comfortable if there were 3 people caring for the animals around the clock and Mr. Paz reported that there are 54 animals at the farm in Riverside and 2 people take care of all of them.

Commissioner Horwich suggested the possibility of adding a condition stating that the permit would be cancelled if there are any violations, and Mr. Paz indicated that he would be amenable to such a condition.

Commissioner Horwich expressed concerns that the applicant's Christmas tree lot would take up 96 parking spaces at the mall during the holiday shopping season.

Planning Manager Lodan advised that these are excess parking spaces and not required parking for the mall.

Commissioner Gibson asked about the possibility of downsizing the pony ride so there could still be a small petting zoo with the 10 animals on-site as staff has recommended.

Mr. Paz explained that the pony rides are so popular, the line would grow too long if they only offered 2 or 3 pony rides at a time, therefore, if only allowed 10 animals, they would only bring the ponies.

MOTION: Commissioner Busch moved to close the public hearing. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

Commissioner Uchima asked about Commissioner Horwich's suggestion that a condition be included requiring that the permit be revoked if terms are violated.

Planning Manager Lodan stated that staff believes such a condition would pose a number of complications and their preference would be to grant the permit with the limitation on animals as proposed, with the understanding that the number of animals could be increased in the future if there are no problems.

Commissioner Busch indicated that he was uncomfortable adding a condition requiring that the whole operation be shut down if there is any violation and felt that staff's recommendation was a reasonable compromise based on the applicant's past performance. He noted Resolution No. 09-049 includes conditions specifying that any complaints or violations shall result in denial of future applications and that no animal shelter activities shall be conducted on-site.

MOTION: Commissioner Busch moved to deny the appeal and approve LOT09-00002, as conditioned. The motion was seconded by Commissioner Gibson and discussion briefly continued.

Commissioner Skoll stated that he was a little more forgiving and would like to allow the applicant to have a petting zoo in addition to the pony rides.

Chairperson Weideman stated that he believed this was a matter of trust; that the applicant had lost trust with the incident that happened last year; and that he agreed allowing 10 animals was a reasonable compromise.

Chairperson Weideman called for a vote, and the motion passed by a 5-1 roll call vote, with Commissioner Skoll dissenting (absent Commissioner Browning).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 09-049.

MOTION: Commissioner Busch moved for the approval of Planning Commission Resolution No. 09-049. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Browning).

###

AGENDA ITEM NO. 14A**CASE TYPE & NUMBER:** Seasonal Sales Permit Application – LOT09-00002**NAME:** Cottone and Son's**PURPOSE OF APPLICATION:** Planning Commission consideration of an appeal of a Community Development Director approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride.**LOCATION:** 3525 Carson Street (APN 7366-019-124)**ZONING:** HBCSP-DA1, Hawthorne Boulevard Corridor Specific Plan – Del Amo Business Sub-district One**ADJACENT ZONING AND LAND USE:**

NORTH: HBCSP-DA1, Hawthorne Boulevard Corridor Specific Plan – Del Amo Business Sub-district One

EAST: R-1, Single Family Residential

SOUTH: HBCSP-DA1, Hawthorne Boulevard Corridor Specific Plan – Del Amo Business Sub-district One

WEST: HBCSP-DA1, Hawthorne Boulevard Corridor Specific Plan – Del Amo Business Sub-district One

GENERAL PLAN DESIGNATION: Commercial Center**COMPLIANCE WITH GENERAL PLAN:** This site has a General Plan Designation of Commercial Center which has a maximum floor area ratio (FAR) of 1.0. The Commercial Center designation is intended as an area for the concentration of diverse and intense commercial uses. This property is located in the Del Amo Business District of the Hawthorne Boulevard Corridor Specific Plan. This area is envisioned to be developed with a mixture of retail, office, service, and multiple-family residential uses. This request as conditioned for a temporary pumpkin and Christmas tree lot is consistent with the Commercial Center designation and Specific Plan.

The pumpkin and tree lot operations (hours of operation, noise [chain saws, loading activities, etc.], lighting, keeping of animals on-site) shall be sensitive to minimize impacts to near by residential uses across Madrona Avenue.

EXISTING IMPROVEMENTS AND/OR NATURAL FEATURES: The subject parcel is currently developed as a parking lot that serves the Del Amo Fashion Center.**ENVIRONMENTAL FINDINGS:** The construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including the placement of seasonal or temporary use items are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15311 (c).**BACKGROUND AND ANALYSIS:**

The applicants request an appeal of a Community Development Director approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a

small animal petting zoo and pony ride, specifically the condition of approval that limits the number of animals on site to ten at one time.

The subject parcel is 4.76 acres in size and is located just north of the northeast corner of Carson Street and Madrona Avenue. The parcel currently functions as a parking lot that serves the Del Amo Fashion Center. This is the second year in a row for the proposed Seasonal Sales Permit. The applicants used this site for pumpkin and Christmas tree sales with a small animal petting zoo and pony ride last year (LOT08-00003).

As with last year's event, the applicants are proposing to occupy 96 parking spaces of the northern portion of the parcel. The applicants are proposing to have 21 total animals for the petting zoo including goats, sheep, llamas, pigs, and a calf. The applicants are proposing a total of 9 ponies for the pony ride. Although their application lists 6 ponies for the pony ride, the Code has a maximum of 5 ponies for riding at one time.

On September 17th, 2008, LOT08-00003 was approved to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride. The application was approved for 15 total animals for the petting zoo, consisting of goats, sheep, and a cow, along with 7 total ponies for the pony ride.

On the morning of November 3rd, 2008, Animal Control and Code Enforcement responded to a complaint and investigated the site. Code Enforcement observed 26 various animals on site, unattended, without food and water. According to the incident report, there were three unapproved pigs and an unapproved dog onsite, and that the animals appeared thirsty and hungry. A citation was issued for violating Planning conditions (Attachment #4). Animal Control also cited the applicants for illegally tethering the dog and for failure to clean up after the dog.

According to Animal Control's account of November 3rd, they responded at 9:30am, observed the situation, then requested assistance from Parking Enforcement, Code Enforcement, and a Police Sergeant. Upon arrival, the site and the animals were left unattended. Messages were left for the applicants until contact was finally made around 10:30am. Helpers arrived thereafter to begin caring for the animals. The person responsible for the care of the animals (as shown on the application) arrived around 12:15pm. Animal Control was informed that the dog and pigs were given to the applicants—as with an animal shelter—which was neither an approved nor permitted activity. Animal Control left the site at 12:30pm. Lastly, Animal Control noted that the onsite trailer at the time had no license plate, registration, or vehicle identification number, and that the onsite trailer for this year's sales lot does not have any identification.

According to TMC Section 92.2.9.g, any violations may result in enforcement actions, immediate suspension of the issued Seasonal Sales Permit, and the denial of an application for such future sales permits. It should be noted that citation issued by Code Enforcement was ultimately dismissed as the listed applicant was still a minor at the time.

Staff is not opposed to the sales of pumpkins and Christmas trees on the subject parcel. However, based on last year's incidents, LOT09-00002 was approved with additional conditions of approval to address concerns, per TMC Section 92.2.9.f.

One such condition is to limit the maximum number of animals (including ponies) onsite to 10 at one time. The applicants are appealing this condition in order to have 21 animals for the

petting zoo and 9 ponies for the pony ride. The condition is intended to prevent the potential for problems related to the animals, similar to last year. Under the advisement of Animal Control, 30 animals are much too many for one person to care for and manage properly.

Based on past violations, staff recommends denial of the appeal and that the condition for the ten animal limit be upheld. Staff is also adding further recommended conditions of approval to help clarify and regulate the Seasonal Sales Permit, such as having Animal Control oversee the animals, that any complaints or violations shall result in denial of future applications, and that no animal shelter activities shall be conducted onsite.

The applicant is advised that Code and previously approved special requirements for the Seasonal Sales Permit still apply.

