



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

July 1, 2010

TO: Wayne Rew, Chair  
Pat Modugno, Vice Chair  
Esther L. Valadez, Commissioner  
Leslie G. Bellamy, Commissioner  
Harold V. Helsley, Commissioner

FROM: Gunnar Hand, AICP, Senior Regional Planning Assistant  
Land Divisions Section

GHH

**SUBJECT: PROJECT NO. R2008-02125-(1)  
PARKING PERMIT CASE NO. 200800008**

**July 14, 2010; AGENDA ITEM NO. 6**

**PROJECT BACKGROUND**

The applicant is requesting a Parking Permit ("PKP") to allow for shared off-site parking for an existing 10,812 square foot office/warehouse building, which is proposed to be converted into a church. The shared off-site parking would be provided through a lease agreement on a private parking lot approximately 1,000 feet from the subject use (21007 Commerce Pointe Drive). The existing structure is proposed to be expanded to 12,506 square feet and converted into a church under a separate ministerial site plan review. Eighteen (18) parking spaces, including four handicapped parking spaces, are proposed on-site with 143 parking spaces on Saturday and 108 parking spaces on Sunday proposed to be leased at the off-site location. Ninety-one (91) of the 143 off-site parking spaces on Sunday and 56 of the off-site parking spaces on Saturday would be shared with the primary use at the off-site location. On Sundays, an additional 40 parking spaces are currently being leased at the off-site parking lot to the Vineyard of Harvest Church (21167 Commerce Pointe Drive), which is located directly across the street from the proposed church along Commerce Pointe Drive.

The project site is located at 21138 Commerce Pointe Drive in the unincorporated community of South Walnut, First Supervisorial District of Los Angeles County, Walnut Zoned District.

The project qualifies for a Class 3 Categorical Exemption-New Construction or Conversion of Small Structures pursuant to California Environmental Quality Act ("CEQA").

## **PROJECT ISSUES**

The project was originally considered by your Commission at the March 31, 2010 meeting, at which all Commissioners were present. A continued public hearing was held on May 5, 2010 before the Commission. At the May 5 hearing, the applicant provided comments in support of the project, and four members of the public provided testimony in favor of the proposed project. By a vote of four in favor and one abstaining, the RPC instructed staff to prepare findings of denial and continued the public hearing to May 19, 2010. At the May 19 hearing, staff provided the Commission with a recommendation and materials for denial of the project. The project applicant and two other representatives, however, provided comments in support of the project, and submitted additional materials for the Commission's review. The project applicant(s) provided testimony that they believed they had substantiated all facts as required by the Burden of Proof, and requested that the Commission direct staff to prepare findings of approval. Staff continued to recommend denial of the project and requested a short continuance to further refine the draft findings for denial. By unanimous vote, the Commission continued the public hearing to June 2, 2010.

At the June 2, 2010 hearing, the project applicant asked for a continuation to July 14, 2010 in order to have their legal counsel review the findings for denial and to meet with County Counsel to discuss potential alternatives to the project as proposed. By unanimous vote, the Commission continued the public hearing to July 14, 2010.

Since the June 2, 2010 hearing, the applicant requested additional information from staff regarding the parking requirements for a church and an assembly use. The applicant also asked several questions about legalizing their church at its existing site. However, the applicant has not requested a meeting nor has the applicant's legal counsel contacted staff or County Counsel to arrange the meeting requested by the applicant at the June 2 hearing. At the time of this memo, neither the project applicant nor the applicant's legal counsel has contacted County Counsel to discuss their potential alternatives to the project as proposed.

Attached are updated draft findings for denial.

## **RECOMMENDATION**

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

Staff recommends that the Regional Planning Commission deny the project.

**Recommended Motion:** "I move that the Regional Planning Commission close the public hearing, and deny Parking Permit Case No. 200800008."

Attachments:  
Updated Draft Findings

SMT:GHH  
7/1/2010

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

**PROJECT NO. R2008-02125-(1)  
PARKING PERMIT CASE NO. 200800008**

**21138 Commerce Pointe Drive**

**HEARING DATES: March 31, 2010, May 5, 2010, May 19, 2010, June 2, 2010, and July 14, 2010.**

**REQUEST:**

The applicant is requesting a Parking Permit ("PKP") to allow for shared off-site parking for an existing 10,812 square foot office/warehouse building, which is proposed to be converted into a church. The shared off-site parking would be provided through a lease agreement on a private parking lot approximately 1,000 feet from the subject use (21007 Commerce Pointe Drive). The existing structure is proposed to be expanded to 12,506 square feet and converted into a church under a separate ministerial site plan review. Eighteen (18) parking spaces, including four handicapped parking spaces, are proposed on-site with 143 parking spaces on Saturday and 108 parking spaces on Sunday proposed to be leased at the off-site location. Ninety-one (91) of the 143 off-site parking spaces on Sunday and 56 of the off-site parking spaces on Saturday would be shared with the primary use at the off-site location. On Sundays, an additional 40 parking spaces are currently being leased at the off-site parking lot to the Vineyard of Harvest Church (21167 Commerce Pointe Drive), which is located directly across the street from the proposed church along Commerce Pointe Drive.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

