



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

Dennis Slavin
Chief Deputy Director

November 27, 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. R2006-02374-(2)
CONDITIONAL USE PERMIT NO. 200600173
APPLICANT: FRANCO JASSO
WILLOWBROOK-ENTERPRISE ZONED DISTRICT
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

The applicant, Franco Jasso (Applicant), was granted approval of Conditional Use Permit (CUP) No. 200600173 by the Regional Planning Commission (Commission) on July 11, 2012. The CUP authorized the operation and maintenance of a recycling collection center for California Refund Value (CRV) materials (aluminum, plastic and glass). The Project is located at 10917 South Alameda Street and the Project Site is in the unincorporated community of Willowbrook.

On August 22, 2018, the Commission revoked the CUP. The Commission's decision was based on an abundance of evidence that the Applicant was in substantial violation of the CUP conditions of approval and on the Project Site's substantial history of documented zoning violations and safety concerns. The Applicant appealed the Commission's decision.

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 revocation of CUP No. 200600173.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Recycling collection centers are classified as a "Junk and Salvage" use, which pursuant to Section 22.32.190 of Title 22 of the County Code (County Code), requires a CUP in the Heavy Manufacturing (M-2) Zone. The Applicant was granted a CUP by the Commission on July 11, 2012, for this use.

Pursuant to County Code Section 22.56.1780 et. al., a permit can be revoked on the following grounds:

- That the person using the permit is violating or has violated any conditions of the permit, and/or;
- That the use for which the permit is being exercised contrary to the terms or conditions of approval, or is in violation of any statute, ordinance, law, or regulation; and/or; and
- That the use of the approval granted by the CUP is being exercised in a way as to be a detriment to the public health and safety and is a nuisance.

On August 22, 2018, the Commission revoked the CUP based on the following findings:

1. Staff provided documented evidence that the Applicant was in violation of 16 conditions of approval for the CUP. A summary of the violations is as follows:
 - a. Violation of the approved Exhibit "A" and County Code Development Standards: The property was not developed in accordance to the approved CUP Exhibit "A" (Site Plan). The Project Site is non-compliant with approved circulation patterns and ingress and egress requirements. The ramp to the modular office was not constructed as approved and is located in required on-site parking spaces. The required on-site parking has been restriped and is not in compliance with the approved Exhibit "A." Unpermitted structures, including a portable restroom and dog kennel, are being maintained on-site. Finally, the Project Site had posted hours of operation that were beyond what was allowed by the CUP. Because the property was not developed in accordance with the approved site plan, the Project Site remains in violation of several County Code development

standards including parking, signage, fence/wall standards, and required landscaping.

- b. Violation of the requirements of the Department of Public Works (Public Works) and the Department of Public Health (Public Health): The Applicant has not shown compliance with Low Impact Development (LID) requirements for storm water management. Additionally, Public Works required multiple street, curb, and driveway improvements, and the improvements were not completed. The Applicant did not provide building permits to show Public Works Building and Safety Division (Building and Safety) approval for the existing on-site structures. The Applicant was required to install a permanent restroom facility on-site. An approved modular office was placed on-site with a restroom; however, the Applicant did not obtain the required permits for the bathroom from Building and Safety and Public Health. Finally, Public Works required a sewer area study and compliance with mitigations identified in the study prior to any connection to the existing public sewer, but there is no record that a sewer area study was completed.
 - c. Violation of dust and pest control programs: The Applicant is required to perform a regular program of dust control to effectively prevent and control dust emissions from the Project Site through appropriate spraying, sweeping and/or collection methods and technologies. The required program has not been submitted for review and dirt and debris were observed on-site. The Applicant is also required to hire a licensed pest control company to perform a regular program of pest control measures. The Applicant is required to provide activity logs specifying dates that pest control is performed. The activity log or other proof of use of a pest control program has not been provided.
2. The property owner was using the permit and managing the property as to be a detriment to the public health and safety and a nuisance to the community. There are enforcement records for this CUP dating back to 2014. The property owner has been issued multiple notices of violations and has failed numerous inspections. The property has a substantial list of zoning violations. The enforcement history of the property is as follows:
- November 3, 2014: Notice of Violation (NOV) No. 140006669 was issued for unpermitted signs, unpermitted structures, graffiti, required landscaping not being maintained, approved on-site traffic circulation pattern not being followed, and perimeter fencing not being relocated as required.

