

# ITEM 3



## Planning & Economic Development Department

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### PLANNING COMMISSION MINUTES

WEDNESDAY, FEBRUARY 9, 2011

7:00 P.M.

CITY HALL COUNCIL CHAMBERS

205 SOUTH WILLOWBROOK AVENUE

- 1) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Commissioner Turner.
  
- 2) **ROLL CALL**
  - Commissioners Present:**
    - Juanita Green-Wright
    - Lillie Darden
    - Cleo Turner
    - Michael Hill
    - Kim Saunders
  
  - Staff Representatives Present:**
    - Derek Hull
    - Anita Aviles
    - Robert Delgadillo
  
- 3) **APPROVAL OF MINUTES** – December 8, 2010 and January 12, 2011. It was moved by Commissioner Turner that the minutes of December 8, 2010 and January, 2011 be approved. The motion was seconded by Commissioner Hill and carried unanimously.
  
- 4) **PUBLIC HEARING ITEM(S)**
  - A. **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691** - A request of Iglesias De Restauración to establish a church/public assembly use in existing buildings with less parking than required by code at 1310-1320 N. Long Beach Blvd with a proposed parking lot for additional off-site parking at 1508 N. Long Beach Blvd. in the C-L (Limited Commercial) zone.

Commissioner Turner moved that **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691** be opened. The motion was seconded by Commissioner Hill.

Staff Representative Hull stated that the property is located at 1310/1312/1320 N. Long Beach Blvd. in the Second Council District. The nearest intersection is Long Beach Boulevard and Rosecrans Avenue.

The project site land use designation is Mixed Use (MU). Adjacent land uses to the North, South, East, and West are Mixed Use (MU).

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The project site's zoning is Limited Commercial (C-L). The adjacent zonings to the North, South, East, and West are Limited Commercial (C-L)

The project is located within the Redevelopment Project Area overlay district.

Staff Representative Hull stated that project is to establish a church/public assembly use with less parking than required by Code. The site consists of a rectangular shaped parcel of land approximately 37,955 square feet (.87 acres) in size. The site is currently developed with two buildings: 1) an approximately 13,627 square foot 2-story building and 2) a 5,634 square foot single-story building. The 2-story building (1320 N. Long Beach Blvd.) was formerly used as a shooting range and the 1-story building (1310 and 1312 N. Long Beach Blvd.) was previously licensed for an auto parts store.

The applicants are also proposing to lease a vacant parcel of land located at 1508 N. Long Beach Blvd. and develop the parcel into a parking lot for additional off-site parking; a maximum of 27 parking spaces are proposed at this site. The proposed off-site parking lot is located on the east side of Long Beach Blvd. (on the same side as the proposed church) and is approximately 214 feet (.04 miles) north of the church site.

Staff Representative Hull stated that the project is Categorical Exempt in accordance with Section 15301 of the State CEQA Guidelines. (Class 1 Exemption).

Parking Code requires between 86-96 parking spaces and a total of 74 parking spaces are proposed. The applicants are deficient 12-22 parking spaces which equates to a 13-22% parking variance request. The applicants propose 47 on-site parking spaces and 27 parking spaces off-site at 1508 N. Long Beach Blvd (site currently vacant). Staff recommends that a parking covenant be required and recorded to secure parking for the church.

After evaluation and meeting with the applicant staff recommends that the Planning Commission approve Conditional Use Permit Case No. 2688 and Variance Case No. 2691 subject to the findings and conditions of approval contained in the staff report.

Staff Representative Hull stated that he recommends removal of Condition No. 17 "That the church shall not hold any special events in the fellowship hall and classrooms other than those uses accessory to the church services/Sunday school while in progress" and Condition No. 7 "that the operation of the church/public assembly shall be contingent on the ability to provide a minimum of 74 parking spaces at all times" because it is impactful to restrict the activities of the church.



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Chairperson Green-Wright asked if the Lead Risk Assessor part of the City or part of a State group mentioned in Condition 19.

Staff Representative Hull stated that it is not the City and that those services would have to be contracted out. The Lead Risk Assessor is related to the previous use of being a firing range location and there is the potential that there might be lead particulates located in the walls or in the floors. Therefore, to protect the interest of the public, staff is asking for a Lead Risk Assessor to come out and certify that the buildings are safe for occupancy.