A duly noticed public hearing was held on March 31, 2010 before the Regional Planning Commission ("RPC"). The project applicant, First Evangelical Church of Diamond Bar, requested more time to work through the issues of the surrounding property owners and businesses. During the hearing, VOH, an adjacent property owner, provided comments that were neither in support or opposition to the proposed project. The VOH addressed several concerns with the project, including traffic congestion and safety, and proposed the installation of traffic calming devices on Commerce Pointe Drive. The applicant addressed these concerns in his rebuttal remarks, and stated that the project will adhere to the proposed conditions of the project and provide shuttle service. The applicant also stated that as proposed, the project meets the County's Code requirements. The RPC directed staff to coordinate the efforts between the applicant and the adjacent church, and to come back in a cooperative fashion to address concerns regarding traffic congestion and safety. By unanimous vote, the RPC continued the public hearing to May 5, 2010.

The First Evangelical Church of Diamond Bar ("FECDB") has had two meetings with the adjacent Vineyard of Harvest Church ("VOH") to discuss working collaboratively on their

traffic, parking, and safety impacts on the existing community. The meetings occurred on March 7, 2010 and March 24, 2010. Since the March 31, 2010 Regional Planning Commission meeting, the FECDB attempted to set up a follow-up meeting with the VOH, but was unable to coordinate their schedules.

On April 13, 2010, Regional Planning Staff met with the Los Angeles County Department of Public Works and the Los Angeles County Fire Department to discuss the feasibility of using traffic calming devices (speed bumps, pedestrian crossing, etc...) on an industrial street, the effects of a sidewalk on the public right-of-way, including whether or what requirements are necessary to construct such a sidewalk, the route, stops, and type of shuttle service proposed to be provided, the need for a traffic study considering the cumulative impacts with the existing church across the street, and the use of a traffic attendant or temporary signage on the public right-of-way during church services.

At the May 5, 2010 RPC continued hearing, the applicant provided comments in support of the project. The applicant explained their efforts to reach out to adjacent property owners, how they complied with all requests from the Los Angeles County Department of Regional Planning ("Regional Planning") staff, the support that they have received from the community, that they are providing more than required parking, and that they agree to all of the draft conditions and will comply with them accordingly. Four members of the public provided testimony in favor of the proposed project indicating the church's intention to work with the adjacent church to ensure traffic safety in the future, that there are no weekday programs offered by the church, and general support for the church's positive impact on the community. By a vote of four in favor and one absent, the RPC voted to continue the public hearing to May 19, 2010, and instructed staff to prepare findings for denial to bring back to the Commission for its consideration at the continued public hearing.

At the May 19 hearing, staff provided the Commission with a recommendation and materials for denial of the project. The project applicant and two other representatives, however, provided comments in support of the project, and submitted additional materials for the Commission's review. The project applicant(s) provided testimony that they believed they had substantiated all facts as required by the Burden of Proof, and requested that the Commission direct staff to prepare findings of approval. Staff continued to recommend denial of the project and requested a short continuance to further refine the draft findings for denial. By unanimous vote, the Commission continued the public hearing to June 2, 2010.

At the June 2, 2010 hearing, the project applicant asked for a continuation to July 14, 2010 in order to have their legal counsel review the findings for denial and to meet with County Counsel to discuss potential alternatives to the project as proposed. By unanimous vote, the Commission continued the public hearing to July 14, 2010.

Since the June 2, 2010 hearing, the applicant requested additional information from staff regarding the parking requirements for a church and an assembly use. The

applicant also asked several questions about legalizing their church at its existing site. However, the applicant has not requested a meeting nor has the applicant's legal counsel contacted staff or County Counsel to arrange the meeting requested by the applicant at the June 2 hearing. At the time of this memo, neither the project applicant nor the applicant's legal counsel has contacted County Counsel to discuss their potential alternatives to the project as proposed.

At the July 14, 2010 RPC continued hearing, the RPC denied PKP 200800008.

**CORRESPONDENCE:**

Twelve (12) letters of opposition for this project have been received, as well as eight letter in support and two comments letter that express some concerns. The opposition letters express general concern about the conflicts of the existing industrial area and the new church, cumulative traffic impacts with the adjacent church, general congestion concerns on a dead end street, safety, excessive street parking, and the illegal parking on the parking lots of adjacent businesses.