- January 20, 2015: Final Zoning Enforcement Order (FZEO) No. 140006669 was issued for the violations of all issues identified in the NOV above, and for the required restroom facility not being installed by January 11, 2015.
- February 11, 2015: Second Notice of Noncompliance Fee No. 140006669 was issued as the violations noted in the NOV and the FZEO above had not been corrected.
- April 24, 2018: The Department of Regional Planning (Department) staff conducted a site visit and did not observe any progress made on abating the violations on the property. Subsequent to the Second Notice of Noncompliance Fee and prior to this inspection, the property owner passed away and the ownership of the property changed. The Zoning Enforcement case was closed and a new Zoning Enforcement case was opened as there was a change in property ownership.
- May 2, 2018: NOV No. RPZPE2018002128 was issued for unpermitted signs, fences not being properly maintained, required parking not being maintained, an unpermitted junk and salvage yard being maintained, unpermitted structures, approved on-site traffic circulation pattern not being followed, required landscaping not being maintained, and a permanent restroom facility within a permanent structure and connected to public sewer not being maintained.
- June 13, 2018: FZEO No. RPZPE2018002128 was issued for the violations of all issues identified in NOV above.

The Commission found that based on the evidence presented at the hearing, the property owner was in substantial violation of the CUP conditions of approval, the recycling collection center was operating as to be a detriment to the public and health and safety and a nuisance to the community, and therefore revoked the CUP. The Department's staff continues to conduct site inspections at the Project Site and has verified that the business is still operating and the CUP violations have not been abated. Therefore, the Department recommends that the Board of Supervisors (Board) deny the appeal and uphold the Commission's revocation of the CUP.

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.2, Support the Wellness of Our Communities. The Commission's decision to revoke

the CUP was in part based on evidence that the Project presented a health and safety concern to neighboring businesses and residents in the community because the Applicant has not shown that they are following the required programs to prevent and control dust emissions, to hire a licensed pest control company to perform a regular program of pest control measures, and they have not shown they have obtained the appropriate LID permits from Public Works for storm water management or conducted a sewer area study prior to installing a bathroom. Additionally, the Project is not in compliance with several conditions of approval and County Code development standards, which has potential impacts to aesthetics and traffic flow in the area. The Board's action on the Project addresses the overall wellness of the surrounding community, which suffers from environmental justice issues related to the proximity of heavy industrial uses to residential neighborhoods. Finally, acting on businesses that operate industrial uses without the required County permits or following required programs supports 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 August 22, 2018, the Commission revoked the CUP, which had previously authorized the operation and maintenance of a recycling collection center for CRV materials. The Board's decision to uphold the Commission's decision means that the CUP is revoked, 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

Pursuant to County Code Section 22.56.040, the Applicant must meet the required Burden of Proof for the CUP:

- A. That the requested use at the location will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area or;
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site or; and
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- B. That 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.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate; and
 - 2. By other public or private service facilities as are required.

The Applicant is in violation of the CUP conditions of approval, the approved Exhibit "A", and several development standards in the M-2 Zone including signage, fence/wall standards, required landscaping, and parking. Required street, curb, and driveway improvements have not been made. The required bathroom has not been shown to have been installed with the appropriate review and approval. The Applicant has not shown compliance with LID requirements for storm water management, or with dust and pest control programs. Because of these reasons, the Applicant does not meet the Burden of Proof.

ENVIRONMENTAL DOCUMENTATION

On August 22, 2018, the Commission found that the Project was exempt through Class 21, Enforcement Actions by Regulatory Agencies, pursuant to CEQA Guidelines Section 15321, because the exemption includes actions taken by regulatory agencies to revoke permits and/or entitlements and is consistent with the findings 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 revoked, 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 Shaun Temple at (213) 974-6462 or stemple@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:SA:ST: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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