Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 25, 2011

TO: **Mitch Glaser**
Hearing Officer

FROM: **Carolina Blengini**
Special Projects Section

SUBJECT: **MINOR MODIFICATION TO CONDITIONAL USE PERMIT NO. 02-124-(4)**
1919 S BREA CANYON CUT-OFF ROAD, ROLAND HEIGHTS, IN THE SAN JOSE ZONED DISTRICT (APN 8269-016-071)
AGENDA ITEM NO. 8, SEPTEMBER 6, 2011

The applicant, Bread of Life Christian Church, is requesting a minor modification to Condition Number 6 of Conditional Use Permit (CUP) 02-124, which was approved on September 24, 2008, authorizing the construction, operation and maintenance of a church in the R-1-12,000-DP (Single Family Residence, 12,000 square foot minimum lot size, Development Program) zone within the unincorporated community of Roland Heights. The site plan depicts three buildings consisting of a 5,884 square-foot one story chapel building, an 8,802 square-foot two-story classroom building and a 31,196 square-foot two-story parking structure to accommodate 96 parking spaces.

The applicant is requesting modification of Condition Number 6, regarding the grant term expiration date, of the approved Conditional Use Permit, to allow the grant to expire if not used by September 24, 2018. This would allow sufficient time to obtain the neccessary financial support to begin the construction process. Condition Number 6, ***as currently approved,*** reads as follows:

6. *"This grant shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing with payment of the applicable fee, at least six months before the expiration date."*

Notices were sent to homeowners within a 500-foot radius of the subject property on August 5, 2011, legal advertising was placed in the San Gabriel Valley Tribune newspaper on August 5, 2011, and the subject property was posted for a 30-day period. Staff received one phone call inquiring about this request and one letter in opposition of the request during the 15-day comment period.

In view of the facts presented above, Staff recommends **Approval** of the Minor Modification to CUP 02-124, with the following changes to the conditions:

6. *"This grant will expire unless used by September 24, 2018."*

All other conditions of approval of the original CUP 02-124 grant remain in effect and unchanged.

"I MOVE THAT THE MINOR MODIFICATIONS TO CONDITIONAL USE PERMIT CASE NO. 02-124-(4) WITH CHANGE TO CONDITION NUMBER SIX BE APPROVED"

Attachments:
Draft Findings and Revised Conditions; Protest Letter

SZD:CSB

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER 02-124-(4)

CONDITIONAL USE PERMIT 02-124

HEARING DATE: June 4, 2003 and September 24, 2008

REQUEST: Minor modification to conditions of approval to previously approved Conditional Use Permit No. 02-124. If approved, the requested modification to Condition No. 6 would read as follows:

> *"This grant will expire unless used by September 24, 2018."*

PROCEEDINGS BEFORE THE HEARING OFFICER:
The subject minor modification to Conditional Use Permit No. 02-124 was approved on consent at the September 6, 2011 Hearing Officer meeting, with the following findings.

Findings

1. The applicant, Bread of Life Christian Church, has requested a minor modification to the conditions of approval for Conditional Use Permit No. 02-124 to allow the grant to expire if not used by September 24, 2018. This would allow sufficient time to obtain the necessary financial support to begin the construction process.

2. The project was originally approved on September 24, 2008, authorizing the construction, operation and maintenance of a authorizing the construction, operation and maintenance of a church in the R-1-12,000-DP (Single Family Residence, 12,000 square foot minimum lot size, Development Program) zone within the unincorporated community of Roland Heights. The site plan depicts three buildings consisting of a 5,884 square-foot one story chapel building, an 8,802 square-foot two-story classroom building and a 31,196 square-foot two-story parking structure to accommodate 96 parking spaces.

3. The subject property (APN No. 8269-016-071) is located at the northwest corner of the intersection of Brea Canyon Cutoff Road and Balan Road at 1919 S Brea Canyon Cut-Off Road, Roland Heights, in the San Jose Zoned District within the unincorporated portion of Los Angeles County.