REQUEST RECOMMENDATION: DENIAL

FINDINGS OF FACT IN SUPPORT OF DENIAL OF THE REQUEST:

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

RECOMMENDED CONDITIONS:

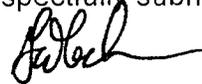
Recommended conditions of the proposed project are set forth in the attached Resolution.

Prepared By



Soc Angelo Yumul
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP
Planning Manager

ATTACHMENTS:

1. Resolution
2. Appeal
3. LOT08-00003
4. LOT08-00003 Case Notes
5. TMC Section 92.2.9 – Seasonal Pumpkin and Christmas Tree Sales Lots
6. TMC Sections 91.2.163, 164, 167, and 168 – Definitions
7. LOT09-00002

PLANNING COMMISSION RESOLUTION NO. 09-049

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE APPROVAL OF A SEASONAL SALES PERMIT AS CONDITIONED AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE SALE OF PUMPKINS AND CHRISTMAS TREES WITH A SMALL ANIMAL PETTING ZOO AND PONY RIDE ON PROPERTY LOCATED WITHIN THE HBCSP-DA1 ZONE AT 3525 CARSON STREET (APN 7366-019-124).

LOT09-00002: COTTONE & SON'S

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on October 9, 2009, to consider an appeal of the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street; 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 2, Article 30 of the Torrance Municipal Code; and

WHEREAS, the construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including the placement of seasonal or temporary use items are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15311 (c); and

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

- A) That the property for this Seasonal Sales Permit is located at APN 7366-019-124;
- B) That the property is located on a portion of Lot 7 of Parcel Map 1387 as per map recorded in the Office of the Los Angeles County Recorder, State of California;
- C) That the modification of the condition limiting the number of animals to ten on site at one time will affect the rights of adjacent property owners or tenants because the applicants have a history of complaints and violations;

- D) That the modification of the subject condition will violate the Seasonal Sales Permit because per TMC Section 92.2.9.f, the Community Development may impose additional conditions to the approval of the Seasonal Sales Permit to insure the preservation of the public peace, safety, health, and general welfare;
- E) That the modification of the subject condition will make a material change in the concept or execution of the project as approved by the Community Development Director because the ten animal limit is intended to prevent potential problems;
- F) That there is no hardship to the applicants if the modification of the subject condition is not granted because the applicants would still be able to operate the sales of pumpkins and Christmas trees in conjunction with a small animal petting zoo and pony ride;
- G) That the modification of the subject condition will be contrary to the established planning or zoning policies of the Community Development Director because the applicants have a history of complaints and violations.

WHEREAS, the Planning Commission by the following roll call vote APPROVED LOT09-00002, subject to conditions:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

NOW, THEREFORE, BE IT RESOLVED that LOT09-00002, filed by Cottone & Son's to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride on property located within the HBCSP-DA1 Zone at 3525 Carson Street is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a Seasonal Sales Permit shall be subject to all conditions imposed in LOT09-00002 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 all regulations of TMC Section 92.2.9 regarding the Los Angeles County Department of Animal Health and Control shall be referred to the Torrance Police Department, Animal Control Division; (Development Review)
3. That any complaints or violations shall result in the denial of an application for such future sales permits by the operator and/or the property owner; (Development Review)
4. That all Code requirements and listed Standards and Requirements of LOT09-00002 shall apply; (Development Review)
5. That the co-applicant Andrea Vicencio shall submit a copy of her Driver's License or State Identification Card and contact information for the record; (Environmental)
6. That no animal shelter activities (leaving, giving, adopting, etc) shall be conducted on site; and (Environmental)
7. That any vehicles onsite shall have proper identification; (Police Department)
8. 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 7th day of October 2009.

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 7th day of October 2009, by the following roll call vote:

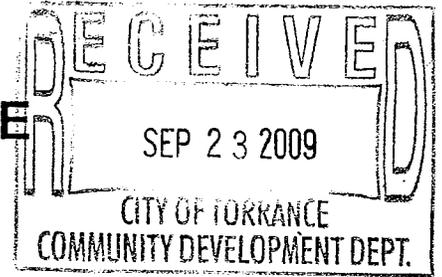
AYES: COMMISSIONERS:
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Secretary, Torrance Planning Commission

CITY OF TORRANCE

INTEROFFICE COMMUNICATION

DATE: September 23, 2009



TO: Jeffrey Gibson, Community Development

FROM: City Clerk's Office

SUBJECT: Appeal 2009-07

Attached is Appeal 2009-07 received in this office on September 23, 2009 from Jacob Paz, 5190 Agate Street, Riverside, CA 92509. This appeal is of the Community Development Director's denial on September 22, 2009 regarding LOT09-00002: COTTONE AND SON'S located at 3525 Carson Street, Torrance, CA 90503 regarding the number of animals that are being allowed for the pumpkin lot.

The appeal fee of \$70.00, 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 Manager



CITY OF TORRANCE

RECEIVED

APPEAL FORM

2009 SEP 23 AM 10:40

AN APPEAL TO:

- City Council
- Planning Commission
- _____

RETURN TO:

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

RE:

LOT 09 00002

(Case Number and Name)

Address/Location of Subject Property

3525 CARSON ST

(If applicable)

Decision of:

- Administrative Hearing Board
- Airport Commission
- Civil Service Commission
- Environmental Quality & Energy Conservation Commission
- License Review Board
- Planning Commission
- Community Development Director
- Special Development Permit
- Other _____

Date of decision:

9/22/2009

Appealing:

- APPROVAL
- DENIAL

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.*

for the number's of animal's that are being allowed for the pumpkin lot

Name of Appellant

Jacob Puz

Address of Appellant

5190 Agate st Riverside CA 92509

Telephone Number

(951) 965 4756

Signature

Appeal Fee paid \$

0.00

For office use only

Date

9/23/09

Received by

Notice to

Community Development Department Planning Building & Safety

City Council City Manager City Attorney Other Department(s)



City of Torrance, Community Development Department
 3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

Jeffery W. Gibson, Director
 SEP 17 2008

Seasonal Sales Permit Application (Vacant Lots Only)

CITY OF TORRANCE
 COMMUNITY DEVELOPMENT DEPT.

Parts I, II, and III to be completed by the Applicant. Please print or type.

I. APPLICANT INFORMATION/PROPOSED SALES LOCATION

Name of Applicant	Contact Phone Number		
JACOB PAZ	(951) 834-7469		
Mailing Address	City	State	Zip Code
5190 AGATE ST	Riverside	CA	92509
Sales Lot Address or Location	Zip Code		
3525 CARSON DEL AMO FASHION CENTER			

II. SALES AND SITE INFORMATION

Check type of approval requested (Pumpkin and Christmas tree lots on the same location will be processed with one application and one fee):

Pumpkin Sales Lot

Christmas Tree Sales Lot

Check incidental activity if proposed:

Small Animal Petting Zoo

Pony Ride (Allowed at a pumpkin lot only)

Date(s) and time of operation:

Date(s):	Pumpkin Lot	
	From: 10/10/08	To: 10/31-08

Hours:	Pumpkin Lot	
	From: 9:00 AM	To: 10:00 PM

Date(s):	Christmas Tree Lot	
	From: 12/1/08	To: 12/25/08

Hours:	Christmas Tree Lot	
	From: 9: AM	To: 10:00 PM

Site information* (inclusive of all activities on the site, including animals and ponies):

Zone	Site Area**	Total Display & Storage Areas** (sales lot & incidental use)	Number of Parking Spaces (all activities)
A H-D-1	207,000 ±	33,600.00	96

A. Sales area information:

Size of Display & Storage Areas**	Number of Parking Spaces (sales only)
1000'	22

B. Small animal petting zoo:

Display & Storage Area**	Total Number of Animals	Range of Weight of Animals	Number of Parking Spaces (petting zoo)
1000'	15	30 to 60 Lb	10
List Types and Numbers of the Animals			
goats, sheep, cow			
Name of Person On-Site Responsible for the Care of the Animals			CA DL/ID No.
THOMAS			N0619104

C. Pony ride:

Display & Storage Area**	Number of Ponies Used for the Ride	Total Number of Ponies On-Site	Number of Parking Spaces (pony ride)
400'	5	7	8
Name of Person On-Site Responsible for the Operation of the Pony Ride			CA DL/ID No.
Jacob Paz			E231234Z

Note: * The occupied areas, and parking spaces listed in Items A, B, and C need to add up to the totals provided in "Site Information."

