

June 25, 2003

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Capt. Raymond Erickson-King  
439 S. Grand Avenue  
San Pedro, CA 90731

RE: CONDITIONAL USE PERMIT CASE NO. 02-131-(4)  
A request to establish an adult day care facility within an existing Salvation Army multi-purpose facility at 138 S. Bandini Street, San Pedro.

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings relating to **APPROVAL** of the above referenced case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be post marked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. At the end of the appeal period, please notarize the attached acceptance form and **hand deliver** this form and any other required fees or material to the planner assigned to your case. It is advisable that you **make an appointment** with the case planner to assure that processing will be completed expeditiously. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

Department of Regional Planning  
James E. Hartl, AICP  
Director of Planning

Russell J. Fricano, Ph.D., AICP  
Acting Section Head  
Zoning Permits I Section

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RJF:KJ

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; Jerry Sturm, Dave Bond, George Baker, Linda Ridolfo, Jim Andrew, Paul Siverson.

**CONDITIONAL USE PERMIT NO. 02-131-(4)  
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATE: May 14, 2003**

**SYNOPSIS:**

**The applicant is requesting a Conditional Use Permit to establish an adult day care facility within an existing Salvation Army multi-purpose facility at 138 S. Bandini Street, San Pedro**

**PROCEEDINGS BEFORE THE COMMISSION:**

May 14, 2003 Public Hearing

A duly noticed public hearing was held on May 14, 2003 before the Regional Planning Commission. All Commissioners were present. Nineteen people testified: the applicant's representatives, Mr. Jerry Sturm, Mr. Dave Bond, Mr. George Baker, Mr. Victor Leslie and Mr. Thomas Mui; three project supporters, and eleven community members who expressed concerns with the operation of the Salvation Army facility. Their concerns about the proposed adult day care related primarily to potential cumulative impacts with other uses on the site.

After hearing testimony from supporters and opponents of the project, the Commission questioned the applicant's representatives about the operation of the proposed adult day care facility and the existing Salvation Army and about proposed conditions regulating the operation of the Salvation Army facility. The Commission also indicated its support of the applicant's suggestion to invite the local community to join the facility's advisory board to facilitate discussions regarding operations on the site.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare the final environmental documentation and findings and conditions for approval, including changes to the conditions as discussed. The applicant did not have an opportunity to review and respond to the conditions requested by the community but has submitted a letter, subsequent to the public hearing, indicating agreement with some of the requested conditions and opposition to others. This letter was provided to the Commission prior to its adoption of these findings and conditions of approval.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize establishment of an adult day care facility within an existing Salvation Army multi-purpose facility. The site is a 20,000 square foot parcel located at 138 S. Bandini Street, San Pedro, in the La Rambla Zoned District.
2. Zoning on the site is C-2 (Neighborhood Business). Pursuant to Section 22.28.160 of the Los Angeles County Code, property in Zone C-2 may be used for an adult day care facility, provided a conditional use permit is first obtained.

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3. The surrounding properties are zoned as follows:

North: C-2 (Neighborhood Business)  
South: C-2, R-3 (Limited Multiple Residence)  
East: R-2 (Two Family Residence), R-3  
West: C-2, R-2

4. The subject property is currently used as a Salvation Army multi-purpose facility, including church services, social services and administrative offices.

5. Establishment of the Salvation Army facility was authorized in 1999 through Plot Plan Review Case No. 12968.

6. Surrounding land uses consist of the following uses:

North: Auto Repair, Supermarket  
South: Single and Multi Family Residences  
East: Single and Multi Family Residences  
West: Single and Multi Family Residences

7. The subject property is located within the Major Commercial land use classification depicted on the Land Use Policy Map in the Countywide General Plan. This designation allows regional commercial centers and central business districts as well as a range of mixed commercial retail and service activities. The existing facility is consistent with this designation as is the proposed adult day care facility. There are no other general plan policies that are applicable to the project.

