



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

May 22, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**PROJECT NO. R2009-01038-(2)
CONDITIONAL USE PERMIT NO. 200900068
ENVIRONMENTAL ASSESSMENT NO. 200900065
APPLICANT: BASILIO MARTINEZ, TRIMMING LAND COMPANY, INC.
STARK PALMS ZONED DISTRICT
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

The applicant has appealed the Regional Planning Commission's (Commission) decision to deny the Conditional Use Permit (CUP) application for a contractor's equipment yard with the outside storage of containers, trucks and other materials related to a tree trimming business. The applicant, who is the property owner, states that the consulting firm he hired has dissolved, previous office managers did not complete the process, and he now intends to complete the CUP process.

SUBJECT

The applicant, Basilio Martinez, is the owner and operator of Trimming Land Company, Inc., and the property owner of 9301 Laurel Street, which is located in the unincorporated community of Florence-Firestone. The applicant requested a CUP to authorize a contractor's equipment yard with the outside storage of containers, trucks, and other materials related to a tree trimming business. The applicant requested the CUP to legalize the unpermitted business, which has been operating without the required land use permit since at least 2008.

On February 14, 2018, the Commission denied the project. The Commission's decision was based on the evidence that the applicant operated an unpermitted heavy industrial land use since 2008 and did not make an adequate effort to obtain the required land use permit for the business. In addition, the Commission found that the property had a documented and lengthy history of zoning violations and safety issues. Finally, the Commission found that the project did not meet the CUP Burden of Proof and Findings

as outlined in Sections 22.56.040 and 22.56.090 of the County Code, which requires that projects do not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, and jeopardize, endanger or constitute a menace to the public health, safety, or general welfare.

The applicant has appealed the Commission's decision to deny the CUP application because he states that the consulting firm he hired to assist in the project has dissolved, previous office managers did not complete the process, and he now intends to complete the CUP process.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Affirm that the project is statutorily exempt pursuant to State and local California Environmental Quality Act (CEQA) Guidelines;
2. Indicate its intent to deny the appeal, and instruct County Counsel to prepare the necessary findings to uphold the Commission's denial of CUP No. 200900068.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The project is located at 9301 Laurel Street in the unincorporated community of Florence-Firestone. The applicant, Basilio Martinez, requested a CUP to authorize a contractor's equipment yard with the outside storage of containers, trucks, and other materials related to a tree trimming business in the M-1 (Light Manufacturing) Zone. Contractor's equipment yards are a permitted use with a Site Plan Review in the M-1 Zone. However, pursuant to Section 22.44.138.7.b of the County Code, the Florence-Firestone Community Standards District (CSD) requires a CUP for all principal business uses that are conducted outside of an enclosed structure and are within 250 feet of a residential zone. The property is directly adjacent to a residential zone to the west and a single-family residence to the north.

On February 14, 2018, the Commission denied the project based on the following findings:

- The applicant operated a heavy industrial land use without the required land use permit since at least 2008.
 - The property is utilized as a contractor's yard for the Trimming Land Company, Inc., a tree trimming business. The business utilizes several large pieces of equipment, trucks, containers, and other heavy machinery. Tree waste is processed and stored on the property. Repairs for the

- business's equipment and vehicles is performed on site, and the property stores and handles hazardous materials.
 - There is no history of any land use permit approvals for the property.
- The applicant made an inadequate effort to obtain the required land use permit to operate the contractor's yard.
 - The applicant filed a CUP application on June 16, 2009, in response to Final Zoning Enforcement Order No. 05-0033858, which was issued on December 1, 2008. The Final Zoning Enforcement Order cited the property for operating an unpermitted land use involving outdoor storage and for not meeting the development standards for the M-1 Zone and outside storage and display.
 - The applicant did not provide any required paperwork to initiate the required CEQA review of the project.
 - The project was inactive from 2009 to 2017, and the applicant made no effort to obtain the required CUP permit.
 - The Department of Regional Planning (Department) staff attempted to communicate with the applicant again beginning in November 2017. The applicant did not respond to multiple requests for information and did not allow staff on-site to conduct inspections. The following documented actions demonstrate the Department's attempts to work with the applicant.
 - November 6, 2017: The Department sent a letter to the applicant requesting additional information for the CUP application. The letter also stated that the representative's contact information on the CUP application was no longer accurate. A copy of the letter was also sent to the business address.
 - November 14, 2017: The Department received an e-mail from an employee of Trimming Land Company, Inc. asking what additional company materials were required in response to staff's letter on November 6, 2017.
 - November 16, 2017: The Department responded to the e-mail of November 14, 2017, stating that the applicant needed to provide an updated application, proof of ownership, ownership and consent affidavit, an updated land use map, and print photographs of the property. In addition, staff told the employee that a site visit would be conducted within the next two weeks.
 - December 6, 2017: The Department attempted to conduct a site inspection of the property. Employees at the project site refused staff entry to the property. Several violations were observed from the street and adjacent properties, including unpermitted outside storage, and dilapidated structures, fences, and walls. The property was also surrounded by trash, debris and litter.