Staff also received six calls from adjacent businesses. Four expressed opposition to the project indicating potential conflicts with summer school activities if the church were to provide them, safety concerns of children and church goes on an industrial street, congestion, illegal parking by church goes on private business lots and potential conflicts with the operations of existing businesses.

Letters of support indicated the total amount of proposed parking was more than required, that the church has addressed all the concerns raised by the public and staff, and that the services of the church are a benefit to the larger community.

**Findings**

1. The subject property is located at 21138 Commerce Pointe Drive in the unincorporated community of South Walnut within the Walnut Zoned District identified as Assessor Parcel Number 8760-026-037. The project site is a 0.48 acre (20,908.8 square foot) triangular shaped corner parcel.
2. The off-site parking lot is located at 21007 Commerce Pointe Drive in the unincorporated community of South Walnut within the Walnut Zoned District identified as Assessor Parcel Number 8760-026-030, approximately 1,000 feet west of the subject property.
3. The applicant is requesting a Parking Permit ("PKP") to authorize off-site and shared parking beyond 500 feet from the subject property, for the conversion of an existing office/warehouse to a church within the M-1.5-BE (Restricted Heavy Manufacturing - Billboard Exclusion) zone.
4. A PKP is required for off-site and shared parking facilities located more than 500 feet from a church per Sections 22.52.1095 and 22.56.990 of the Los Angeles

County Code ("County Code").

5. The subject property is within the Los Angeles Countywide General Plan ("General Plan"), and designated as Major Industrial ("I"). The I land use designation is defined as area which are generally appropriate for major industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The intent of this category is to ensure that sufficient land is allocated for a wide range of industry and industry-related activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force.
6. The subject property is currently zoned M-1.5-BE. A church is a permitted use within the M-1.5-BE zone with parking standards established in the County Code.
7. The surrounding properties are zoned as follows:  
North: M-1.5-BE, City of Walnut  
East: M-1.5-BE  
South: M-1.5-BE, City of Industry  
West: M-1.5-BE
8. The project is located on a corner lot that fronts Commerce Pointe Drive and a publicly controlled drainage channel.
9. The project is accessed from Commerce Pointe Drive to the north via the site's parking lot located directly to the east and south of the structure.
10. The subject property is located in an industrial neighborhood. Surrounding land uses within 500 feet include:  
North: Manufacturing, Warehouses, Church  
East: Manufacturing, Warehouses, Drainage Channel  
South: Drainage Channel  
West: Manufacturing, Warehouses
11. Parcel Map No. 21001, which created 16 industrial lots on 12.07 acres, including the subject parcel, recorded on September 27, 1990. No other previous cases exist for the subject property. For the off-site parking lot property, Plot Plan 39591 approved the construction of a warehouse building on March 22, 1998. The M-1.5 zone was established on July 24, 1956 by Ordinance Number 6984. The BE (Billboard Exclusion) overlay zone was adopted on August 19, 1986 by Ordinance Number 86-0138Z.
12. There are no open zoning violation cases on the subject property.
13. As depicted on the site plan dated March 21, 2010, an existing 10,812 square feet industrial warehouse building is proposed to be expanded to 12,056 square feet and converted into a church through a separate ministerial review. A total of 85

parking spaces are required based on the occupancy load of the largest assembly area. Eighteen (18) parking spaces, including four handicapped parking spaces would be provided on-site, with 143 being provided off-site on Saturday, and 108 provided off-site on Sundays, approximately 1,000 feet from the front entrance of the primary use. Ninety-one (91) of the off-site parking spaces on Saturday and 126 of the off-site parking spaces on Sunday would be shared with the primary warehouse use on the lot on which the off-site parking is proposed to be located. On Sundays, an additional 40 parking spaces at the off-site parking lot are currently being leased to the Vineyard of Harvest Church ("VOH"), which is another church located directly across the street from the proposed project along Commerce Point Drive. Only 18 of the 85 required parking spaces would be provided Monday through Friday.

