



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

September 25, 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:

**HEARING ON PROJECT NO. 95036-(2)  
CONDITIONAL USE PERMIT NO. 200700069  
APPLICANT: ALAMEDA IMPORTS  
STARKS PALMS ZONED DISTRICT  
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

This is an appeal by Alameda Imports (Applicant) of the Los Angeles County (County) Regional Planning Commission's (Commission) decision to deny the Conditional Use Permit (CUP) application for an existing unpermitted automobile dismantling yard (Project) located at 9601 South Alameda Street (Project Site) in the community of Florence-Firestone.

**SUBJECT**

The Applicant requested a CUP to authorize an automobile dismantling yard in the Heavy Manufacturing Zone (M-2). The Applicant requested the CUP to legalize the unpermitted automobile dismantling yard, which has been operating without the required land use permit since at least 2007.

The Project Site is part of the 9600 Block of South Alameda Street (Property), which is under the ownership of the Eleanor Friend Trust (Property Owner). The Property is comprised of ten parcels. From 1968 to 1988, the Property was permitted to operate one junk and salvage yard. Since that permit expired in 1988, the Property has come to be occupied by eleven separate, unpermitted businesses. However, only three CUP applications, to legalize only three businesses, were submitted for the Property. The entire Property is in a severe state of disrepair, and none of the three CUP applications were adequate to address the eleven unpermitted businesses, property conditions, and the substantial list of zoning violations and health and safety issues.

The application for the CUP was inadequate and the materials had many inaccuracies. The Project Site, which is a 26,570 square foot parcel in the northeast corner of the Property, is occupied by three unpermitted businesses: an auto repair business; an auto parts vendor; and the Applicant's business, Alameda Imports; however, the Applicant only requested to legalize their own business. The site plan that was submitted with the application displayed inaccurate operating boundaries as the Applicant operates on parcels not identified as the Project Site. Finally, the Applicant was unable to show how the Project can meet the development standards for operating an automobile dismantling yard in the M-2 Zone and in the Florence-Firestone Community Standards District (CSD). These development standards include providing the parking required, not conducting work or storing materials in the areas designated for parking, obtaining building permits for all structures, maintaining on-site circulation routes, maintaining required landscaping, and not stacking materials above the fence height that is visible from neighboring properties and passers-by.

The Applicant and Property Owner were unresponsive to Department of Regional Planning (Department) Staff's (Staff) requests for information and were unable to take direction from Staff to address the numerous issues with the Project and the Property. Staff asked to meet with the Property Owner on several occasions to discuss the Property, Project issues, and Property violations; however, Staff had only one meeting with the Property Owner's representatives. There was no follow up from the Property Owner on the Property issues and violations discussed at this meeting, and further requests for meetings were ignored. Staff also requested that the Applicant update application materials to show how development standards could be met, but no materials were received.

On May 16, 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 2007 and did not make an adequate effort to obtain the required land use permit for the business. In addition, the Commission found that the Project Site had a documented 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 require 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 appealed the Commission's denial of the CUP application claiming that there have been changes to the operational conditions of the site, site plan adjustments have been met to satisfy zoning code requirements, illegal additions have been removed, and new leased space has been acquired.

Since the Commission's denial of the Project on May 16, 2018, Staff has not received any updated application documents from the Applicant. Furthermore, Staff conducted a site

visit on August 8, 2018, and there have been no substantial changes to the Project Site and Property, and Staff confirmed that the existing violations and health and safety issues remain on the Property.

**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; and
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. 200700069.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The Applicant requested a CUP to legalize an existing unpermitted automobile dismantling yard, which requires a CUP in the M-2 Zone pursuant to County Code Section 22.32.190. In addition, pursuant to Section 22.44.138.D.7.b, the CSD requires a CUP for all principal business uses conducted outside of an enclosed structure that are within 250 feet of a residential zone. Residential zones are approximately 200 feet west of the Project Site.

The Commission denied the Project based on the evidence that the Applicant operated an unpermitted heavy industrial land use since 2007, did not make an adequate effort to obtain the required land use permit for the business, the Property has a documented history of zoning violations and safety issues, and the Project does not meet the CUP Burden of Proof, as summarized below:

The Applicant has operated an automobile dismantling yard without the required land use permits since at least 2007. Additionally, two additional businesses not listed on the application, an auto parts business and an auto repair yard, operate on the Project Site without the required land use permits.

On March 22, 2007, the Applicant applied for a CUP to operate on the Project Site. The Applicant was already operating on the Project Site without an active CUP at the time of the application submittal; and

During regular site visits up until the Commission hearing, Staff observed two additional businesses operating on the Project Site: an auto repair business and an auto parts vendor. These two businesses were not included in the application nor shown on the site plan. Staff requested updated application materials and site plans based on the existing conditions of the Property, but the Applicant and Property Owner were unresponsive.