- December 7, 2017: Staff sent a letter to the property owner stating that there had been no activity on the CUP application and that the project had been scheduled for denial on February 14, 2018.
- January 3, 2018: Staff posted the hearing notice on the subject property.
- The property has a substantive record of zoning violations, with documented violations dating back to 2008. The applicant was given multiple opportunities to abate the violations and failed to meet the required timelines. The following documented actions demonstrates The Department's attempts to work with the applicant.
 - December 1, 2008: The Department issued a Final Zoning Enforcement Order No. 05-0033858 for an unpermitted land use involving outside storage and for not meeting current development standards.
 - April 4, 2017: The Department conducted an inspection of the project site with District Attorney Investigators (DAIs). Staff observed a green gate and signage "TLC" from the right of way. Upon closer inspection staff determined that TLC stands for Trimming Land Company. The gate was ajar, so the DAIs attempted to make contact with someone on the premises. An employee came forward and did not speak English but staff was able to communicate with him. The employee identified himself as Mario Pineda. Mr. Pineda granted permission to enter the site. Staff observed three pit bulls on the property, Mr. Pineda secured the dogs and staff was able to take photos. Mr. Pineda stated he is a mechanic who repairs trucks for the company. He pointed to an area of the property where he works on the commercial vehicles. Staff observed large commercial trucks with the moniker "TLC" printed on the doors at the front of the property. Staff viewed two large carport-like structures that contained auto parts, auto-related tools and inoperable vehicles. Further observation revealed large piles of mulch, tree trimmings, and construction debris. The property appeared to be used as a contractor's yard, truck repair, and for the storage of tree trimmings. DAI agents requested the driver's license information of the employee, and staff left their business card. As a result of the inspection, Zoning Enforcement staff cited the property.
 - April 10, 2017: The Department issued Notice of Violation (NOV) No. RPCE2017004517 for an unpermitted land use involving outside storage and for not meeting current development standards. Additional research also revealed the structures on the property did not have building permits from Building and Safety.

- April 18, 2017: Zoning Enforcement staff spoke with Jackie Morales, an employee of Trimming Land Company, via telephone and stated that the subject property has an unpermitted land use.
- May 30, 2017: Zoning Enforcement staff conducted an inspection with DAIs. The gate was closed; therefore, staff viewed the property from the public right of way as there were no observed employees on the property. Staff noted that there were no changes at the location, and observed the unpermitted structure on the site, storage of large piles of tree trimmings as well as commercial trucks. Because the gate remained closed, staff was unable to take photos. At the time of inspection, staff had not received any additional contact from Jackie Morales (employee responding on behalf of Trimming Land Company).
- June 7, 2017: The Department issued a Final Zoning Enforcement Order No. RPCE2017004517 for an unpermitted land use involving outside storage and for not meeting current development standards as the applicant and property owner did not respond to the April 2017 NOV.
- June 19, 2017: Zoning Enforcement staff received an e-mail from Jackie Morales. Ms. Morales said that a permit was attached to the e-mail. Upon review of the attachment, staff discovered that it was a receipt for the submittal of a CUP application and not an actual permit.
- June 26, 2017: Zoning Enforcement staff responded to Ms. Morales' e-mail and stated that the CUP application receipt did not constitute a land use approval from the Department.
- July 5, 2017: Zoning Enforcement staff conducted a site inspection with DAIs. Staff were not allowed access to the property, but Zoning Enforcement staff was able to view activity from the right-of-way because the gate was open. Photos were taken from the sidewalk. Commercial trucks were being stored on the property, the unpermitted structure remained, and large piles of wood trimmings were observed. Staff was unable to access the site, therefore active auto repair could not be verified.
- November 7, 2017: Zoning Enforcement staff conducted an inspection with DAIs. Staff observed activity at the location from the right-of-way, but no change to the property was noted. Commercial trucks were being maintained on the property, the unpermitted structure remained, and large piles of tree trimmings were present.
- The property is in a severe state of disrepair.
 - Because staff was denied entry to the property before the February 14, 2018, public hearing, observations were made from the public right-of-way. The wall/fence to the north that abuts a residential use is falling into the residential property, and other walls and fences are in

disrepair. The fence/wall along the Laurel Street frontage has unpermitted signage, graffiti, and is in disrepair, and the surrounding area around the property was littered with trash and debris.

