



Los Angeles County Department of Regional Planning



Richard J. Bruckner
Director

Planning for the Challenges Ahead

April 14, 2010

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

FROM: Mark Child 
Zoning Permits 1 Section

SUBJECT: **PROJECT NUMBER- R2008-01463-(2)**
CONDITIONAL USE PERMIT - RCUP200800125
2241 E. 89th Street, Los Angeles

BACKGROUND

This project was heard by the Hearing Officer on October 6 2009, November 17, 2009, January 5, 2010 and February 16, 2010 and was forwarded to the Planning Commission for decision due to issues raised by testifiers such as traffic and drainage. The Hearing Officer referred this case to the Regional Planning Commission to be heard with a similar case in the area with the similar issues.

REQUIRED ENTITLEMENTS

The applicant is requesting a conditional use permit to establish a scrap metal processing yard and collection other materials such as cardboard, newspaper and California Redemption Value (CRV) materials.

LOCATION

2241 E. 89th Street, in the community of Florence/Firestone in the Firestone Park Zoned District.

DISCUSSION

As of April 8, 2010 the Department of Public Works (DPW) does not recommend approval until the applicant receives clearances from DPW's grading, drainage, traffic, street lighting and preliminary roads divisions.

The applicant has made several design changes and has worked with the various DPW's divisions but has not been able to complete DPW's requirements due to the cost involve in preparing those studies and not knowing if they would get approval from Regional Planning.

MOTIONS

The following are motion options – continuation or approval.

SUGGESTED CONTINUATION MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION CONTINUE CONDITIONAL USE PERMIT NO. RCUP200800125 UNTIL _____.

SUGGESTED APPROVAL MOTION

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND APPROVE CONDITIONAL USE PERMIT NO. RCUP200800125 WITH FINDINGS AND CONDITIONS.

Should you have any additional questions or comments prior to the hearing contact Daniel Fierros at (213) 974-6443, or by e-mail at DFierros@planning.lacounty.gov.

Attachments:

Draft Findings of Approval

Draft Conditions

MC:DF

4/14/2010

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

**PROJECT NUMBER R2008-01463-(2)
Conditional Use Permit RCUP200800125
2241 E. 89th Street, Los Angeles**

HEARING DATE: 10/6/2009

REQUEST:

The applicant, Jose Diaz, is requesting a Conditional Use Permit (CUP) to authorize the establishment of a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials. The site plan depicts a total of 24 total parking spaces (15 regular parking spaces, 7 compact, 2 designated for handicapped persons) of which 6 are designated for employees. Access to the facility is from Alameda Street from two separate driveways. The site plans also depicts a 10' by 25' scale and a 5' by 5' scale, a total of seven 8' x 30' containers and 4 CRV 8' by 24' containers. Proposed is the construction of two structures, a 40'-6" by 12' office and a 30'-6" by 17' open patio cover. An area is proposed as open storage and is screened by a 10' high solid fence. Landscape is proposed along 89th Street, Alameda Street and adjacent to the office buildings. A 15' high by 10' wide free standing sign is also proposed on the corner of 89th and Alameda Street with a signage area totaling 120 square feet for the two sides. All open areas not landscaped will consist of existing paved surface. A second Site Plan depict customer truck queuing and traffic pattern which shows 16 spaces for queuing. A third site plan shows the large truck route and traffic pattern within the project site for delivery and removal of cargo containers from the project site.

SYNOPSIS:

Project was first heard by the Hearing Officer on the following date: 10/6/2009, 11/17/2009, 1/05/2010 and 2/16/2010.

A duly noticed public hearing was held on October 6, 2009 before Hearing Officer Gina Natoli. After hearing testimony from opponents and taking into consideration various letter of opposition and in favor of the project from the community and direct competitors, the Hearing Officer requested that the hearing be continued to November 17, 2009 to allow time for staff to consult with the Department of Public Works (DPW) in regards to traffic and drainage which were concerns raised by the opponents.

At the November 17, 2009 the Hearing Officer was changed to Officer Paul McCarthy due to Officer Gina Natoli not able to continue hearing. Hearing Officer Paul McCarthy continued the case to January 5, 2010 to allow staff to consult with DPW.

On January 4, 2010 the applicant indicated that they were not successful in submitting the documents to public works. According to the applicant they were in the belief that public works was reviewing the documents that were e-mailed to public works but it turns out that public works did not received the emailed documents. At the January 5, 2010 hearing, the Hearing officer continue the case to February 16 2010; to allow additional time for the applicant to submit a traffic report and the revised site plan to public works.

On February 11 the Department of Public works completed their preliminary review of the traffic study which requires additional information to be submitted by the applicant. According to Public works the applicant traffic consultant has indicated that they will provide the required information sometime this week. Therefore, staff requests that this item be continued to allow public works to complete their traffic review. At the February 16, 2010 Hearing Officer Paul McCarthy referred the case to the Planning Commission's April 14, 2010 hearing for consideration.

Since the February 16, 2010 hearing the applicant has been working with public works trying to resolve site plan revisions required by DPW, grading, drainage, traffic circulation, street lighting and preliminary road conditions.

