

STAFF ANALYSIS

PROJECT NUMBER R2007-02571 (5)
CONDITIONAL USE PERMIT NUMBER 200700173 (5)

ENTITLEMENT REQUESTED

The applicant is requesting to allow the continued operation and maintenance of a temporary pre-fabricated church with a parish hall in an agricultural zone. The applicant also requests to legalize two temporary sheds. The previous conditional use permit (CUP 91390) approved the development of phase one, including a 3800 square foot parish hall, parish center, three classrooms, landscaping, playground and parking. The temporary Parish Hall and church were built until the permanent structures are developed. This permit expired on March 30, 2004 and a new CUP application was filed on August 27, 2007. Staff recommends approval.

PROJECT DESCRIPTION

The project consists of a request to continue the operation and maintenance of Saint Mary's Chapel known as Our Lady of the Desert consisting of a one story parish hall in agricultural zone in the unincorporated area of Littlerock. The temporary church structure has 6000 square feet built area containing the Parish Hall, 3 classrooms, 94 parking spaces including five accessible and two metal sheds for the distribution of food and clothing to the poor and needy. The lot size for this project is 7.94 acres or 345,866 square feet and contains 7,756 square-feet of built area. The church services and other activities are conducted on Tuesdays, (choir practice 6:00 to 7:45 P.M. prayer group 8:00 to 9:30 PM), Wednesday, (religious education for children 4:00 to 5:30 PM and 6:00 to 7:30 PM), Thursday (prayer group 7:00 to 9:00 PM), Friday (Confession and Adoration 7:00 to 9:00 PM), and Sunday (mass 8:30 to 11:30, choir practice 11:45 to 12:30). The special celebrations are on December 12 (Mananitas 5:30-7:30), December 24 (mass 7:30 PM), December 25 (Mass 10:30 AM), Ash Wednesday (Mass 7:30 PM) and Good Friday at 7:00 PM. The church activities are not limited to the ones already specified and may change accordingly.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 35647 87th Street East (APN:3049-010-021) within the Littlerock Zoned District and Southeast Antelope Valley Community Standards District. The access to the subject site is through 87th Street and Avenue U.

EXISTING ZONING

Subject Property

The subject property is zoned A-2-10,000 (Heavy Agriculture)

Surrounding Properties

The zoning designations of the surrounding properties are A-2-10,000 (Heavy Agriculture) to the north, west and south and A-1-10,000 (Light Agriculture) to the east with 10,000 square foot minimum required lot.

Surrounding land uses include

North: Vacant

East: Single family residential

South: 2 and 5 dwelling, unit, one unit per acre

West: Vacant and single family dwellings

PREVIOUS CASES/ZONING HISTORY

Conditional Use Permit case number 91390 was approved on March 30, 1994 to allow the operation and maintenance of a church with a parish hall, 74 parking spaces and 3 classrooms. The permit was granted for 10 years, until March 30, 2004.

GENERAL PLAN CONSISTENCY

The subject property is within the Antelope Valley Area Plan and is designated as N2-Non Urban (1 dwelling per acre). The site is located in the community of Littlerock. As per the Antelope Valley Area Plan the Community of Littlerock has the following characteristics:

“Street improvements should consist of 24 feet of paving with unpaved shoulders. Street lights should be provided only along important highways or at major intersections, and should be hooded to minimize the impact upon adjacent residences.”

The area has a very rural character. The site has a temporary church building, 2 sheds and the majority of the lot is vacant. The entire 7.54 acre lot is enclosed in a chain link fence. The 87th street has street lighting with minimum impact to the surrounding.

The use can be approved subject to substantial compliance with the following Findings:

- a) The proposed use will not adversely affect local environmental quality or degrade significant natural resources such as sensitive habitat areas, riparian woodlands, and scenic vistas.
- b) The proposed use will not be detrimental to public health and safety because of hazardous or special conditions.
- c) The proposed use will not substantially contribute to the deterioration of air or water quality.
- d) The proposed use, individually or in combination with other existing and proposed use patterns, will not require extension or expansion of urban services and facilities.
- e) The proposed use is conveniently accessible by paved road, and will not individually or in combination with other existing and proposed use patterns, overburden existing non-urban roadways.
- f) The proposed use is served by water supplies and distribution facilities of sufficient capacity to meet anticipated domestic and fire protection needs.
- g) The proposed use is compatible with the character of surrounding development patterns.

The Chapel has a small congregation; the existing temporary facilities provide the need of a religious establishment to the local residents. The temporary sheds provide valuable needs of the homeless population in the area.