** Indicate all area totals in square feet.

Copy mailed to applicant/representative/owner 10/08/08. da

STANDARDS AND REQUIREMENTS

By signing this application form, I as the business owner and/or the property owner, hereby acknowledge that I have read and agree to comply with all applicable City standards regulating the proposed temporary use(s) and the following conditions of approval for the proposed temporary use(s) :

- a) No person will conduct sales of pumpkins and/or Christmas trees on any vacant property without first obtaining a Seasonal Sales Permit issued from the Community Development Director.
- b) No Seasonal Sales Permit will be issued by the Community Development Director prior to September 1st for any pumpkin sales lot and November 1st for any Christmas tree sales lot.
- c) The proposed sales lot is located on a vacant property zoned for commercial or manufacturing use.
- d) The proposed sales lot operation is conducted between the hours of 9:00 a.m. to 10:00 p.m. daily.
- e) Site preparation and set up for the sales lot will not commence prior to September 20th for a pumpkin sales lot, and November 15th for a Christmas tree sales lot.
- f) A pumpkin lot sales operation will begin no earlier than October 10th and end no later than October 31st.
- g) A Christmas tree lot sales operation will begin no earlier than December 1st and end no later than December 25th.
- h) Clean up of a pumpkin sales lot shall be completed by the November 10th that immediately follows the last approved operating date for the sales lot.
- i) Clean up of a Christmas tree sales lot will be completed by the January 5th that immediately follows the last approved operating date for the sales lot.
- j) Clean-up requirement may be waived during the transition time period between the last effective sales date for a pumpkin sales lot and the first effective sales date for a Christmas tree sale lot only if the applicant has received separate permits for operating both sales lots on the same property during the same calendar year and will be subject to the requirements of subsection e) 7) of this Section 92.2.9.
- k) The proposed sales lot will not adversely disrupt traffic in the vicinity as determined by consideration of the location and design of on-site driveways, on-site parking and circulation, and on-site lighting and traffic signage.
- l) One parking space be provided for every 1,500 square feet of display and public activity areas.
- m) The proposed sales lot will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity.
- n) If a petting zoo or pony ride is proposed as an incidental activity, its operation will conform to the standards and requirements of Subsection 92.2.9 e) and all other applicable requirements as stated herein.
- o) No other activity, other than the sales of pumpkins or Christmas trees, as defined in Sections 91.2.163 and 91.2.164 respectively, or a small animal petting zoo and/or a pony ride, as defined Sections 91.2.167 and 91.2.168 respectively, will be conducted.
- p) There will be no amplified sound, as defined in Section 46.5.3 of Article 5 of Chapter 6 of Division 4.
- q) There will be no vending machines on-site.
- r) One (1) small animal petting zoo and/or one (1) pony ride, as defined in Sections 91.2.167 and 91.2.168, may be permitted as an incidental use to the primary use of a pumpkin and/or a Christmas tree sales lot. Small animal petting zoos may be allowed in association with both a pumpkin and a Christmas tree sales lot, whereas a pony ride may be allowed only in association with a pumpkin sales lot. The operation of a small animal petting zoo and/or a pony ride may be approved if in the judgement of the Community Development Director the use will conform with the following:
 - 1) A Seasonal Sales Permit is obtained from the Community Development Director for the primary sales lot.
 - 2) The total area occupied by the proposed incidental uses, will not exceed ten percent of the total sales lot display area.
 - 3) One additional parking space is provided for every 100 square feet of area occupied by the incidental uses and animal storage area.
 - 4) The incidental uses and/or any animal pens are located at a maximum distance away from residential uses.
 - 5) All applicable City and County licensing, health permit, and inspection requirements will be satisfied.
 - 6) The applicant has submitted to the License Supervisor a policy of insurance naming the City of Torrance and all elected and appointed officers and employees as additional assured when acting in their official capacity, in the amount of \$1,000,000.
 - 7) Animals will not be brought on-site prior to one day before and will be removed from the site one day after the specified approved public sales dates.
 - 8) A person responsible for the care of and the regular maintenance of the animals on-site will be present at all times during the period that the animals are present and this person will have appropriate identification when acting in this capacity.

- 34
- 9) A report from a licensed Doctor of Veterinary Medicine certifying that all animals on the site are healthy and appropriate for public viewing and/or interaction must be provided to the Los Angeles County Department of Animal Care and Control and the Community Development Director by noon each Monday as long as the animals are on-site. All costs associated with this requirement will be the responsibility of the applicant.
 - 10) Any animals found to be ill or inappropriate for public interaction will be isolated immediately and will be removed from the site within eight hours of notification by the Los Angeles County Department of Animal Care and Control. All animal waste will be quickly and appropriately disposed of in an enclosed container, and no waste will be disposed of adjacent to either residential or commercial uses.
 - s) The Community Development Director may impose additional conditions on the approval of the Seasonal Sales Permit to insure the preservation of the public peace, safety, health, and general welfare.
 - t) Any violations of Section 92.2.9, other applicable Sections of the Torrance Municipal Code and/or conditions of approval may result in enforcement actions, immediate suspension of the issued Seasonal Sales Permit and the denial of an application for such future sales permits by the operator and/or the property owner.

PROPERTY OWNER		APPLICANT	
Print Name of Property Owner <i>Del Amo Fashion Center Op Co, LLC</i>		Print Name of Applicant <i>JACOB PAZ</i>	
Mailing Address <i>3525 Carson #105, Torrance CA</i>		Mailing Address <i>5190 AGATE ST Riverside CA 92509</i>	
Contact Phone Number <i>(310) 5408525</i>		Contact Phone Number	Emergency Phone Number
Signature <i>[Signature]</i>	Date <i>10/6/08</i>	Signature <i>[Signature]</i>	Date <i>9/15/08</i>

IV. FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

Plot Plan Attached Other Information Attached: LOA

Application/Case No. <i>LOT08-00003</i>	Date of Acceptance <i>10/7/08</i>	Fee Amount <i>\$ 204.00</i>	Accepted By: <i>OM</i>
--	--------------------------------------	--------------------------------	---------------------------

Fire Approved Denied See Remarks By: [Signature] Date: 9/17/08

Building Approved Denied See Remarks By: [Signature] Date: 9/17/08

Environmental Approved Denied See Remarks By: [Signature] Date: 9/17/08

* Please log comments in Permit Plan.

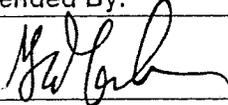
REMARKS	
Fire	<i>OBTAIN TEMP PERMIT, SEE PLAN FOR DETAILS</i>
Building	<i>OBTAIN SAFETY INSP. PERMIT / CREWMAN PERMIT FOR TENTS/CANOPIES ETC. PRIOR TO EVENT</i>
Environmental	<i>1) Obtain approval from Torrance Animal Control for animals. 2) Obtain a permit for signage. 3) Lights + noise shall not negatively impact residents. 4) Lot shall be cleared not later than 11/9/09.</i>

07/01/03 *5) No balloons, free standing signs or photos holding signs. (6) Keep what*

STAFF ASSESSMENT AND RECOMMENDATION (COMMUNITY DEVELOPMENT DEPARTMENT)

- The applicant has satisfied all the standards and requirements of the Permit. Therefore staff recommends approval of the Seasonal Sales Permit subject to the Standards and Requirements contained in Section III of this approval.
- The application does not meet the standards and requirements for issuance of a Seasonal Sales Permit and therefore staff recommends denial. The following standards/requirements were not met:

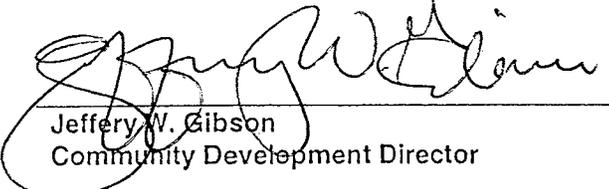
- NEED ANIMAL HEALTH DOCUMENTATION
- NO PUMPKIN, TREE DISPLAY OR ANY OTHER ITEMS TO ENCRACH INTO PUBLIC RIGHT OF WAY.
- NO ILLEGAL BALLOONS, BANNERS, ECC.
- OBTAIN ALL REQUIRED INSPECTIONS FROM B.I.S, FIRE, COUNTY
- A VETERINARY REPORT SHALL BE PROVIDED TO COUNTY HEALTH & CITY ANIMAL CONTROL OFFICER FOR ANIMALS ON SITE.
- PUMPKIN SETUP NO EARLIER THAN 9/20/08 AND NO SALES EARLIER THAN 10/10/08
- TREE SETUP NO EARLIER THAN 11/15/08 ; NO SALES EARLIER THAN 12/1/08

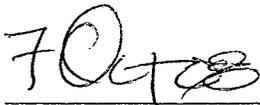
Assessment Made By:	
Name OSCAR MARTINEZ	Title PLANNING ASSOCIATE
Recommended By:	
Name 	Title Manny Monroy

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

This request for a Seasonal Sales Permit is:

Approved Denied Seasonal Sales Permit Number: _____


 Jeffery W. Gibson
 Community Development Director


 Date: _____

Decisions by the Community Development Director are appealable to the Planning Commission within fifteen (15) calendar days following the above date of approval or denial.

September 16, 2008

To whom it may concern:

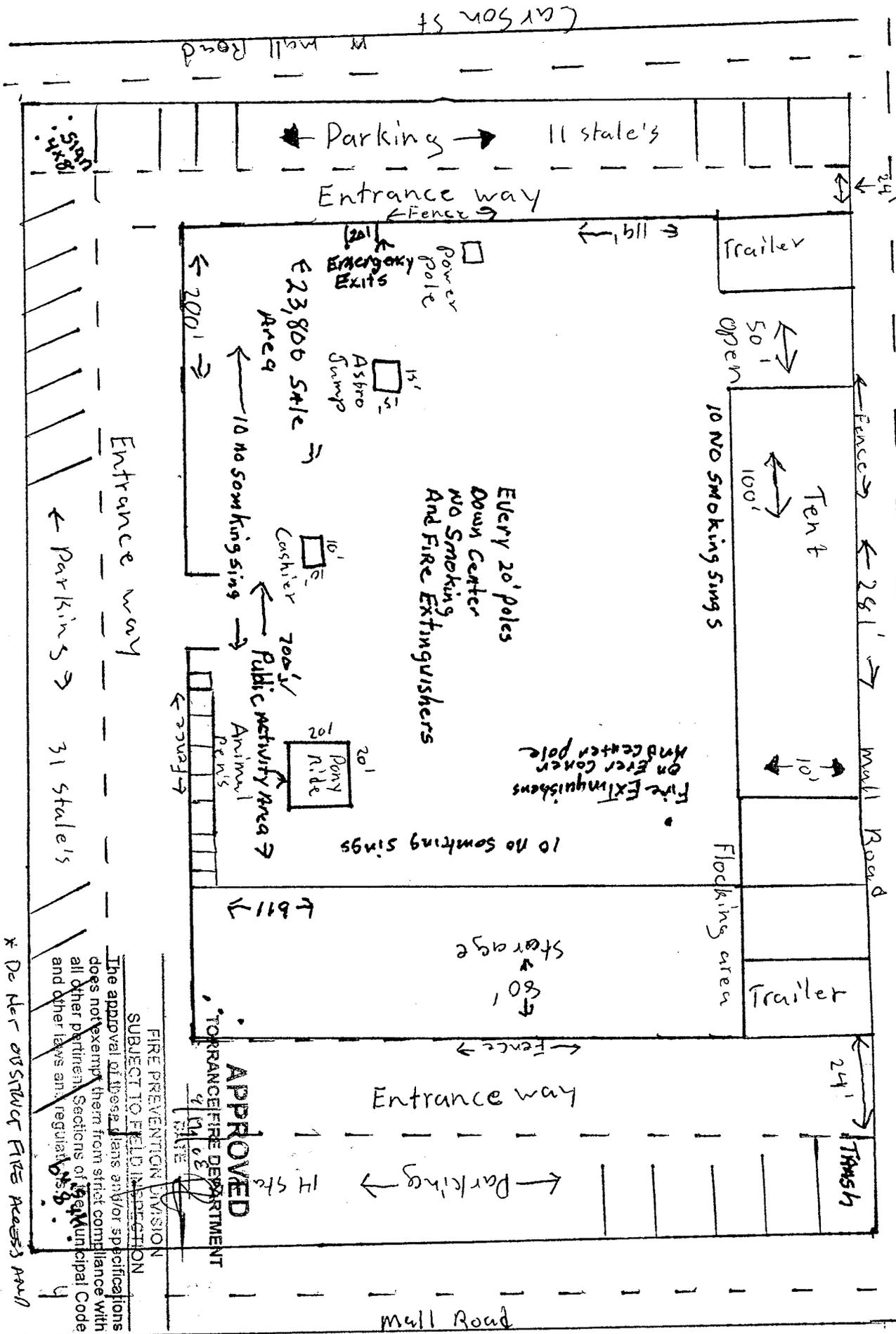
This letter is to confirm that Jacob Paz is in talks with the management of Del Amo Fashion Center, 3525 Carson St, Ste. 165, Torrance, CA, regarding the possibility of leasing space in the northeast portion of the parking lot of the shopping center for the purpose of selling pumpkins and evergreen trees. The proposed term of the potential agreement is from September 26, 2008, through January 15, 2009.

Thank you for your consideration.

Sincerely,



Jeff McLaughlin
Director of Marketing and Business Development
Del Amo Fashion Center
3525 Carson St., Ste 165
Torrance, CA 90503
(310) 542-8525



Madrona

Entrance way
Parking → 31 state's

* Do Not obstruct Fire Access And Equipment.

FIRE PREVENTION DIVISION
 SUBJECT TO FIELD INSPECTION
 The approval of these plans and/or specifications does not exempt them from strict compliance with all other pertinent Sections of the Municipal Code and other laws and regulations.

APPROVED
 TOKRANCE FIRE DEPARTMENT
 4/14/08

CITY OF TORRANCE
NOTICE TO APPEAR

INFRACTION

Nontraffic TC 000908

DATE 11-3-2008 TIME AM PM DAY OF WEEK MON CASE #

Name (First, Middle, Last) THOMAS WAYNE COTTONE

Address 5190 AGATE ST

City Riverside State CA Zip Code 92589

Driver's Lic. No. N0619104 CA State CA Class C Birthdate 12/11/53 Juvenile (Tel. No.)
Sex m Hair Brn Eyes Blg Height 600 Weight 198 Race C Other Description

VIOLATION(S) CODE/ORDINANCE DESCRIPTION
92, 32, 5.1 Tonic Violations of following conditions
1 ANIMALS UNATTENDED r.o.
2 EXCESSIVE ANIMALS 15 Allowed 26 Present
3 Pigs Present Not Listed on Permit

Evidence Seized Booking Required

Location of Violation(s) at 3525 RANSON Del Amo Fashion Center City of Occurrence
Comments (Prior Convictions) Pump Room Lot

Violation(s) not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 11/3/08 Arresting or Issuing Officer E. J. ... Serial No. 12684 Vac. Dates 12/1/08 to 1/1/09

Name of Arresting Officer, if different from Issuing Officer Serial No. Vac. Dates

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW
X Signature [Signature]

Appear before a Deputy Clerk of the Municipal Court on or before (specific date) at:
 825 Maple Ave., Room 170, Torrance 90503; or Upper Level, Redondo Beach Pier, 117 Torrance Blvd., Redondo Beach 90277
 825 Maple Ave., Room 170, Torrance 90503 only 1/06/2009
 Other
Office hours are 8:15 a.m. to 4:30 p.m., Monday through Friday. If you want to appear before a judge, you must be at the Deputy Clerk's Office before 8:30 a.m.
 Appear on or before (specific date) between 8:30 and 11:30 a.m. or 1:30 to 3:30 p.m. at Juvenile Traffic Court, 3221 Torrance Blvd., Torrance 90503. Parent or guardian must accompany juvenile to court.