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located at 2241 E. 89th Street, in the unincorporated community of Florence-Firestone within the Firestone Park Zone District.
2. The subject property is currently zoned M-2 (Heavy Manufacturing).
3. The applicant Alameda Recycling and Metals is requesting a conditional use permit to authorize the establishment of a scrap metal processing yard and collection other materials such as cardboard, newspaper and CRV materials.
4. Scrap metal processing yards require a conditional use permit in the M-2 Zone.
5. The site plan depicts an office, patio, several cargo containers a freestanding sign, landscaping and a scale.
6. The subject property is currently designated I-Major Industrial in the Los Angeles County General Plan.
7. The surrounding property is zoned as follows:
 - North: M-2 (Heavy Manufacturing)
 - South: M-2 (Heavy Manufacturing)
 - East: M-2 (Heavy Manufacturing)
 - West: M-2 (Heavy Manufacturing)
8. The subject property is currently vacant and surrounding land uses within 500 feet include:
 - North: Auto Glass, Container Storage and Utility Station
 - South: Manufacturing and Used Car Sales
 - East: Alameda Corridor/ Industrial
 - West: Auto Body, towing and vehicle storage

9. The subject property consists of two rectangular-shaped parcels totaling 0.96 acres. One parcel totals 32,957 sq. ft. and the second parcel totals 8,900 sq. ft. A covenant is required to maintain both parcels as one for the term of the conditional use permit.
10. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses and to assure compliance of this grant, it is necessary to require annual monitoring inspections and to limit the term of the grant to 10 years.
11. To satisfy the burden of proof, the facility must be so as not to be detrimental to the public health, safety and general welfare of the community in which such use is located.
12. Pursuant to the provisions of Section 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
13. The Department of Regional Planning has determined that the project qualifies for Class 3 Exemption (New Construction or Conversion of Small Structures), as it includes construction of two small structures (office and patio). Staff has determined that the project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA).
14. The location of the documents and other materials constituting the record of proceedings upon which the Planning 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 I Section, Los Angeles County Department of Regional Planning.
15. A total of five public letters have been received, of which four support the project and one expresses concerns with the project that the "conditional use permit would be issued without the appropriate environmental, noise traffic study and environmental impact studies".
16. The project consists of using two parcels; therefore the permittee shall file and record a covenant and agreement to hold the parcels as one. Submit a copy of the document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.

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:

The Commission has considered the Categorical Exemption for this project and certifies 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.

In view of the findings of fact presented above, Conditional Use Permit Number RCUP200800125 / Project R2008-01463-(2) with findings and conditions is APPROVED subject to the attached condition.

c: Hearing Officer, Each Commissioner, Zoning Enforcement, Building and Safety

VOTE: Concurring:
Dissenting:
Abstaining:
Absent:

Action Date: April 14, 2010

This conditional use permit authorizes a scrap metal processing yard and collection of other materials such as cardboard, newspaper and California Redemption Value (CRV) materials as depicted on the approved revised Exhibit "A", at 2241 E. 89th Street, Florence/Firestone area subject to the following conditions:

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. 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.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition No. 15. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
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. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. 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.
8. If there are any changes to the site plan within ninety (90) days of the approval date of this grant, the permittee shall submit to the Director for review and approval, three (3) copies of site plans, similar to Exhibit "A" as presented at the public hearing. The property shall be developed and maintained in substantial compliance with the plans marked 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 plans must be accompanied by the written authorization of the property owner. 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.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. 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.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.
12. All landscaped areas shall be continuously and properly maintained in good condition.

13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant will terminate on **April 14, 2025**. Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.
15. 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.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$3,000.00**. 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 fifteen (15) annual (once per year) inspections. Inspections shall be unannounced.

The inspection fee shall be paid within **30 days** of approval. 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 \$200.00 per inspection).

16. 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 that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. 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.

18. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
19. 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.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.
21. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited.
22. Outside storage is proposed, therefore all operations and storage, including all equipment used in conducting such use, other than parking, shall be conducted within an enclosed building or within an area enclosed by a solid wall or solid fence. Neither a solid fence nor building exist for the outside storage area; therefore prior to commencing operations the solid fence or building must be constructed. All walls and fences shall comply with Section 22.52.730.

All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, uniform in height relating to the ground upon which they stand as depicted in the approved Exhibit "A"; and shall be maintained in a neat, orderly condition at all times. Such fence or wall shall contain no painted signs or posters except as approved by the Director.

23. All areas of the yard open to vehicular passage shall be paved with a concrete surface, an asphalt surfacing, or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way as depicted on the approved Exhibit "A", the site plan.
24. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants.

No planting area shall have a horizontal dimension of less than three feet.

A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2.

A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.

Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles county register-Recorder/ County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.

25. Storage shall not be stored above the height of the fence or walls and shall be stored in a manner that it cannot be blown from the enclosed storage area. No such storage shall be placed or allowed to remain outside the enclosed storage area.

All storage container exchange shall be conducted on the premises.

26. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping).
27. No expansion of the existing storage yard is permitted except as depicted on the approved Exhibit "A", the site plan.
28. No automobile dismantling or parts are permitted on the premises. No wrecked or inoperable vehicles shall be located on the premises.
29. Hours of operation for the facility will be from 8:00 a.m. to 6:00 p.m., seven days a week.
30. The permittee shall file and record a covenant and agreement to hold all parcels on the subject property as one. A copy of the document being recorded shall be provided to DRP Staff prior to recordation for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
31. The permittee shall comply with all conditions imposed by the Department of Public Works in letter dated _____.

MC:df
Wednesday, April 14, 2010