8. The site plan submitted by the applicant and labeled Exhibit "A" depicts the existing two story, 14,163 square foot (7,099 square feet on the first floor and 7,064 square feet on the second floor) Salvation Army building on the western side of the property with 21 parking spaces and driveway access to the east. Eighteen parking spaces, an elevator, a stairwell and a mechanical room are all shown underground. Floor plans were also submitted depicting the proposed senior day care room, offices, kitchen and restrooms on the first floor and a chapel, classrooms, nursery and multi purpose room on the second floor.

9. The proposed use complies with all applicable development standards of the C-2 zone, as provided in Section 22.28.170 of the County Code, as follows:

- a. No more than 90% of the net area of the site may be occupied by buildings and a minimum of 10% of the net area must be landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. The existing structure covers 7,099 square feet, or 35%, of the 20,000 square foot property and landscaping as required covers 2,021 square feet, or 10% of the property. In addition, Section 22.52.1060.E requires landscaping of at least 2% of the gross area of the parking lot, distributed throughout the parking lot so as to maximize the aesthetic effect and compatibility with adjoining uses. The

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site plan depicts landscaped areas surrounding the parking lot in excess of the 2% requirement.

b. Parking for churches is required at a ratio of 1 space for every 5 occupants based on the occupant load of the largest assembly area as determined by the Department of Public Works. The occupant load of the sanctuary was determined to be 211 persons; therefore, the parking requirement for the church is 42 spaces. The applicant submitted a list of all activities that operate in the facility. The required parking for the simultaneously-occurring weekday uses does not exceed the required parking for the church. The Commission finds that there will be no conflicts arising from shared use of the parking spaces because the uses sharing the spaces operate at different times of the day or days of the week and no excessive off-site parking will result.

c. The building does not exceed the 35-foot height limit.

d. Outside storage and display are not proposed and shall not be permitted on the property.

10. The applicant has not provided any sign plans or elevations. As a condition of approval of this grant, the applicant will be required to submit sign plans and elevations in compliance with Section 22.52.870 of the County Code.

11. A Zoning Enforcement case (EF 011667) was opened in 2001 in response to community complaints; however, the applicant responded to all of enforcement staff's requests and no formal citation was issued.

12. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental document reporting procedures and guidelines of the County of Los Angeles. The Initial Study showed that there is no substantial evidence, in light of the whole record before the Commission, that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The Commission finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

13. Staff received 322 public comments in relation to this request. Of this total, 215 were in support of the adult day care facility and 107 expressed concerns related to the operation of the Salvation Army facility as a whole. In response to community concerns, the Commission has imposed several conditions to properly integrate the proposed adult day care into the community.

14. The proposed facility will provide non-medical care and supervision to adults on less than a 24-hour-per-day basis, as defined and licensed by the State of California. The project is needed to continue the provision of adult day care services in the San Pedro area. The subject facility is an existing operation within the City of Los Angeles

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jurisdiction that is being relocated to the subject facility within the unincorporated county.

15. Compliance with the attached conditions of approval will ensure the project's compatibility with surrounding land uses.

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

- A. The proposed use will be consistent with the adopted general plan for the area;
- B. 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;
- C. 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. 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 hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION:**

- 1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 02-131-(4) is **APPROVED** subject to the attached conditions.

**VOTE**                      **4-0**

**Concurring:**              **Bellamy, Helsley, Rew, Modugno**

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**Dissenting: 0**

**Abstaining: 0**

**Absent: Valadez**

**Action Date: 6/25/03**

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1. This grant authorizes the use of the subject property for the establishment, operation and maintenance of an adult day care facility in an existing Salvation Army multi-purpose facility, as depicted on the approved Revised 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 17.
  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 such 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 shall expire unless used within 2 years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee before the expiration date.

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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 will terminate on June 28, 2023. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be developed, 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,650.00. 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 1 inspection between 30 and 60 days after issuance of the CUP and 10 biennial inspections thereafter. 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 for 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's health or safety or so as to be a nuisance.
12. 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

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provided to the satisfaction of and within the time periods established by said Department.