4. The 3.43-acre subject property is triangular shaped, currently vacant, and consists of sloping topography.

5. Surrounding land uses and zoning consist of the following:
   North: Church, Multifamily residences (A-1-20,000)
   South: Single-family residences (R-1-12,000-DP)
   East: Multifamily residences (RPD-10,000-13U, A-1-20,000)
   West: Single-family residences (A-1-10,000)

6. According to the Rowland Heights Community General Plan, the subject property is designated as Non Urban 2 (N2). The applicant's requested use is consistent with the Non Urban 2 Land Use and pertinent policies of the Plan. The project site is currently vacant and is adjacent to compatible land uses. The construction of the church facility is necessary to serve current and future congregation members mainly located in the Rowland Heights area. The subject property is of sufficient size to accommodate the proposed construction and the required parking. The project also complies with applicable zoning requirements. The property will be served by public sanitary and water facilities and has direct access to a secondary highway.

7. In accordance with the requirements specified in Section 22.56.1620 of the County Code, notices were sent to homeowners within a 500-foot radius of the subject property on August 5, 2011, legal advertising was placed in the San Gabriel Valley Tribune Newspaper on August 5, 2011, and the subject property was posted for a 30-day period.

8. Pursuant to Section 22.56.1630 of the County Code, if more than one written protest is received within 15 days after receipt of the notice of the minor modification to a conditional use permit, the Hearing Officer shall deny the request.

9. Staff received one phone call inquiring about this request and one written protest during the 15-day comment period.

10. The Hearing Officer finds that the request to extend the "use by" date to September 24, 2018 will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area as the request does not alter the originally approved project.

11. The Hearing Officer finds that the request to allow the grant to expire if not used by September 24, 2018 will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit as the request will not alter the originally approved Exhibit "A."

12. The Hearing Officer finds approval of the request to allow the grant to expire if not used by September 24, 2018 necessary to allow additional time for the permittee to obtain the necessary funds to proceed with reasonable operation and use granted in the conditional use permit.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT:

A. That not more than one protest to the granting of the application was received within the specified protest period;

B. That the burden of proof for the conditional use permit as modified has been satisfied as required by Los Angeles County Code Section 22.56.040;

C. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and

D. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a minor modification to a conditional use permit as set forth in Section 22.56.1630, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt (Class 1 – Existing Facilities) from the requirements of the California Environmental Quality Act and that the project will not have a significant effect on the environment.

In view of the findings of fact presented above, the requested minor modification to Conditional Use Permit No. 02-124 is approved subject to the attached addendum.

Attachments: Addendum
c: Zoning Enforcement, Building and Safety

SZD:CSB

1. This grant authorizes the use of the subject property for the construction, operation, and maintenance of a church with incidental educational and social activities as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10 and 12.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used by September 24, 2018.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.

9. **This grant shall terminate on September 24, 2028.** Upon written request with applicable fee made by the permittee not less than six (6) months prior to the termination date, the Director of Planning shall extend the term of this permit for ten (10) additional years, if the use is found to be in substantial compliance with the conditions of approval and has been conducted in compliance with applicable laws and regulations; and the permittee has exercised utmost diligence to resolve any Notice of Violation throughout the term of the permit. Such extension requests shall be **unlimited** unless the Director of Planning finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$3,000.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for **twenty (20) annual inspections.** The applicant shall deposit additional funds to provide 10 annual inspections, if this grant is extended pursuant to Condition No. 8. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently $150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.

12. Within five (5) days of the approval date of this grant, the permittee shall remit processing fees (**currently $1,926.75**) payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the California Public Resources Code and to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code.

13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

14. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department. All required sewage and water improvements shall be installed prior to the issuance of the certificate of occupancy for the development to the satisfaction of the Department of Health Services.

15. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

17. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

18. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A". In the event that subsequent revised plans are submitted, the

permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.

19. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of an irrigation plan, which may be incorporated into the Exhibit "A" described in Condition No. 18. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover.

20. Site coverage shall not exceed 27.44 percent of the lot area or 40,990 square feet of the 149,377 square foot subject property, including buildings, parking structures, walkways and other paved areas. Steel or composite based permeable pavement may be considered open space only if a minimum of 70 percent of the pavement is comprised of grass or other vegetative material.

21. The applicant shall comply with all pertinent NPDES (National Pollutants Discharge Elimination System) requirements of the Regional Water Quality Control Board and Los Angeles County Department of Public Works (LACDPW). Additional information regarding the anticipated sources of wastewater, potential pollutants generated from the operation, and methods of discharge shall be provided to the satisfaction of LACDPW 03-209.

22. The permittee shall comply with all recommendations and conditions set forth in the County of Los Angeles Department of Public Works letter dated December 5, 2006, except as otherwise modified by said Department.