TC 000908



MISDEMEANOR COMPLAINT INFORMATION

FILING DATE 12/16/08 WARRANT YES NO CITATION OR CASE NO. 000908
 FILING OFFICER Ezekiel H. LL AGENCY ENU PHONE 63106185927
 (Print last name first)

DEFT #1 COTTONE Thomas WAYNE
 Address 5190 AGATE ST Riverside CA ZIP 92509
 Desc C Sex M DOB 12-19-53 Hair Brown Eyes Blue Ht 6⁰⁰ Wt 198 CDL NO619104 CA

DEFT #2 PAZ Jacob
 Address 5190 Agate st Riverside CA ZIP 92509
 Desc / Sex / DOB / Hair / Eyes / Ht / Wt / CDL E2312342

LIST ALL INFO NEEDED: INCL ALT PLEADINGS, VICTS, LOCATIONS, PROP. ETC. IN MISC.

COUNT	DEFT. NO.	CHARGE/CODE	DATE OF OFFENSE	ADD'L FILING INFO (MISC)
1	1	92.32.5.1 Tmc	11-3-2008	Violating Planning Conditions For PUMPKIN LOT
2				(1) ANIMALS Unattended
3				(2) EXCESSIVE NUMBER OF ANIMALS
4				15 Allowed 26 Present
5				3 Ponys, 3 Pigs 2 Cows, 3 Sheep, one dog 14 goats
6				(3) Pigs Present not Listed on permit
7				

Blood/Breath/Urine Lab Rec. # Filing Approved
 No. of Wits. 3 17(b)4 Complaint Typed by Date
 Date(s) of Priors
 Rejected by Reason

DATE	DIV	COMMENTS

Incident Report

On Monday November 3, 2008 I was called to 3525 Carson street by Torrance Animal Control. There were 26 various animals on site with no one in attendance. This violates the conditions listed in the permit granted by planning to operate a pumpkin lot with a petting zoo. The permit specified that the animals must be attended at all times. The pigs which were not listed on the permit had no water and appeared very thirsty when we gave them water. The other animals appeared to be very hungry.

The permit allowed 15 animals and listed goats, sheep, and cows. There was no mention of pigs. After attempting to contact some one in charge of this operation we were finally able to get Thomas Wayne Cottone to the site. He identified himself as the owner of the lot. Even though a Jacob Paz was listed as applicant on the permit Mr. Cottone was cited for violation of Section 92.32.5.1 Torrance Municipal Code. Violating Planning Conditions. (1) Animals not properly cared for on one at the site. (2) Excessive number of animals 15 allowed 26 present. (3) Pigs present not on application.

SECTION 92.2.9. SEASONAL PUMPKIN AND CHRISTMAS TREE SALES LOTS.

(Added by O-3171; amended by O-3485)

- a) No person will conduct sales of pumpkins and/or Christmas trees on any vacant property without first obtaining a Seasonal Sales Permit issued from the Planning Director.
- b) An application for a Seasonal Sales Permit must be filed with the Planning Department and will include the following:
- 1) A completed application form signed by the applicant and the property owner acknowledging and agreeing to all applicable conditions; and
 - 2) A dimensioned plot plan of the proposed location. The plot plan must indicate the following information:
 - A) The location and dimensions of all Christmas tree sales and storage areas, public activity areas, fenced areas, incidental activity areas, and distances between tree displays, parking areas and temporary structures as required by the Fire Department;
 - B) The location of temporary buildings, trailers, tents, electrical or mechanical equipment, trash receptacles, and signs;
 - C) The location of required safety devices such as portable fire extinguishers, no smoking signs, and emergency exits;
 - D) The location, layout and dimensions of required driveways and parking spaces; and,
 - E) Any other information found by the Planning Director to be necessary for the review of the application.
- c) No Seasonal Sales Permit will be issued by the Planning Director prior to September 1st for any pumpkin sales lot and November 1st for any Christmas sales lot.
- d) A Seasonal Sales Permit must be obtained for each individual sales lot. The Seasonal Sales permit will be issued if in the judgment of the Planning Director the subject sales lot will conform to the following criteria:
- 1) The proposed sales lot is located on a vacant property zoned for commercial or manufacturing use;
 - 2) The proposed sales lot operation is conducted between the hours of 9:00 A.M. to 10:00 P.M. daily;
 - 3) Site preparation and set up for the sales lot will not commence prior to September 20th for a pumpkin sales lot, and November 15th for a Christmas tree sales lot;
 - 4) Sales operations to the public for pumpkin lots will begin no earlier than October 10th and end no later than October 31st;
 - 5) Sales operations to the public for Christmas tree lots will begin no earlier than December 1st and end no later than December 25th;
 - 6)A) The complete clean up of a pumpkin sales lot will be completed by the November 10th that immediately follows the last approved operating date for the sales lot;
 - B) The complete clean up of a Christmas tree sales lot will be completed by the January 5th that immediately follows the last approved operating date for the sales lot; and
 - C) The clean up requirement may be waived during the transition time period between the last effective sales date for a pumpkin sales lot and the first effective sales date for a Christmas tree sale lot only if the applicant has received separate permits for operating both sales lots on the same property during the same calendar year and will be subject to the requirements of subsection e) 7) of this Section 92.2.9.
 - 7) The proposed sales lot will not adversely disrupt traffic in the vicinity as determined by consideration of the following factors:
 - A) The location and design of on-site driveways;
 - B) On-site parking and circulation; and
 - C) On-site lighting and traffic signage.
 - 8) There is one parking space provided for every one thousand five hundred (1,500) square feet of display and public activity areas;
 - 9) The proposed sales lot will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity;
 - 10) If an incidental activity, as allowed by subsection e) of this Section 92.2.9, is proposed in conjunction with the sales lot, its operation will conform with the standards and requirements of subsection e) and all other applicable requirements;

11) No other activity, other than the sales of pumpkins or Christmas trees, as defined in Sections 91.2.163 and 91.2.164 respectively, or a small animal petting zoo and/or a pony ride, as defined Sections 91.2.167 and 91.2.168 respectively, will be conducted;

12) There will be no amplified sound, as defined in Section 46.5.3 of Article 5 of Chapter 6 of Division 4; and,

13) There will be no vending machines on-site.

e) One (1) small animal petting zoo and/or one (1) pony ride, as defined in Sections 91.2.167 and 91.2.168, may be permitted as an incidental use to the primary use of a pumpkin and/or a Christmas tree sales lot. Small animal petting zoos may be allowed in association with both a pumpkin and a Christmas tree sales lot, whereas a pony ride may be allowed only in association with a pumpkin sales lot. The operation of a small animal petting zoo and/or a pony ride may be approved if in the judgement of the Planning Director the use will conform with the following:

1) A Seasonal Sales Permit is obtained from the Planning Director for the primary sales lot;

2) The total area occupied by the proposed incidental uses, will not exceed ten percent of the total sales lot display area;

3) One additional parking space is provided for every one hundred (100) square feet of area occupied by the incidental uses and animal storage area;

4) The incidental uses and/or any animal pens are located at a maximum distance away from residential uses;

5) All applicable City and County licensing, health permit, and inspection requirements will be satisfied;

6) The applicant has submitted to the License Supervisor a policy of insurance naming the City of Torrance and all elected and appointed officers and employees as additional assured when acting in their official capacity, in the amount of One Million Dollars (\$1,000,000.00);

7) Animals will not be brought on-site prior to one day before and will be removed from the site one day after the specified approved public sales dates;

8) A person responsible for the care of and the regular maintenance of the animals on-site will be present at all times during the period that the animals are present and this person will have appropriate identification when acting in this capacity;

