



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. R2013-01325-(2)
CONDITIONAL USE PERMIT NO. 201300071
ENVIRONMENTAL ASSESSMENT NO. 201300127
APPLICANT: TONY AUTO PARTS
STARK PALMS ZONED DISTRICT
SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

This is an appeal by Tony Auto Parts (Applicant) of the Regional Planning Commission's (Commission) decision to deny the Conditional Use Permit (CUP) application to authorize the continued operation of an unpermitted junk and salvage yard and to authorize the addition of an unpermitted existing automobile dismantling yard at 9625 South Alameda Street (Project Site) in the unincorporated community of Florence-Firestone.

SUBJECT

The Applicant, requested the CUP to authorize the continued operation of an unpermitted junk and salvage yard, and to authorize the addition of an existing unpermitted automobile dismantling yard in the Heavy Manufacturing Zone (M-2). The unpermitted junk and salvage yard has been operating with an expired CUP for approximately three decades, and the existing unpermitted dismantling yard has never had a permit.

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 inaccuracies. The Project Site, which consists of five parcels with a combined area of 29,400 square feet in the southeast corner of the Property, is occupied fully or partially by six unpermitted businesses; however, the Applicant only requested to legalize his own business, Tony Auto Parts. The site plan that was submitted with the application displayed inaccurate operating boundaries as Tony Auto Parts operates on only a portion of the five parcels identified as the Project Site, with neighboring businesses encroaching on the rest of the Project Site. The Project Site has numerous violations of development standards for the the M-2 Zone and the Florence-Firestone Community Standards District (CSD). These development standards include providing the required parking, unpermitted signage, maintaining on-site circulation routes, maintaining the property free of graffiti, trash and debris, and the stacking of materials above fence height. Notices of Violations (NOV) were issued as recently as March 13, 2018.

The Applicant was unable to take direction from Department of Regional Planning (DRP) staff (Staff) to address the numerous issues with the Project and the Property, and the Property Owner was unresponsive to Staff's requests for information. 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 a Project Site that corresponds to the operational boundaries of the business, but these materials were not 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 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 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 Section 22.56.040 and 22.56.090 of the Los Angeles County (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's health, safety, or general welfare.

The Applicant appealed the Commission's decision to deny the CUP application. The appeal contends that the Applicant has complied with the County's minimum development standards and Staff's requests, that both the property owners and surrounding business have been negligent in regards to the County's requirements, and the Applicant

believes that he has been in communication with various County departments throughout the years.

Since the Commission's denial of the Project on May 16, 2018, Staff conducted a site visit on July 19, 2018, and verified that the unpermitted uses on the property are still operating. Staff observed continued violations, including blocked circulation paths, the presence of dismantled vehicles, and encroachment by neighboring businesses into the Project Site. Staff does not agree with the Applicant's claim that adequate work has been done to address the existing violations.

IT IS RECOMMENDED THAT YOUR 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 the County Counsel to prepare the necessary findings to uphold the Commission's denial of CUP No. 201300071.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Applicant requested a CUP to authorize the continued operation of an existing junk and salvage yard, and to authorize a new automobile dismantling yard in the M-2 Zone pursuant to County Code Section 22.32.190.

On May 15, 2018, the Commission denied the Project based on the evidence that the Applicant operated an unpermitted heavy industrial land use since 1988, 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 multiple heavy industrial land uses (junk and salvage yard and automobile dismantling yard) without the required land use permit since 1988. Additionally, five additional businesses not listed on the application, including auto parts businesses and an auto repair yard, also operate on the Project Site without the required land use permits.
 - On May 14, 2013, the Applicant applied for a CUP to operate an auto dismantling yard on the Project Site. The Applicant was already operating an unpermitted junk and salvage yard on the Project Site without an active CUP at the time of the application submittal.
 - During regular site visits, up until the Commission hearing, Staff observed five additional businesses operating on the Project Site. These businesses were not included in the application nor shown on the site plan. Staff requested that the Project Site boundaries correspond with the business

boundaries, but the Applicant did not complete this work, and the Property Owners were unresponsive.

- The Applicant made an inadequate effort to obtain the required land use permits to operate the junk and salvage yard and auto dismantling yard.
 - The Applicant filed a CUP application on May 14, 2013. In the following five years, Staff has requested several updates to the application and site plan, including updates that would show how required development standards would be met. The Project Site depicted on the submitted site plan did not correspond to the operational boundaries of the business, and the applicant was unable to produce a site plan that showed the accurate operational boundaries for the Project Site.
 - 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. 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.
 - On March 1, 2018, Staff sent a letter to the Applicant and Property Owner stating that they had not complied with any of the requests from the December 14, 2017 letter, and furthermore, did not respond to any of the meeting requests from Staff, and therefore the Project was scheduled for denial.
 - On March 19, 2018, Staff met with the Property Owner's representatives and requested a full list of businesses on the Property and a depiction of the operational boundaries for each business. Staff also discussed the continued presence of zoning violations on the Property and repeated that zoning violations must be abated. There was no response from the Property Owner regarding these issues.
- The Property is in violation of the County Code and has open Zoning Enforcement cases. NOVs Nos. RPCE2018000952, RPCE2018000953, RPCE2018000954, RPCE2018000955, and RPCE2018000956 for each of the parcels on the Project Site were issued on March 13, 2018, for the following violations:
 - Operating an auto dismantling business without the required land use permits.
 - Not maintaining off-street parking.
 - Not maintaining the property free of graffiti and free of trash and debris.
 - Violation of development standards for auto dismantling yards.

- The Applicant allowed unsafe and illegal activities on the Property.
 - On every site inspection, Staff observed the unpermitted dismantling of automobiles or the presence of dismantled vehicles, and the handling of hazardous materials on the Property without the required land use permits or hazardous materials permits.
 - The Fire Department's Health Hazardous Materials Division cited the Applicant in 2018 for failing to submit the business plan and site map with all required content, including safety and emergency response plan.
 - The required environmental review of the Project Site was never completed, and the extent of the environmental impacts from these uses on neighboring properties, including residences 200 feet to the west, could not be determined.
 - 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.
 - The Applicant does not have a valid County business license from the Department of Treasurer and Tax Collector, and does not have an auto dismantler's license from the State of California Department of Motor Vehicles.

- 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:
 - 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, 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.

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 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 resident's wellness and health.

FISCAL IMPACT/FINANCING

Action on the Project will not result in significant costs to the County. On May 16, 2018, the Commission denied the Project. 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 DRP 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.

The Applicant submitted an application to DRP requesting the CUP to operate an auto dismantling yard on May 14, 2013.

From June 18, 2013 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 or put forth an inadequate effort to provide the County with the materials to process the application or to abate the ongoing record of zoning violations on the Property. Since 2017, Staff sent two incomplete application letters and five NOVs, 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

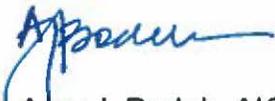
On May 16, 2018, the Commission found that the Project was statutorily exempt pursuant to CEQA Guidelines Section 15270, because CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, the Project qualified as a Statutory Exemption (projects which are disapproved) and 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 DRP for further review, and the review cost is built into the CUP application fee.

For further information, please contact Greg Mirza-Avakyan at (213) 974-6462 or gmirza-avakyan@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:SA:NP:GM:ems

Attachments: Findings and Conditions
Commission Staff Reports and Correspondence.

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