The Applicant made an inadequate effort to obtain the required land use permit to operate the automobile dismantling yard.

The Applicant filed a CUP application on March 22, 2007. In the following 11 years, Staff has requested several updates to the application and site plan, including updates that would show how required development standards would be met. Staff has not received any of the requested materials or revisions to the site plan. Additionally, two other businesses were identified to be operating on the Project Site that were not included in the application nor shown on the site plan;

On December 14, 2017, Staff sent a letter to the Property Owner regarding the outstanding application, the number of unpermitted businesses, and the various zoning violations. Subsequent to the letter, on January 25, 2018, the Property Owner's representative contacted Staff with questions about the letter. Staff requested a meeting to discuss the case in detail and the owner's representative agreed. Staff followed-up with an email and suggested meeting dates, but did not receive a response. Staff again followed up with phone calls and emails on February 5 and February 13, 2018, and did not receive a response; and

On March 1, 2018, Staff sent a letter to the Applicant and Property Owner stating that the Project was scheduled for denial as no updated application materials were received, and there was no response to Staff's request for a meeting.

The Property is in violation of the County Code and has an open Zoning Enforcement case. A Notice of Violation (NOV) No. RPCE20175915 was issued on September 6, 2017, for the following violations:

Operating an automobile dismantling business, an auto repair business, and an auto parts vendor without the required land use permits;

Dismantling work being conducted in designated parking areas;

Required landscaping not being maintained;

Unpermitted structures including a makeshift restroom;

Dismantled vehicles encroaching into walkways, vehicle circulation routes, and property entrance ways; and

Trash and debris on and around the property.

The Applicant allowed unsafe and illegal activities on the Property.

On every site inspection, Staff observed the unpermitted dismantling of automobiles and the handling of hazardous materials on the Property without the required land use permits or hazardous materials permits;

The Applicant did not complete any paperwork for the required environmental review of the Project Site, and the extent of the environmental impacts from these unpermitted uses on neighboring properties, including residences 200 feet to the west, could not be determined; and

The Property contains multiple illegal structures, which have not been permitted or inspected by the Building and Safety Division of the Department of Public Works, and present safety issues for workers and visitors to the Property.

In addition, the Commission found that based on substantial evidence presented at the hearing, the Applicant did not meet the following CUP Burden of Proof, 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's 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; and

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.

### **Implementation of Strategic Plan Goals**

Action on the Project is supported by the County Strategic Plan Goal 1 (Make Investments That Transform Lives), Goal 2 (Foster Vibrant and Resilient Communities), and Strategy

II.1 (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 appropriate 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 concerns 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 reinforces 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. The Board's decision to uphold the Commission's decision means that the CUP is denied, 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**

The relevant permit history for the Project Site is as follows:

May 14, 1968: Zone Exception Case No. 8778 approved junk and salvage sales, sorting, and storage on the subject Property and surrounding parcels. This permit expired on May 14, 1988; and

December 19, 1995: CUP No. 95-036 approved automobile dismantling on an area in the northeast corner of the subject Property. This permit expired on December 19, 2005.

The Applicant submitted an application to the Department requesting a CUP to authorize an automobile dismantling yard on March 22, 2007.

From March 22, 2007, through May 16, 2018, Staff attempted to work with the Applicant and the Property Owner on the Project, but the Applicant and Property Owner were unresponsive and put forth an inadequate effort to provide the County with the materials to process the application or to abate the ongoing zoning violations on the Property. Since 2017, Staff has sent two incomplete application letters and one NOV, and requested a meeting three times with no response.

Based on the evidence and testimony given at the May 16, 2018 public hearing, the Commission denied the Project.

**ENVIRONMENTAL DOCUMENTATION**

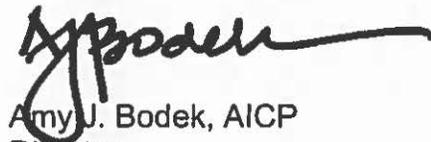
On May 16, 2018 the Commission found that the Project was statutorily exempt pursuant to CEQA Guidelines Section 15270, because CEQA does not apply to projects that a public agency rejects or disapproves. Therefore, the Project qualified as a Statutory Exemption (Projects Which Are Disapproved) and is 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.

For further information, please contact Shaun Temple at (213) 974-6462 or [stemple@planning.lacounty.gov](mailto:stemple@planning.lacounty.gov).

Respectfully submitted,



Amy J. Bodek, AICP  
Director

AJB:SA:NP:SCT:ems

Attachments: Findings and Conditions  
Commission Staff Reports  
Correspondence,

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