9) A report from a licensed Doctor of Veterinary medicine certifying that all animals on the site are healthy and appropriate for public viewing and/or interaction must be provided to the Los Angeles County Department of Animal Care and Control and the Planning Director by noon each Monday as long as the animals are on-site. All costs associated with this requirement will be the responsibility of the applicant;

10) Any animals found to be ill or inappropriate for public interaction will be isolated immediately and will be removed from the site within eight hours of notification by the Los Angeles Department of Animal Care and Control; and,

11) All animal waste will be quickly and appropriately disposed of in an enclosed container, and no waste will be disposed of adjacent to either residential or commercial uses.

f) The Planning Director may impose additional conditions to the approval of the Seasonal Sales Permit to insure the preservation of the public peace, safety, health, and general welfare.

g) Any violations of this Section, other applicable Sections of the Torrance Municipal Code and/or conditions of approval may result in enforcement actions, immediate suspension of the issued Seasonal Sales Permit and the denial of an application for such future sales permits by the operator and/or the property owner.

h) The Planning Director may charge a fee for such approvals as provided in City Council Resolution 94-91 as adjusted by resolution from time to time, but may waive such fee for good cause, as provided in Section 31.6.2 of this Code.

i) The decision of the Planning Director will be appealable to the Planning Commission in the same manner as provided in Section 92.30.11, and to the City Council pursuant to the provisions contained in Article 5 of Chapter 1 of Division 1.

SECTION 91.2.163. PUMPKIN SALES LOT.

(Added by O-3485)

A pumpkin sales lot is a temporary sales operation on a vacant property where pumpkins are maintained, stored, and sold to the public.

SECTION 91.2.164. CHRISTMAS TREE SALES LOT.

(Added by O-3485)

A Christmas tree sales lot is a temporary sales operations on a vacant property where cut natural Christmas trees, potted live trees, Christmas wreaths, or tree ornaments and decorations are maintained, stored, and sold to the public, and which may include the flocking, spraying, and processing of Christmas trees.

SECTION 91.2.167. SMALL ANIMAL PETTING ZOO.

(Added by O-3485)

A small animal petting zoo is a temporary outdoor display of small farm or barnyard type animals. As a small animal, no single animal may weigh more than one hundred fifty (150) pounds. No more than thirty (30) such animals may be present on-site at any one time. The total number of animals allowed may be reduced subject to the determination by the Los Angeles County Department of Animal Care and Control.

SECTION 91.2.168. PONY RIDE.

(Added by O-3485)

A pony ride is a ride using live small ponies as the mode for conveyance of children in a repetitious predetermined fixed path of travel for amusement purposes. A pony ride is not a merry-go-round. As a pony ride, no more than five (5) ponies are permitted for riding at any one (1) time. The total number of ponies allowed in a ride may be reduced subject to determination by the Los Angeles County Department of Animal Care and Control.

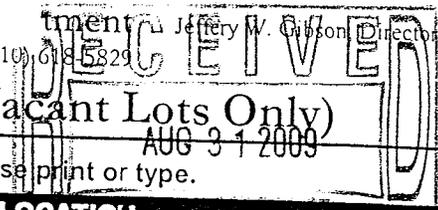


City of Torrance, Community Development Department

3031 Torrance Blvd., Torrance, CA 90503, Phone (310) 618-5990 Fax (310) 618-5829

Jeffery W. Gibson, Director

Seasonal Sales Permit Application (Vacant Lots Only)



Parts I, II, and III to be completed by the Applicant. Please print or type.

I. APPLICANT INFORMATION/PROPOSED SALES LOCATION

Name of Applicant			
Cottone and son's		COMMUNITY DEVELOPMENT NUMBER	
Mailing Address		City	State
5190 Acate St		River Side	CA
Sales Lot Address or Location		Zip Code	Zip Code
3525 Carson St		Torrance	CA
		92509	90503

II. SALES AND SITE INFORMATION

Check type of approval requested (Pumpkin and Christmas tree lots on the same location will be processed with one application and one fee):

Pumpkin Sales Lot

Christmas Tree Sales Lot

Check incidental activity if proposed:

Small Animal Petting Zoo

Pony Ride (Allowed at a pumpkin lot only)

Date(s) and time of operation:

Pumpkin Lot

Date(s):	From:	To:
	October 10	October 31

Pumpkin Lot

Hours:	From:	To:
	9:00 am	10:00 pm

Christmas Tree Lot

Date(s):	From:	To:
	December 1 st	December 24

Christmas Tree Lot

Hours:	From:	To:
	9:00 am	10:00 pm

Site information* (inclusive of all activities on the site, including animals and ponies):

Zone	Site Area**	Total Display & Storage Areas** (sales lot & incidental use)	Number of Parking Spaces (all activities)
H-DA1	207,000±	33,600.00	96

A. Sales area information:

Size of Display & Storage Areas**	Number of Parking Spaces (sales only)
1000'	22

B. Small animal petting zoo:

Display & Storage Area**	Total Number of Animals	Range of Weight of Animals	Number of Parking Spaces (petting zoo)
1000'	21	30 to 60 LBS	30
List Types and Numbers of the Animals			
goats, sheep, lambs, calf, piglets			
Name of Person On-Site Responsible for the Care of the Animals			CA DL/ID No.
Thomas			NO619104

C. Pony ride:

Display & Storage Area**	Number of Ponies Used for the Ride	Total Number of Ponies On-Site	Number of Parking Spaces (pony ride)
400'	6	9	10
Name of Person On-Site Responsible for the Operation of the Pony Ride			
Jacob Paz, andrea Valencia			
			CA DL/ID No.
			E2312342

Note: * The occupied areas, and parking spaces listed in Items A, B, and C need to add up to the totals provided in "Site Information."

** Indicate all area totals in square feet.

A8670175

Copy picked up by applicant and mailed to property owner 09/23/09. da

III. STANDARDS AND REQUIREMENT

By signing this application form, I as the business owner and/or the property owner, hereby acknowledge that I have read and agree to comply with all applicable City standards regulating the proposed temporary use(s) and the following conditions of approval for the proposed temporary use(s) :

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- l) One parking space be provided for every 1,500 square feet of display and public activity areas.
- m) The proposed sales lot will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity.
- n) If a petting zoo or pony ride is proposed as an incidental activity, its operation will conform to the standards and requirements of Subsection 92.2.9 e) and all other applicable requirements as stated herein.
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 - 2) The total area occupied by the proposed incidental uses, will not exceed ten percent of the total sales lot display area.
 - 3) One additional parking space is provided for every 100 square feet of area occupied by the incidental uses and animal storage area.
 - 4) The incidental uses and/or any animal pens are located at a maximum distance away from residential uses.
 - 5) All applicable City and County licensing, health permit, and inspection requirements will be satisfied.
 - 6) The applicant has submitted to the License Supervisor a policy of insurance naming the City of Torrance and all elected and appointed officers and employees as additional assured when acting in their official capacity, in the amount of \$1,000,000.
 - 7) Animals will not be brought on-site prior to one day before and will be removed from the site one day after the specified approved public sales dates.
 - 8) A person responsible for the care of and the regular maintenance of the animals on-site will be present at all times during the period that the animals are present and this person will have appropriate identification when acting in this capacity.

Case Activity Listing
Case #: LOT09-00002

Case Address: 3525 CARSON ST

Case Description:

Pumpkin/Christmas Tree Lot at Del Amo Fashion Center with petting zoo/pony ride located along Madrona Avenue between Carson Street and Fashion Way.

Activity	Description	Date 1	Date 2	Date 3	Disp	By	Updated
LOTA010	Application received			09/09/2009		SY	09/09/09 SY
	COMMENTS:						
LOTA100	Review - BUILDING			09/09/2009		SY	09/09/09 SY
	COMMENTS:						
LOTA110	Review - ENVIRONMENTAL			09/17/2009	DONE	SJ	09/17/09 SJ
	COMMENTS:						
	PLEASE ADHERE TO THE FOLLOWING:						
	1)Obtain approval from Torrance Animal Control to have animals on site.						
	2)Prohibited signage includes: off-site advertising signs; freestanding or a-frame signs; persons holding signs; signs attached to vehicles, trees, utility poles or fences; balloons or inflatable signs.						
	3)Obtain a permit for one permanent advertising sign and banner.						
	4)Comply with all NPDES requirements.						
	5)No adoption of animals shall occur. No additional animals allowed except the number and type approved by this application.						
	6)An adult responsible party must be onsite at all times to oversee the operation.						

