



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 7, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Steve Lazarian
2650 East Foothill Boulevard
Pasadena, CA 91107

**REGARDING: PROJECT NUMBER 2294-(1)
CONDITIONAL USE PERMIT 200900029**

Dear Applicant:

The Regional Planning Commission, by its action of April 7, 2010, **APPROVED** the above described cases. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. A condition requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on April 21, 2010.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact **Dean Edwards** at (213) 974-6443 or e-mail dedwards@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner,
Director

Mark Child, Supervising Regional Planner
Zoning Permits 1 Section

Enclosures: Findings , Conditions, Affidavit

c: BOS, DPW (Building and Safety), Zoning Enforcement, Testifiers

MC:de

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER 2294-(1)
CONDITIONAL USE PERMIT 200900029**

REQUEST

Steve Ogata of Evergreen Baptist Church requested a conditional use permit to allow the continued operation of a church with a new four-foot high by 12.5 foot wide monument sign.

REGIONAL PLANNING COMMISSION HEARING DATE: April 7, 2010

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on April 7, 2010 before the Regional Planning Commission. All commissioners were present.

The applicant's representative, Stan Wong and the church pastor, Cory Ishida presented testimony in favor of the request, requested that the findings be revised to allow 25 employees and answered questions presented by the Commission.

Four persons spoke in favor of the project. One of the speakers requested that church activities be "kept away from Coberta Avenue" and that a five year grant term be imposed.

Commissioner Helsley said that Condition 16 should be revised to allow the use of bells or chimes for services.

In response to Jesus Espinoza's letter requesting curb, gutter and street light improvements along Corberta Avenue, Stan Wong said that requirement for improvements to Corberta Avenue were waived by the Department of Public Works (DPW) because no expansion of the church is requested at this time. Andy Narag of DPW said street improvements "across from the church" would not be required. Commissioner Valadez instructed DPW staff to review "the curb and gutter situation" in a few years.

Commissioner Valadez said that she was not concerned that there was no term limit because the revocation/modification process could be used to address future uses or problems with the property.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with the following changes to the findings and conditions:

- Allow 25 employees at the church.
- Allow the use of chimes during the hours of 10:00 AM to 2:00 PM on Sundays.

FINDINGS

1. The proposed project consists of the continued operation of an existing church. No new building construction is proposed. A new four-foot high by 12.5 foot wide lighted monument sign located at the Workman Mill Road entrance is proposed. The facility will operate from 8:00 AM to 12:00 AM daily with a maximum of 25 employees working one shift from 8:00 AM to 5:00 PM shift.
2. The subject property is located at 323 Workman Mill Road in the community of Avocado Heights, Puente Zoned District, Light Agricultural – 6,000 Square Foot Minimum Lot Size Zone and Avocado Heights Community Standards District.

3. The surrounding property is zoned A-1-6,000 (Light Agricultural – 6,000 Square Foot Minimum Lot Size).
4. The 14.56 subject property is relatively flat and consists of three parcels developed with 80,239 square feet of church facilities that include a 38,500 square foot two-story sanctuary building used for assembly, offices and storage; eight single story buildings (37,834 total square feet) used for classrooms, offices and storage; a 2,800 square foot Quonset hut used for storage, a 1,092 square foot guest house; a 496 space parking lot; basketball court; and a sports field. The perimeter is secured by fencing and gates. The primary access is located off of Workman Mill Road and the secondary access is located off of Corberta Avenue.
5. The occupant load of the sanctuary with fixed seating is 1,232. With fixed seating, 247 parking spaces will be required. 496 parking spaces are provided. The facility will have sufficient parking with fixed seating in the sanctuary. Conditions require that fixed seating be installed within 90 days of approval of the permit.
6. Two vinyl signs are located on the property near the Workman Mill Road access. Pursuant to Section 22.52.990.J temporary signs, including vinyl signs are prohibited. The conditions require that the signs be removed within 60 days of approval.
7. The proposed project includes a request for a new four-foot high by 12.5 foot wide sign with back-lit faces that conforms to Section 22.52.970.C.1 of the Zoning Ordinance which allows a maximum sign area 50 square feet. The sign will be located at the Workman Mill Road.
8. The subject property is surrounded by the following land uses: single-family residence and vacant land is located to the north; single-family residence, nursery and vacant Land is located to the east; single-family residence, a church and commercial is located to the south; and single-family residence is located to the west. The surrounding property is zoned Light Agricultural. With conditions to address parking, noise and signage, and inspections occurring every five years, the facility should be compatible with the surrounding neighborhood.
9. Five letters, a petition and a phone call supporting the project was received. Also, correspondence from a neighbor requesting street lighting and improvements to the curb and gutters along Corberta Avenue was received.
10. Since expansion of the facility is not proposed, there is no requirement to improve lighting, curbs and gutters along Corberta Avenue.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
12. The continued operation of a church at this location is appropriate because all development standards can be met and the character of the facility is complementary to the neighborhood.
13. The site is well maintained, including landscaping and buildings. There is no graffiti.
14. The community supports the continued operation of the church.
15. The use of chimes or bells during the hours of 10:00 AM to 2:00 PM on Sundays is allowed because it is unlikely to disturb the surrounding neighborhood.
16. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County

Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION

1. The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900029 is **APPROVED**, subject to the attached conditions.

VOTE

Concurring: Valadez, Bellamy, Helsley, Rew and Modugno

Dissenting:

Abstaining:

Absent:

Action Date: April 7, 2010

c: Each Commissioner, Zoning Enforcement, Building and Safety

MC:de

April 8, 2010

This grant authorizes the continued operation of a church with a new four-foot high by 12.5 foot wide monument sign, subject to the following conditions of approval:

1. 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.
2. 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 6, and until all required monies have been paid pursuant to Condition 8. The recorded affidavit shall be filed and the required monies shall be paid by **June 6, 2010**. Notwithstanding the foregoing, this condition (2) and Conditions 3, 4, and 7 shall be effective immediately upon the effective date of this grant.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate reasonably in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. 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 according to Los Angeles County Code Section 2.170.010.

5. 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.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

7. This grant shall expire unless used within two years of the effective date of the grant. A single, one-year time extension may be requested in writing and the payment of the applicable fee prior to such expiration date.
8. 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 full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$400.00**. The deposit 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. The deposit provides for two initial inspections. The first inspection shall occur 90 days after the effective date of this grant. The second inspection shall occur five years after the first inspection. Subsequent inspections shall be conducted every five years thereafter for as long as this grant is in effect, and shall be billed at \$200.00 or the then-applicable recovery rate, whichever is greater. All inspections shall be unannounced, and the permittee shall reimburse the Department within 30 days after any subsequent inspections for the recovery cost thereof.

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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.

9. 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's health or safety or so as to be a nuisance.
10. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department 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.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
14. In the event of graffiti or other extraneous markings occurring, 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
16. The use of bells or chimes intended to be audible outdoors shall be limited to the hours of 10:00 AM to 2:00 PM on Sundays. The use of other types of sound systems intended to be audible outdoors is prohibited.
17. A minimum of 247 parking spaces, that include a minimum of 149 standard size spaces and five handicapped accessible spaces, shall be provided and available for use at all times. Total required parking is based on the largest assembly area which has a maximum occupant load of 1,232 persons and a parking requirement of one space per five occupants.
18. **Within 90 days of the effective date of this grant**, the permittee shall install fixed seating in the sanctuary in the number and configuration necessary to ensure that the occupant load of the sanctuary does not exceed 1,232 persons. Should the fixed seating be removed or reconfigured in the future, the permittee shall obtain a new occupancy load calculation from the Department of Public Works prior to the removal or reconfiguration and shall provide a sufficient number of parking spaces pursuant to then-applicable Zoning Ordinance parking requirements for churches.
19. Temporary signs, including vinyl signs are prohibited. Within 60 days of approval, the permittee shall submit photographic evidence that the two existing temporary/vinyl signs located near the Workman Mill Road entrance have been removed.
20. **Within 60 days of approval of the permit**, the permittee shall submit a sign plan that depicts new signage that conforms to requirements of Section 22.52.970.C of the Zoning Ordinance. The permittee shall not install any new signs until the permittee obtains Department approval for such signs.
21. Upon approval of the conditional use permit, the permittee shall submit a covenant agreement to the Department of Public Works, for the encroachment of the block wall within the road right-of-way at the northwest corner of Don Julian Road and Corberta Avenue.

MC:de

April 8, 2010