The project must meet the CUP Burden of Proof and Findings, as outlined in Sections 22.56.040 and 22.56.090 of the County Code, which require that:

- The proposed use is consistent with the adopted General Plan.
- The proposed use does 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.
- The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- 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 because the Permittee and the property owner are unable to demonstrate the ability to comply with the regulations to operate the proposed uses at this location.

The Commission found that based on the substantial evidence presented at the hearing, the applicant did not meet the CUP burden of proof and denied the project.

Since the February 14, 2018 Commission hearing, the Department has not had any contact with the property owner. During February 2018, the Department conducted surveys on industrial facilities in unincorporated Florence-Firestone in partnership with Communities for Better Environment. The surveys contained observations on the environmental impacts of existing industrial uses in the area. The survey associated with Trimming Land Company, located at 9301 Laurel Street, noted the presence of odors, dust, noise, and smoke.

On March 1, 2018, the Department's staff conducted a site inspection with several DAIs and was allowed entry to the property. Staff found that the applicant was handling and storing a significant amount of hazardous materials on the property and did not have the required permits from Los Angeles County Fire Department, Hazardous Materials Division. The Department referred the business to the Fire Department on March 5, 2018, who subsequently issued citations to the applicant.

The Department found the property to be in severe disrepair. Tree waste was stacked higher than the fences and walls and could be seen from neighboring residential properties. Several diesel-operated pieces of heavy machinery were operating near the western wall that is adjacent to residential uses. There were several trucks and other pieces of heavy equipment being stored on the property that appeared to be partially dismantled for parts. There were multiple structures in disrepair that were unpermitted and had no record of building permits. The Department continues to monitor the property and has verified that the unpermitted business is still operating.

Implementation of Strategic Plan Goals

Action on the project is supported by the Los Angeles County (County) Strategic Plan Goal 1, Make Investments That Transform Lives, Goal 2, Foster Vibrant and Resilient Communities, and Strategy II.2, Support the Wellness of Our Communities. The Commission's decision to deny the project was in part based on evidence that the project presented a health and safety concern to neighboring businesses and residents because the applicant was operating heavy industrial uses without the required land use permits or operational measures to conduct the operation safely and in accordance with County Code standards. The Board of Supervisors' (Board) action on the project addresses the overall wellness of the surrounding community, which suffers from environmental justice burdens related to the close proximity of heavy industrial uses to residential neighborhoods. Finally, taking action on businesses that operate heavy industrial uses without the required County permits adheres to the goal of fostering a vibrant community that supports County residents' wellness and health.

FISCAL IMPACT/FINANCING

Action on the project will not result in significant costs to the County. On February 14, 2018, the Commission denied the project, which was a request for a CUP to authorize a contractor's equipment yard with the outside storage of containers, trucks, and other materials related to a tree trimming business. The Board's decision to uphold the Commission's decision means that the CUP is denied, and the decision by the Board is final and no other administrative action can be taken on the project. The Board's decision to grant the appeal would send the project back to the Department for further review, and the review cost is built into the CUP application fee.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

There are no previous land use permits associated with the property. The Department's citations for the property are as follows:

- Final Zoning Enforcement Order No. 05-0033858 was issued on December 1, 2008, for an unpermitted land use involving outside storage and for not meeting current development standards.
- NOV No. RPCE2017004517 was issued on April 10, 2017, for an unpermitted land use and for not meeting zoning development standards.
- Final Zoning Enforcement Order No. RPCE2017004517 was issued on June 7, 2017, as the property owner did not respond to the April 2017 NOV.

The applicant submitted an application to the Department requesting a CUP to authorize a contractor's equipment yard with the outside storage of containers, trucks, and other materials related to a tree trimming business on June 16, 2009.

The project was inactive from 2009 to 2017, and the applicant made no effort to obtain the required CUP permit.

From April 4, 2017 through January 3, 2018, the Department attempted to work with the applicant on the project, but the applicant put forth an inadequate effort to provide the County with the materials to process the CUP application or to abate the ongoing zoning violations on the property.

Based on the evidence and testimony given at the February 14, 2018, public hearing, the Commission denied the project.

ENVIRONMENTAL DOCUMENTATION

On February 14, 2018, the Commission found that the project was statutorily exempt pursuant to CEQA Guidelines Section 15270, because the CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualified as a Statutory Exemption (Projects Which Are Disapproved) and 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.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the project is not anticipated to have a negative impact on current services. The Board's decision to uphold the Commission's decision means that the CUP is denied, and the decision by the Board is final and no other administrative action can be taken on the project. The Board's decision to grant the appeal would send the project back to the Department for further review, and the review cost is built into the CUP application fee.

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For further information, please contact Travis Seawards at (213) 974-6462 or at TSeawards@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:SA:TSS:lm

Attachments: Findings and Conditions
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

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