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. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
15. 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 directly relate to the business being operated on the premises or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. 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.
17. Within fifteen (15) days of the approval date of this grant, the permittee shall remit a \$25.00 processing fee 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 Public Resources Code.
18. 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 revised plans, similar to the Exhibit "A" submitted at the public hearing, that depicts all required and proposed changes, including provision of the total number of required parking spaces and the size, type and location of all plants, trees and watering systems on the subject property. The subject property shall be developed and maintained in substantial compliance with the approved Revised 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 plot 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 signage plans depicting the size and height of all existing and proposed signage, developed in accordance with Part 10 of Chapter 22.52 of the County Code. Any existing signage that does not comply with the County Code shall be removed immediately upon notification by the Director. All banners, signage, flags or other similar attention-getting devices are prohibited as specified in Section 22.52.990 of the County Code unless authorized by a valid Temporary Use Permit.

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20. A minimum of 42 parking spaces, developed according to the specifications of Part 11, Chapter 22.52 of the County Code, as well as a passenger loading area shall be provided on the site.
21. The adult day care facility shall be limited to a maximum of 30 clients present at one time as indicated by the current license from the state Department of Social Services. If increased occupancy is desired, a new Conditional Use Permit shall be required.
22. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
23. The permittee shall comply with all staffing, rules, regulations and facility requirements established and regulated by the State of California.
24. The permittee shall comply with all recommended conditions of the Los Angeles County Department of Public Works set forth in the attached letter dated July 23, 2002, or as otherwise required by said department.
25. Outdoor lighting shall be designed so as to direct light only onto the Salvation Army facility premises. Said lighting shall be deflected, shaded and focused away from all adjoining property. Motion detectors shall be used for outdoor security lighting. Any existing lighting that is not in compliance with this condition shall be brought into compliance within thirty (30) days of the approval date of this grant.
26. The hours of operation of the adult day care facility shall be limited to between the hours of 7:00 am and 6:00 pm, Monday through Friday only.
27. This grant does not limit special events as defined in Section 22.56.1835 of the County Code; however, the permittee shall notify the La Rambla Neighborhood Advisory Committee at least thirty (30) days prior to any special event to allow the committee to evaluate the operation of each event. The committee may comment in writing and the permittee shall respond in writing to any comments from the committee. The permittee shall make every effort to appropriately address the concerns of the committee with respect to special events. Any event listed in Section 22.56.1835 of the County Code shall be subject to the prior issuance of a Temporary Use Permit.
28. The facility shall not provide temporary or transient housing.
29. The use of gasoline lawn mowers, leaf blowers, or similar devices is prohibited between dusk and 9:00 a.m. on Saturdays and Sundays, and before 8:00 a.m. on other days.
30. The use of chimes, outdoor public address systems, or similar acoustical devices is prohibited. Any alarm system installed shall not be audible outside the facility. Any existing alarm system that is not in compliance with this condition shall be brought into compliance within thirty (30) days of the approval date of this grant.

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31. Trash containers shall be screened from view by persons on public streets and adjacent properties.
32. All rooftop equipment shall be screened from public view. Any existing equipment that is not in compliance with this condition shall be brought into compliance within thirty (30) days of the approval date of this grant.
33. Within thirty (30) days of the approval date of this grant, the permittee shall notify by mail all local residents within 500 feet of the property, and all individuals who testified at the May 14, 2003 public hearing, of the opportunity for community members to join the advisory board for the subject facility.
34. Outside storage is prohibited on the property.
35. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.
36. A minimum of 10% of the subject property shall contain landscaping consisting of grass, shrubs, trees, and other similar plant materials, and 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 for the life of this grant.
37. Uses occurring on the subject property shall not be operated concurrently with church services in such a manner as to create an undue demand on available on-site parking.
38. Changes in occupancy or tenant improvement work shall require approval by the Los Angeles County Fire Department, Fire Prevention Engineering unit prior to the issuance of building permit.

Attachment:

Department of Public Works letter dated July 23, 2002