Chairperson Green-Wright asked if the cost for hiring the Lead Risk Assessor would be imposed on the church.

Staff Representative Hull stated that the developer would have to pay for the cost to have the Lead Risk Assessor to come out and conduct the inspection.

Chairperson Green-Wright asked for clarification on Condition No. 8 "That the recorded parking covenant shall be required for any off-site parking stalls".

Staff Representative Hull stated that based upon the layout of the church and proposed number of parishioners the church is under parked and to insured that they have a covenant that runs with the current applicant, staff is requiring a parking covenant be recorded for the off-site premise. The church is going to lease off-site space on Long Beach Blvd. In order to insure that the church is going to provide parking it is required that the covenant be recorded at the time of operation.

Deputy City Attorney, Anita Aviles reminded the Commission of the Religious Land Use and Institutional Act that states that no government can impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person including a religious assembly or institution unless the government demonstrates the imposition of the burdens on that person, assembly, or institution is in the furtherance of a compelling government interest and is the least restrictive means of furthering of that compelling interest.

The applicant, Ernesto Interiano, 16826 S. Orchard Avenue, Gardena, introduced himself, as well as the applicant's interpreter.

Commissioner Turner asked Mr. Interiano if he reviewed and agreed to all the conditions of approval.

Mr. Interiano and his interpreter stated that he agrees with all the conditions.



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Commissioner Saunders made a comment that churches with less parking than required by code create a burden on the residents because it causes congestion when the churches conduct their public assembly.

Commissioner Hill asked Mr. Interiano how many locations his church considered before they selected this location.

Mr. Interiano and his interpreter stated that they considered several other locations in nearby cities.

Commissioner Hill asked if they were all in the City of Compton and was that location large enough to hold the congregation.

Mr. Interiano and his interpreter stated that some were.

Commissioner Hill asked for a list of weekly activities held at the church location.

Mr. Interiano and his interpreter (inaudible)

Commission Hill asked if there were any other events that would bring larger attendance than normal

Mr. Interiano and his interpreter (inaudible)

Commissioner Hill asked the applicant in regards to Condition No. 19 regarding Lead Risk Assessor if they had contacted any companies to conduct that inspection.

Mr. Interiano and his interpreter stated that they had.

Commissioner Hill asked if they were specialized in that particular area.

Mr. Interiano and his interpreter (inaudible)

Commissioner Hill asked staff in regards to the lead test and clearance if those companies were specialized in looking for only one particular hazardous metal such as lead.

Staff Representative Hull stated that after staff learned that the previous use was a firing range staff wanted to provide information and have the satisfaction of knowing



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that if there had been any lead bullets that they were removed and that the building was safe for occupancy.

Commissioner Hill made a comment that most of the protection is only aimed towards preventing the future occupants' exposure to lead.

Chairperson Green-Wright asked Commissioner Hill if he still wanted a list of activities that would occur at the church.

Commissioner Hill stated that he did request a list of activities that would be scheduled within a week.

Chairperson Green-Wright stated that in the revised information submitted by Mr. Ernesto it shows that the daycare services will be only provided during church services. She asked if there would be after-hour services or daily care/day care center. If not that would eliminate the day care center. She mentioned that as she read the report it stated that they would also be bringing jobs into the City and the nursery was part of that. Would this be during the church hours?

Mr. Interiano and interpreter (inaudible).

Chairperson Green-Wright clarified that the applicant has had his church since 1999 and he had already owned the current church location before he decided to buy these other three lots. This space is bigger from the space on Wilmington Avenue. Also there is a letter from Pastor Martin at 1508 N. Long Beach Blvd that states that he is leasing the property to Mr. Interiano. Chairperson Green-Wright asked if the church would have a shuttle services from the lot at 1508 N. Long Beach Blvd. or would parishioners have to walk.

Mr. Interiano and interpreter stated they would use a shuttle.

Chairperson Green-Wright stated that reason for asking the questions was because she is concern that the church compliance with ADA.

Mr. Interiano and interpreter stated that priority parking would be given to handicapped people and senior citizens.