- 9) A report from a licensed veterinarian of Veterinary medicine certifying that animals on the site are healthy and appropriate for public viewing and/or interaction must be provided to the Los Angeles County Department of Animal Care and Control and the Community Development Director by noon each Monday as long as the animals are on-site. All costs associated with this requirement will be the responsibility of the applicant.
- 10) Any animals found to be ill or inappropriate for public interaction will be isolated immediately and will be removed from the site within eight hours of notification by the Los Angeles County Department of Animal Care and Control. All animal waste will be quickly and appropriately disposed of in an enclosed container, and no waste will be disposed of adjacent to either residential or commercial uses.
- s) The Community Development Director may impose additional conditions on the approval of the Seasonal Sales Permit to insure the preservation of the public peace, safety, health, and general welfare.
- t) Any violations of Section 92.2.9, other applicable Sections of the Torrance Municipal Code and/or conditions of approval may result in enforcement actions, immediate suspension of the issued Seasonal Sales Permit and the denial of an application for such future sales permits by the operator and/or the property owner.

PROPERTY OWNER		APPLICANT	
Print Name of Property Owner <i>Elena Butoral</i>		Print Name of Applicant <i>Jacob Paz Andrey Vicencio</i>	
Mailing Address <i>3525 Carson #105, Torrance</i>		Mailing Address <i>5190 Agate St Riverside CA 92509</i>	
Contact Phone Number <i>310 5428505</i>		Contact Phone Number <i>(951) 874-7469</i>	Emergency Phone Number <i>(951) 963 4756</i>
Signature <i>Elena Butoral</i>	Date <i>8/10/09</i>	Signature <i>Jacob Paz + Andrey Vicencio</i>	Date <i>8/27/09</i>

IV. FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

Plot Plan Attached Other Information Attached: LOA

Application/Case No. <i>WTO9-00002</i>	Date of Acceptance <i>8-31-2009</i>	Fee Amount <i>\$204</i>	Accepted By: <i>[Signature]</i>
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Fire Approved Denied See Remarks By: *[Signature]* Date: *9/17/09*
 Building Approved Denied See Remarks By: *[Signature]* Date: *09/17/09*
 Environmental Approved Denied See Remarks By: *[Signature]* Date: *9/17/09*
 Animal Control Approved Denied See Remarks By: *As long as* Date: *9-17-09*
 * Please log comments in Permit Plan. *Requirements are met.*

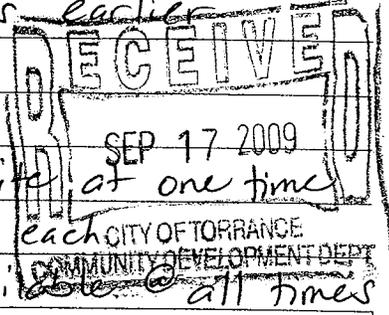
REMARKS	
Fire	<i>Tent permit & tree lot required.</i>
Building	<i>STAY SAFE IN INSPECTION NOT TO HINDER H.C. ACCESS FROM PUBLIC</i>
Environmental	<i>See permit plan</i>

Animal Control

STAFF ASSESSMENT AND RECOMMENDATION (COMMUNITY DEVELOPMENT DEPARTMENT)

- The applicant has satisfied all the standards and requirements of the Permit. Therefore staff recommends approval of the Seasonal Sales Permit subject to the Standards and Requirements contained in Section III of this approval.
- The application does not meet the standards and requirements for issuance of a Seasonal Sales Permit and therefore staff recommends denial. The following standards/requirements were not met:

- Need animal health documentation
- No pumpkin/tree display or any other items to encroach into public right of way
- Obtain all required inspections from B&S, Fire, County
- A veterinary report shall be provided to County Health & City Animal control officer for animals onsite
- Pumpkin setup no earlier than 9/20/09 & no sales earlier than 10/10/09
- Tree setup no earlier than 11/15/09 & no sales earlier than 12/1/09
- Lights & noise shall not impact residences
- No more than ten (10) animals shall be on site at one time
- Provide list of animals: type and number of each
- A copy of the entitlement shall be readily available at all times



Assessment Made By:	
Name <i>S. Zimm</i>	Title Planning Asst
Recommended By:	
Name <i>[Signature]</i>	Title Planning Manager

COMMUNITY DEVELOPMENT DIRECTOR APPROVAL

This request for a Seasonal Sales Permit is:

Approved Denied Seasonal Sales Permit Number: _____

[Signature]

 Jeffrey W. Gibson
 Community Development Director

22 Sept 09

 Date:

Decisions by the Community Development Director are appealable to the Planning Commission within fifteen (15) calendar days following the above date of approval or denial.

DEL AMO FASHION CENTER

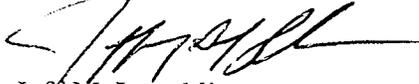
August 10, 2009

To whom it may concern:

This letter is to confirm that Tom Cottone is in talks with the management of Del Amo Fashion Center, 3525 Carson St, Ste. 165, Torrance, CA, regarding the lease of space in the northeast portion of the parking lot of the shopping center for the purpose of selling pumpkins and evergreen trees. The proposed term of the agreement is from September 15, 2009, through January 15, 2010.

Thank you for your consideration.