23. The permittee shall comply with all recommendations and conditions set forth in the County of Los Angeles Fire Department letter dated February 7, 2008, except as otherwise modified by said Department.

24. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

25. The permitee shall use a native riparian 'natural' plant pallete (Salix ssp., Platanus racemosa, Baccharis salicifolia) for landscaping purposes.

26. The construction and operation of the proposed use shall be further subject to all of the following restrictions:

a. All construction equipment and activities at the project site shall comply with all applicable County of Los Angeles noise ordinances and standard construction practices (Los Angeles County, Title 12);

b. Construction shall be limited to the daytime hours of 7:00 a.m. to 5:50 p.m. on weekdays and Saturdays. No construction activities shall be permitted on Sundays and holidays;

c. All graded material shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

d. All air-conditioning units and mechanical equipments shall be shielded, installed and/or relocated in accordance to the manufacturer's requirements;

e. The use of an outdoor public address system or similar acoustical device is prohibited. This condition shall not apply to the bell located at the bell tower. Manually operated devices that are not audible beyond the property boundaries such as bells or chimes may be used;

f. All church activities shall be held inside the church building with doors and windows closed;

g. The permittee shall post signs indicating the maximum speed limit of 8 miles per hour in the parking area and along the driveway;

h. Maintain road surface to minimize tire squeal;

i. The maximum occupancy of the chapel area shall not exceed 403 persons;

j. A minimum of 81 on-site parking spaces shall be provided and continuously maintained as shown on the approved Exhibit "A", including four reserved spaces accessible to persons with disabilities, one of which shall be van-accessible. Said accessible parking spaces shall be clearly marked and reserved for use by persons with disabilities;

k. The required parking spaces shall be paved and continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other use not authorized by this grant;

l. The permittee shall provide and maintain screening vegetation along the parking structure, including climbing or hanging plants along portions visible from Brea Canyon Cutoff Road;

m. All regular church services shall be held inside the church building;

n. Outside storage of materials or inoperable vehicles is prohibited on the property;

o. Recreational vehicles, motor homes, and trailers shall not be parked within any required yard/setback area;

p. The permittee shall maintain free of litter all areas of the premises over which the permittee has control. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, berms, compatible structures, or a combination of both of these;

q. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover;

r. Use of the property for bingo or lotteries is prohibited, except events to which the general public is invited, such as fundraisers, bazaars and rummage sales. Said events shall be limited to no more than four (4) times a year and shall require the prior approval of a Temporary Use Permit. This restriction shall exclude accessory or incidental uses such as special services, meetings and activities associated with the church facilities which are limited to its members and their guests;

s. The sale of alcoholic beverages on-site is prohibited;

t. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty (30) minutes after conclusion of activities. A low level security lighting system is permitted within the building area and the property perimeter and may remain on through the night, such security lighting shall be

motion sensor. All parking lot and other exterior lighting shall consist of energy efficient lights and be shielded and directed away from neighboring properties to prevent direct illumination and glare;

u. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times;

v. Regular church operation hours shall be from 6:00 a.m. to 10:00 p.m. seven days a week;

w. No structure shall exceed a height of two stories or 35 feet except for the bell tower, located in the chapel building, which shall not exceed 43 feet and 2 inches in height as depicted on approved Exhibit "A";

x. The monument sign located on the southeastern side of the driveway entrance on Brea Canyon Cutoff Road shall be in substantial conformance with the approved Exhibit "A";

y. The four (4) foot metal entrance gates which provide access from Balan Road to the property are for Fire Department use only and are to be kept locked at all times; and

z. The curb along Balan Road shall be painted red to the satisfaction of the Department of Public Works.

Letters:
Los Angeles County Department of Public Works comments dated December 5, 2006
Los Angeles County Department of Health Services comments dated March 6, 2007
Los Angeles County Fire Department comments dated February 7, 2008

SD:CB

August 8, 2011

AUG 11 2011

Director of Planning
320 West Temple Street, Room 1348
Los Angeles, CA 90012

Re: CUP No. 02-124

The applicant requested to modify Condition Number Six, regarding the grant term expiration date, of the approved Conditional Use Permit. **I am opposed to the granting of this request.**

Cheryl Utterback
2010 Dacian Street
Walnut, CA 91789

Cheryl Utterback