There being no further comments, Commissioner Saunders moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691**. The motion was seconded by Commissioner Hill and carried unanimously.



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Commissioner Saunders moved to rescind motion to close the hearing.

Ms. Sara Interiano, 16826 South Orchard Avenue, Gardena stated that she is in support of the project.

Mr. Alci Avelar, 3366 Martin Luther King Jr., #A, Lynwood, stated that he is in support of the project.

There being no further comments, Commissioner Saunders moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691**. The motion was seconded by Commissioner Hill and carried unanimously.

Commissioner Turner moved to approve **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691** and delete Conditions No. 7 and 17 and seconded by Commissioner Darden. **CONDITIONAL USE PERMIT CASE NO. 2688/VARIANCE CASE NO. 2691** was approved unanimously.

### 5) **INFORMATIONAL ITEMS (A Report of Previously Approved Cases)**

Reviewed – No Comments

### 6) **OLD BUSINESS**

Staff Representative Hull stated that on Saturday, February 12, 2011 staff will embark the General Plan Community Outreach activities. Two meetings in Districts 1 and 3 from 10:00 a.m. to 12:00 p.m. have been scheduled, Gonzales Park in District 1 and Burrell-McDonald in District 3 and then Kelly Park in District 4 and Lueder's Park in District 2 at 12:30 p.m. to 2:30 p.m.

Chairperson Green-Wright asked Mr. Hull to do a brief presentation regarding the General Plan for the audience.

Staff Representative Hull made a brief presentation (interpreted by Ms. Interiano from the audience).

The applicant's representative (Conditional Use Permit Case No.2688/Variance Case No. 2691), Mr. Robert Miles, 3718 Redondo Beach Blvd., Torrance, thanked the commission for approving the project.

Mr. Victor Orozco, Building and Safety, apologized for not being present at the last Planning Commission meeting and made himself available for any questions.



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Commissioner Hill stated that the request to have a representative from Building and Safety came about when the Commission got notice that there was a problem with the Burlington store. The manager contacted the Planning Commission's Chairperson so the Commission went over to take a tour of the store and discovered that the floor tiles were cracking, there were also several in the back of the store that were actually cracked all the way through, so there were some questions as to whether something could have been done in terms of the inspection process that would have prevented that from happening. It appeared that they had used 18"X18" tiles that were more of a terracotta underlay with a veneer. Some of the initial thinking was that perhaps unlike some of the other Burlington Stores which are brand new and poured on concrete slabs, could something have been done because previously that was a K-Mart building? The Commission noticed so many cracks taking place, there were cracks along the edges and in one case the Commission notice one that was totally sheared off or probably several in the store.

Mr. Orozco stated that there are limitations in what a Building Inspector can do. Technically when Building Department inspected it and got the complaint, the Building Department sent out an inspector on several occasions and the issue fell into the quality of workmanship. As a building code requirement what they installed is what is applicable and if it becomes an unwalkable surface that turns out to be hazardous then the inspector have the right to write a correction notice. In terms of workmanship the City should not have to be handling this because it is issue with the constructor, developer, and the owner of the building. After the Building Department got the complaint an inspector was sent out but legally nothing could be done.

Commissioner Hill stated that prior to the Bakewell development turning the building over to the construction company and the architects there was an understanding that there were some retrofitting/changes that needed to be made to electrical or some other things. Mr. Hill asked if that was required by the Building and Safety Department.

Mr. Orozco stated that they had to do tenant improvements and had to comply with the occupancy. In terms to the electrical there was major rehab that needed to be done, seismically. The building wasn't retrofitted seismically because it was an existing building for the existing use, the only thing that they did was enhanced the façade.

Commissioner Hill stated that, that same night they all went over to take a look at the temporary location of Toys R Us Express. When it was the Hollywood Video it had tile flooring in the entry way and the rest of the store was covered with a temporary carpet, what they apparently did was take out the carpet and left the floor. It was a little shocking to go in and see that in the building. There might have been some issues but by that time they have already started setting up all of their fixtures and there was no way in which they were going to be able to address the problem. It all happened at the time when the first of



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the rain storms came and the manager at that time pointed out that he had leaks coming through the ceiling. Knowing little about that building, it is a flat roof and those are sometimes the worst possible roofs to try to identify leaks before a heavy rain fall.