The access from 87th Street is adequate and does not overburden the main flow traffic by providing a wider access to the parking entrance which allows vehicles to enter the site with ease.

There are other churches and retreat centers in the area.

SITE PLAN

The site plan depicts a one story temporary metal prefabricated structure of 6,000 square feet containing the sanctuary of 3800 square feet with 207 proposed occupant load, while maximum 375 is allowed, 3 classrooms of 810 square feet, a kitchen of 390 square feet. The maximum occupant load of the largest assembly is 458. The access to the street is through 87th Street and Avenue U. The entire lot is about 7.94 acres and has chain link fences surrounding the property. There are 94 on site parking spaces depicted on the plan.

ZONING ORDINANCE & DEVELOPMENT STANDARDS COMPLIANCE

The project site is zoned A-2-10,000 (Heavy Agriculture) which allows the church use, exclusively for religious worship, including customary incidental educational and social activities in conjunction therewith under Section 22.24.150 in Title 22 of the Los Angeles County Code (Zoning Code) subject to obtaining a Conditional Use Permit..

As per County Code 22.24.170, the development standards for the existing church and assembly hall uses are subject to all development standards applying to Zone R-1, except as otherwise specified. Premises in Zone A-2 shall provide the required area as specified in Part 2 of Chapter 22.52.

The subject property contains the temporary church structure and an accessory structure on a 7.94 acre land and meets all the requirements for R1 zone standards.

Section 22.52.1095 of the Zoning Code requires one parking space for each five persons based on the occupant load of the largest assembly area. The maximum church occupancy load currently is 207 persons requiring 41 parking spaces. Currently the site has 94 existing parking spaces.

Southeast Antelope Valley Community Standards District

As per County Code Section 22.44.141 the Intent and Purpose of the “CSD is to protect and enhance the community’s rural, equestrian and agricultural character as well as its natural features, including significant ecological areas, flood plains and desert terrain.”

The existing facilities do not disturb the peace and tranquility of the surrounding area and provide social and religious support to the community.

BURDEN OF PROOF

Burden of Proof per Code

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document. Staff is of the opinion that the applicant has met the burden of proof.

FIELD INVESTIGATION

The subject property was inspected on December 11, 2008. The site plan is accurate except that the office and classroom space have been interchanged. There are about 250 seats at the congregation and about 20 to 35 seats in each classroom. The site was clean and the site plan is otherwise consistent with the existing plans.

ENVIROMENTAL DETERMINATION

Staff has determined that the proposed project is a Class 1 Categorical Exemption which exempts the operation and maintenance of existing public or private facilities involving negligible or no expansion of existing use from the California Environmental Quality Act.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

As of the time of this report, staff has not received any public agency comments and there are no known environmental impacts.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 of the County Code, the Notice of Public Hearing was advertised in the “Antelope Valley Press” and “La Opinion” on January 28, 2009. A total of 74 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 1000-foot radius on January 26, 2009. One notice was sent to the local community groups and residents on the Zoned District courtesy list.

Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to the Littlerock Library, located at 35119 80th Street East Littlerock, CA 93543 on January 29, 2009. The same information was posted on the Department of Regional Planning’s Website.

Pursuant to the Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting stating that the Notice of Public Hearing was posted on March 3, 2009 from the applicant’s agent.

PUBLIC COMMENTS

At this time of this report, staff has not received any public comments.

STAFF EVALUATION

The subject property received a notice of violation regarding the expired permit as of March 30, 2004. The applicant filed for a renewal of the Conditional Use Permit 91390 on August 27, 2007.

In 1994 a conditional use permit was granted to construct a church and a temporary facility for church services until the construction of the main church is completed. The church has never been built and the temporary facilities and the sheds are the existing uses on the site. Currently the church has about 250 attendants.

The temporary church facilities may last for another 10 to 15 years maximum. Therefore, staff recommends that the renewal be only for a limited term. Also, in case the applicant will be building the future church, they shall submit the plans for a plot plan review or a Revised Exhibit A or any other permit approvals prior to the construction of the plans approved in 1994 and shall comply with the rules and regulations of the applicable code at the time.

FEES/DEPOSITS

Fees in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony evidence presented at the public hearing:

Staff recommends **approval** of Conditional Use Permit number 200700173, subject to the attached conditions.

Prepared by Jeantine Nazar, Regional Planning Assistant II

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits Section II

Attachments:

Legal Notification and Community Outreach Confirmation

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map

Parking survey

MM: jn

2/17/2009