Sincerely,

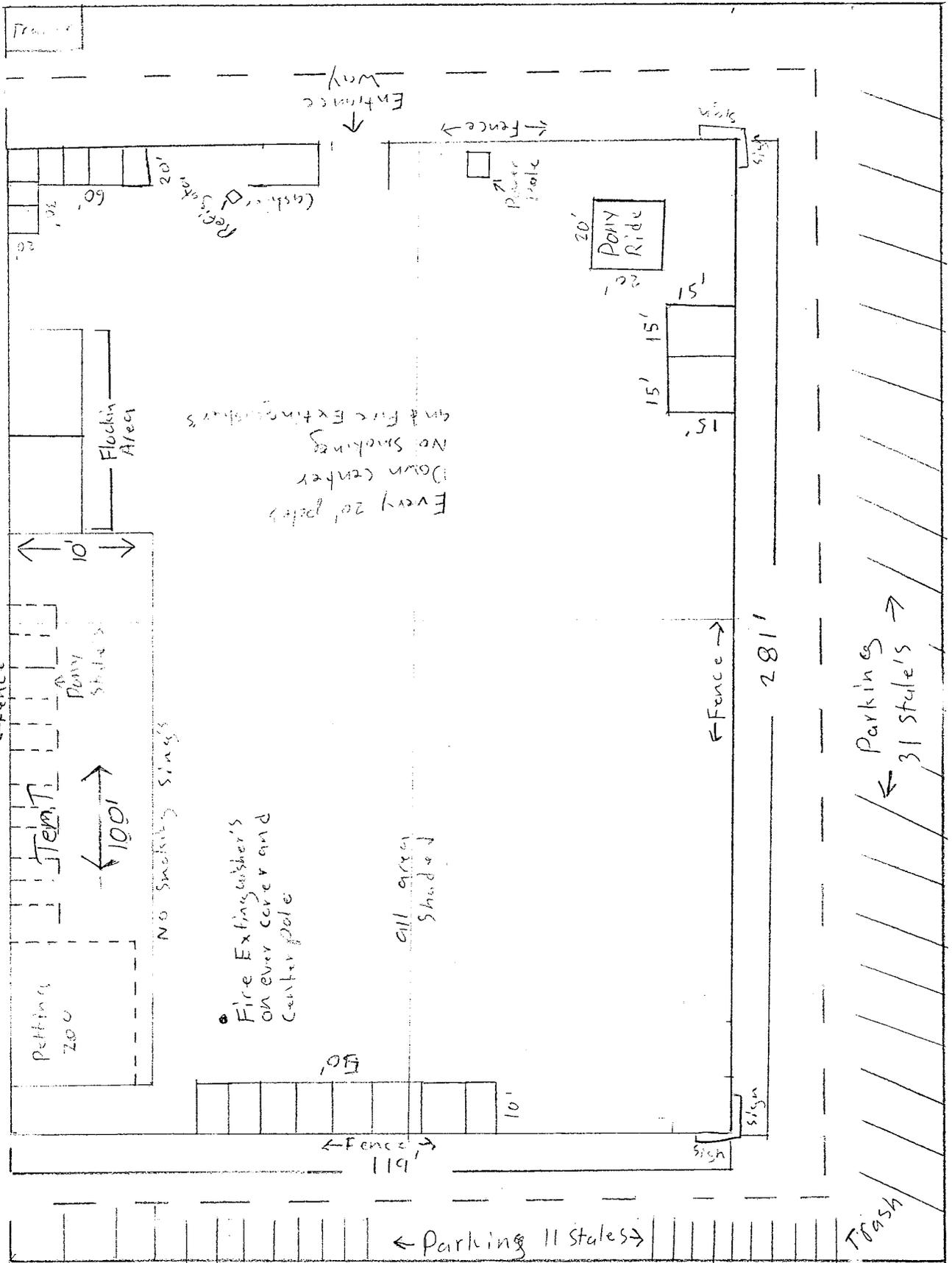


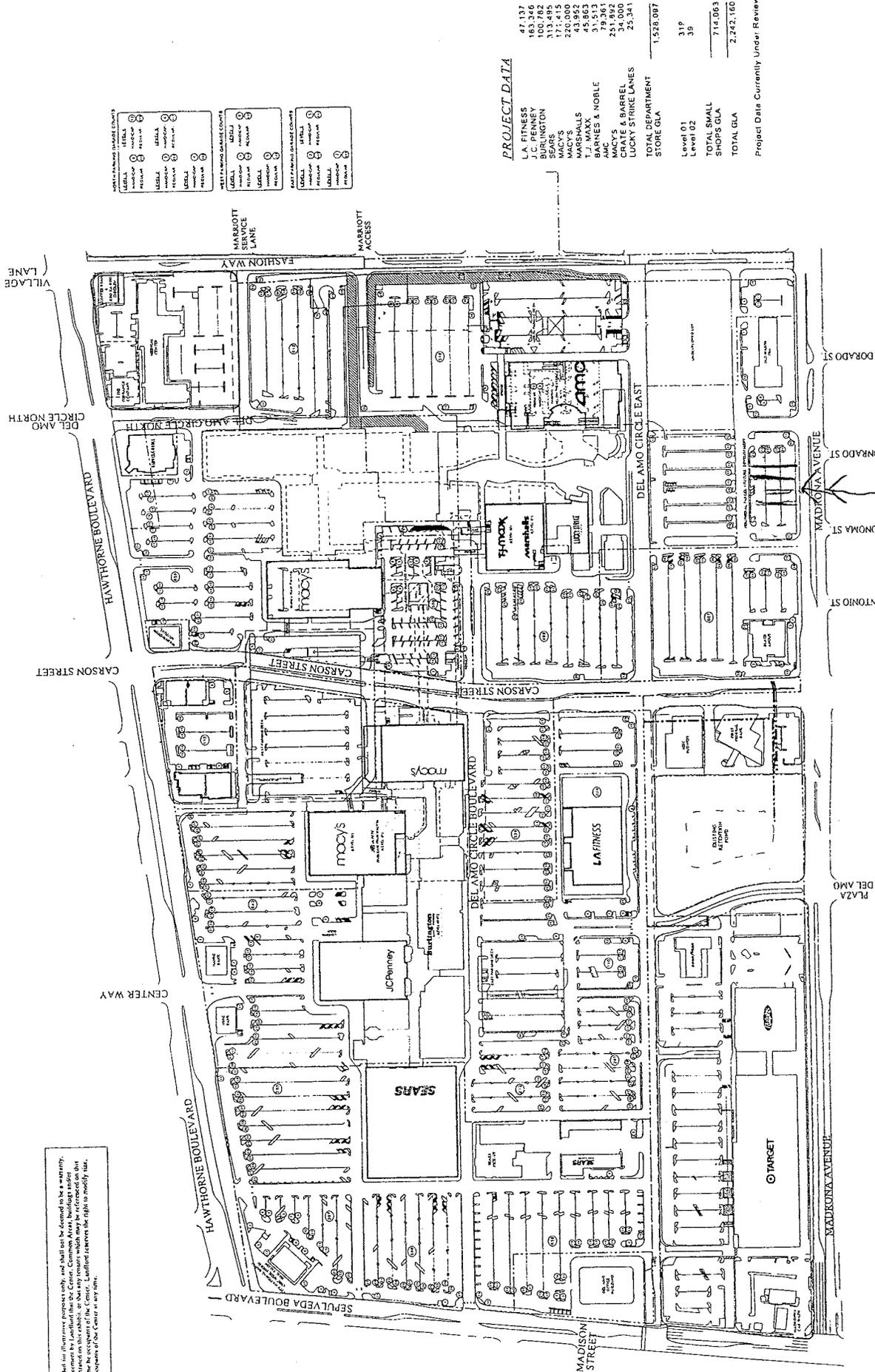
Jeff McLaughlin
Director of Marketing and Business Development
Del Amo Fashion Center
3525 Carson St., Ste 165
Torrance, CA 90503
(310) 542-8525

Mall Road

Mall Road

Madrona





This exhibit is provided for illustrative purposes only, and shall not be deemed to be a warranty, representation or agreement by Landlord that the Center, Common Area Buildings, or the other areas will be as illustrated in this exhibit. Landlord reserves the right to modify the location, configuration and occupants of the Center at any time.

PROJECT DATA

LA FITNESS	47,137
J.C. PENNEY	163,346
BURLINGTON	100,782
SEARS	177,415
MACY'S	220,000
MARSHALLS	43,952
T.J. MAXX	91,513
MACYS	79,361
MACEY'S & NOBLE	251,892
MACEY'S	251,892
LUCKY STRIKE LANES	25,341
TOTAL DEPARTMENT STORE GLA	1,528,007
Level 01	319
Level 02	39
TOTAL SMALL SHOPS GLA	714,063
TOTAL GLA	2,242,160

Project Data Currently Under Review

Del Amo Fashion Center
 3525 W. Carson Street
 Torrance, CA 90503
 CORP # 5243

- This Area



SIMON

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 October 16, 2009, I caused to be mailed 2 copies of the within notification for LOT09-00002: COTTONE AND SON'S 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 October 16, 2009, at Torrance, California.



(signature)

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., October 27, 2009** in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

LOT09-00002: COTTONE AND SON'S City Council Consideration of an appeal of the Planning Commission's decision to uphold the Community Development Director's approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small animal petting zoo and pony ride with a maximum of ten animals on property located within the HBCSP-DA1 Zone at 3525 Carson Street.

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.

Publish: **October 17, 2009**

**SUE HERBERS
CITY CLERK**



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 24, 2009, I caused to be mailed 2 copies of the within notification for LOT09-00002: COTTONE AND SON'S 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 24, 2009, at Torrance, California.



(signature)

NOTICE Of Public Hearing

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** will hear a request for **consideration of an appeal of a Community Development Director approval of a Seasonal Sales Permit Application to allow the sale of pumpkins and Christmas trees with a small petting zoo and pony ride on property located in the H-DA1 Zone.**

Applicant: **Cottone & Son's** Case Type & Case no(s): **LOT09-00002**
Location: **3525 Carson Street**
Hearing date: **October 7, 2009** Time: **7:00 PM**
Place of hearing: **Council Chambers, City Hall, 3031 Torrance Boulevard**

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 518-5999

www.TorranceCA.gov/Planning