Mr. Orozco stated that in regards to the issue in terms to the floor covering. He inspected the store himself per Chairperson Green-Wright's request and unfortunately the store was very poor looking. It is unfair the way they treat the City because they came to make money, but as far as a code requirement there was not a code violation. Unfortunately the Building Department does enforce workmanship they enforce the Building Code.

Commissioner Hill asked Mr. Orozco for the process when a corporation comes in to the City of Compton.

Mr. Orozco stated that first it starts with the Planning and Economic Development Department with a Certificate of Occupancy, once the Planning Department gives the go ahead the Building and Safety Department goes out and inspect the building for minimum compliance, they don't inspect the building for aesthetics, if anything that has to do with the building code is suspected the applicant is given a correction notice before they open the building. After they approve the building then the Fire Department goes out and inspect the building for any fire issues. Once those inspections are completed then they would get their license.

Commissioner Hill asked Mr. Orozco how many inspectors the Building Department currently have.

Mr. Orozco stated that the Building Department currently has five inspectors.

Commissioner Hill asked how many years have the inspectors been with Building and Safety Department.

Mr. Orozco stated that on an average the inspectors have been with the City six to seven years.

Commissioner Hill asked that when it comes to interpreting the Building Code are all of the inspectors thoroughly familiar with the codes, so if any of those inspectors are sent to any locations any those individuals can go out and do a complete thorough inspection.

Mr. Orozco stated that there are times when he or Mr. Patrick Steward has to get involved to define the code. The Senior Building Inspector is the person to interpret the code.



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Commissioner Hill stated that the reason he asks that is because he had a chance to speak to a new business owner in the Towne Center area and she expressed a little of frustration because whoever the inspector was should have done a more thorough inspection because she needed to get her contractor to come back in and correct the deficiencies. Her expectations were different because she said that the inspector came back various times and each time found something different. This just created a little bit of anxiety because she was trying to meet a deadline to open her business.

Mr. Orozco stated that unfortunately the Building and Safety Department does have complaints in regards to that but that is part of the industry. People are always welcome to come to the office to speak to him or any other inspector and they always try to assist the citizens or contractors in getting their transaction over the counter. However, when the contractor is looking for the financial aspect of the project sometimes limitations go beyond and the inspector is blamed for faults of the contractor. The Building inspectors don't supervise the work they only inspect the work. The building inspector can't say if the contractor used the right grout to set the tile the inspector is not there continuously they are only there while needed for inspection. It has to do more with the quality of the work of the contractor. That is why on commercial work the Building Department emphasizes that it be a license contractor. But even with that they still have issues even Burlington being a major company had a contractor that didn't follow the typical workmanship expected in other cities.

Commissioner Hill asked if there is on-going training for building inspectors to get their certifications.

Mr. Orozco stated that the inspectors are required by state law to maintain their credentials. The inspectors are sent to training for a three to four day training at least once a year.

Commissioner Hill asked if the inspectors carry a code book or a laptop while in the field to reference and to get the up to date code.

Mr. Orozco stated that each inspector has the ability to have laptops while in field, except one inspector that needs to be updated with a laptop. They all have the ability to have access to the permit database that the City has.

Commissioner Hill asked if the Building Department constantly interact with other surrounding cities such as Long Beach or Lakewood.

Mr. Orozco stated that when they go out to training and they share ideas in how they can improve.



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Chairperson Green-Wright asked if when it comes to safety would the Building and Safety Department deal with those types of issues as with Burlington's floors where they had cracks big enough that someone could have fallen and hurt themselves. It was a concern because no one was taking action to fix them. That was a lawsuit waiting to happen, so the Commission contacted Danny Bakewell and he immediately took the steps to make sure that the citizens were safe and that the store manager got help. The point was that it was what Building and Safety Department would have done if they would have seen the floors in the condition that commission saw them.