14. A site investigation was conducted on April 2, 2009 to confirm the accuracy of the submitted site plan and land use map, dated October 29, 2008. The site plan was updated on April 16, 2009, March 24, 2010, April 21, 2010, and May 4, 2010 to address staff comments. The subject parcel is currently developed with an existing office/warehouse building and parking lot. The property is accessed from Commerce Pointe Drive to the north. The proposed off-site parking facility is located approximately 1,000 feet southwest of the subject property on a parcel developed with an office/warehouse building and parking lot at 21007 Commerce Pointe Drive. Staff reconfirmed the accuracy of the site plan on February 1, 2010 before the scheduled public hearing.
15. The sharing of the off-site parking facility will create conflicts. An existing warehouse is located on the off-site parking facility, and has a total of 153 spaces. A total of 136 parking spaces are required for the warehouse, which does not currently operate on the weekends. On Sunday, 108 of the 153 spaces are proposed to be used in connection with the project. Forty of the 153 spaces are also proposed to be shared with VOH on Sundays. Both churches would be operating on Sunday and would require parking for such operations. Both churches propose to use the same parking lot to satisfy the parking needs of their respective attendees. However, although there may be sufficient parking spaces in the lot to satisfy the proposed lease agreements between the owner of the off-site lot and the respective churches, the concurrent use by both churches of the same parking lot will result in a conflict among the users of the parking lot. The allocation of parking spaces will be difficult to enforce with no ability to ensure that only the allocated number of attendees of each church use the allocated parking spots. The shared parking arrangements rely on additional measures, including a shuttle to transport those attending church services from the off-site lot to the church. It is not possible to ensure that those attending church at the project site will utilize the shuttle.
16. The RPC finds that the off-site parking location will not provide the required parking for a church. A total of 85 parking spaces are required, however, the applicant only proposes to provide the required parking spaces two days per week.

The applicant has a 20-year lease at the off-site parking facility to provide 143 spaces on Saturday (126 of which are shared with the existing warehouse) and 108 spaces on Sunday (91 of which are shared with the existing warehouse). No parking will be provided at the off-site parking location by a lease agreement or otherwise for Monday through Friday. Therefore, on Monday through Friday, the proposed project will fail to provide 67 of the required 85 parking spaces either on-site or at an off-site location.

17. The RPC finds the off-site parking location is not conveniently accessible to the church, and the location of the proposed off-site parking poses safety hazards for church attendees and others in the area. Pursuant to standard practice and the County Code, a church is required to provide parking within 500 feet of the property on which the church is located. The off-site parking is located approximately 1,000 feet from the church, with the furthest parking space approximately 1,700 feet away. Commerce Pointe Drive is an industrial street and no sidewalk exists on either side of the street. As members of the public testified during the public hearing, attendees of a neighboring church currently walk in the street in order to access the church facilities from off-site parking lots. Given that the street was not designed with pedestrian usage in mind, allowing for additional off-site parking usage in this area creates a conflict with pedestrians and traffic and poses a safety hazard in the area. Although the applicant proposes to provide a shuttle service between the hours of 10:00 AM to 10:30 PM on Saturday and 8:30 AM to 5:30 PM on Sunday, there is no mechanism by which to guarantee that church attendees will wait for and utilize the shuttle service. Also, the provision of a shuttle service will not prevent attendees from walking in the street.
18. The RPC finds that the off-site parking location will result in excessive off-site parking and potentially the unauthorized use of adjacent parking facilities. The church is required to provide 85 parking spaces. One hundred forty-three (143) parking spaces will be provided at the off-site location on Saturday and 108 on Sunday. This totals to approximately 90 percent of total parking on Saturday and 86 percent on Sunday provided at the off-site location. Due to the off-site parking being located more than 1,000 feet of the subject property, and shuttle service with potential delays or less than frequent service, there is no mechanism by which to guarantee that attendees will park at the designated off-site location or prevent attendees from parking in the lots of adjacent businesses. While the proposed use is allowed in the zone, it cannot be appropriately accommodated and the proposed project does not accommodate all the necessary parking on-site or within 500 feet, therefore, it is not an appropriate utilization of the property in an industrial area.
19. Regional Planning has determined this project would be categorically exempt under Class 3 - New Construction or Conversion of Small Structures under the California Environmental Quality Act ("CEQA") and Los Angeles County environmental guidelines.
20. 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, property posting, library posting and Regional Planning website posting.

21. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at 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 I Section, Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That there will be conflicts arising from special parking arrangements to allow for shared facilities because uses sharing parking facilities do not operate at different times of the day or days of the week.
- B. That the off-site facility will not provide the required parking for uses because even though the off-site facility is controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves, for part of the week, it is not controlled at all times nor is it conveniently accessible to the main use;
- C. That the requested parking permit at the location proposed will result in traffic congestion, excessive off-site parking, and unauthorized use of parking facilities developed to serve surrounding property; and,
- D. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22, except for parking requirements.

**REGIONAL PLANNING COMMISSION ACTION:**

1. In view of the findings of fact presented above, Parking Permit No. 200800008 Project No. 2008-02125-(1) is **DENIED**.

SMT:GHH  
July 1, 2010

c: Zoning Enforcement, Building and Safety