Mr. Orozco stated that the question is more legal. If they go out to this place and go with an attitude to shut you down, I would be putting the City at risk to have a law suit because I would be harassing you at your business and that is actually a building code correction. Once it is disclosed and identified that it is a violation it would be up to the owner to make sure the correction is mitigated, it would be their liability, not the city's liability because the inspector has already noted it in the record. In that case if the inspector goes back repeatedly for the same correction then he would be harassing them. The inspector has to be very cautious when writing corrections because the same as the Building and Safety Department gets complaints about mitigating code violations they also get complaints that they are harassing businesses in terms that they don't let them open. But once it goes on record it is up to the owner to complete these corrections. So if the correction states that they have 72 hours to comply it would be up to them to comply. They have already been advised of the consequences.

Commissioner Saunders commented that she is in retail as an Operations Manager and she oversees stores across five counties in Southern California so she is aware of what is like when a new store is built, she knows the standards of what inspections are required and is aware of what they can and can't do. From her prospective she understands that each city also has ordinances which have requirements for developers that are not specifically related to building inspection. The aesthetic portion of it is covered within the City ordinances that they have when a developers come into a City and the standards in which you required to follow including the color of the paint that is chosen for a building; all of that is included within the ordinance. It would be a matter of control in how the City fills in the loop hole of what the Commission thinks that Building and Safety can cover but they in fact can't. When she visited Burlington Coat Factory she shared her concerns with the Commission and took pictures of what she saw and the City missed the mark in setting specifications, and ordinances that state what the City requires for retail stores to look like. What Compton got is not a prototype of what other cities have because other cities have different ordinances. What the City needs to do is tighten on the City's ordinances and the developers would have to follow and provide what the ordinance states when they come in the City.



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Chairperson Green-Wright thanked Mr. Orozco for being able to come to the meeting and expressed her appreciation for all that the Building and Safety Department do.

Commissioner Saunders asked how can the Building and Safety Department work in conjunction with the Planning Commission to implement ordinances were the aesthetic and floor standards are covered.

Mr. Orozco stated that anything that is added to an ordinances or the municipal code is something that can be enforced. So if a standard is created even by policy to a point that a specific material to be used like for the exterior façade that would go through a review process it could be implemented. It would require some research as to what other cities within California will have the same standards because then it would seem that the City is doing something beyond the threshold that can legally be done. People might say that the City is imposing higher standards then everybody else.

Deputy City Attorney Aviles stated that what she can do is include in the next Planning Commission packets a memo advising the Planning Commission of scope of authorities under the Charter because there are certain things that the Commission can or cannot do.

### 7) **NEW BUSINESS**

Chairperson Green-Wright requested that staff contact Code Enforcement to go out to the property at the corner of Baron Ave. and Compton Blvd. for overgrown weeds and debris.

Commissioner Hill commented that he went over to Gonzales Park and noticed that the whole basketball court had been stripped out.

Commissioner Saunders stated that it was going to be part of the redesign of the park.

Commissioner Hill stated that he had heard the project was a shell at the moment.

Chairperson Green-Wright recommended that he contact the Director of Parks and Recreation.

Staff Representative Hull stated that to his understanding the project is still moving forward.

Chairperson Green-Wright asked if anyone is interested in going to Boston for the Planning Conference. She mentioned that she would go if no one else was interested.

Commissioner Darden asked about the townhomes on Alameda St. and Myrrh Ave.



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Staff Representative Hull stated that the City has entered into an agreement to buy down the cost of the houses because they were not selling.

Chairperson Green-Wright asked what kind of development is going on at Frailey Ave. and Alondra Blvd.

Staff Representative Hull stated that it is a senior housing development (Season's of Compton) the City had to do an alley vacation for the project.

Commissioner Darden asked for a status on the project on Dwight Ave. and Alondra Blvd.

Staff Representative Hull stated that church is almost complete but is still having issues with Building and Safety.

Commissioner Saunders asked about the lot on Dwight Ave. and Compton Blvd.

Staff Representative Hull stated that the Redevelopment Agency is acquiring that property.

**8) COMMISSION COMMENTS**

**9) AUDIENCE COMMENTS**

None

It was moved by Commissioner Turner that the meeting be adjourned. The motion was seconded by Commissioner Saunders and carried unanimously.

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**DEREK R. HULL, DIRECTOR  
PLANNING AND ECONOMIC DEVELOPMENT**

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**JUANITA GREEN-WRIGHT,  
CHAIRPERSON**

