



# DEPARTMENT OF CITY PLANNING

## RECOMMENDATION REPORT



### City Planning Commission

**Date:** August 27, 2009  
**Time:**  
**Place:** Van Nuys City Hall

**PUBLIC HEARING**  
**completed on July**  
**17, 2009**

**Appeal Status:** To City Council per 12.24 I 5  
**Expiration Date:** Sept 30, 2009  
**Multiple Approval:**

**Case No.:** CPC-2008-4283  
**CEQA No.:** ENV-2008-4284-MND  
**Incidental Cases:**  
**Related Cases:**  
**Council No.:** 3  
**Plan Area:** Canoga Park-Winnetka-Woodland Hills  
**Specific Plan:** None  
**Certified NC:** Canoga Park  
**GPLU:** Limited Manufacturing  
**Zone:** [Q]CM-1VL  
**Applicant:** Michael Ameri  
**Representative:** Al Demick

**PROJECT LOCATION:** 21616 W. Roscoe Boulevard

**PROPOSED PROJECT:** Relocation, installation and operation of an existing recycling “Buyback Center” for the collection of cans and bottles (plastic and glass) consisting of two, 8-foot by 24-foot by 8-foot mobile roll-off storage containers and a 6 feet by 6 feet collapsible canopy with a total area for depositing recycling materials not to exceed 600 square-feet and to be relocated to the northwest corner of a [Q]CM-1VL Zoned property consisting of a commercial shopping center, including a market (“7/11”), to be located within 60 feet of a Residential Zone and less than 10 feet from the nearest property line on an approximate 29,909 square-foot lot. The hours of operation are proposed from 8 A.M. to 6 P.M., Monday through Sunday.

**REQUESTED ACTION:** 1. Pursuant to Section 12.24 U 22 (a) of the Municipal Code, a **Conditional Use** to allow a recycling “Buyback Center” for the depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Collection or Buyback Centers and Mobile Recycling Centers, in the C2, C5, CM, P, PB, MR1, M1 or MR2 Zones, provided that the facility complies with all of the conditions set forth in Section 12.21 A.18 (d), except when the conditions are specifically modified by the City Planning Commission.

2. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, **Adopt** the Mitigated Negative Declaration (MND) for the above referenced project.

### RECOMMENDED ACTIONS:

1. **Disapprove** the request.
2. **Adopt** the attached Findings.

S. GAIL GOLDBERG, AICP  
Director of Planning

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Lynn Harper, Senior City Planner

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Andrew Montealegre, Hearing Officer  
213-978-1396

**Attachments**

Staff Report  
Exhibits (incl. Environmental Clearance)

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, Room 272, City Hall, 200 North Spring Street, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the Commissioners the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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- Vicinity Map
- Radius Map
- Site Plan

## PROJECT ANALYSIS

### Project Summary

The project consists of the relocation, installation, and operation of an existing recycling "Buyback Center" for the collection of cans and bottles (plastic and glass). They are collected in two 8-foot by 24-foot by 8-foot mobile roll-off storage containers and a 6 feet by 6 feet collapsible canopy. The total area for depositing recycling materials does not exceed 600 square-feet and is to be relocated in the northwest corner of a [Q]CM-1VL zoned property. The property consists of a commercial shopping center, including a market ("7/11" Store), with the Buyback Center located within 60 feet of a Residential Zone and less than 10 feet from the nearest property line on an approximate 29,909 square-foot lot. The hours of operation are proposed from 8 A.M. to 6 P.M., Monday through Sunday.

### Background

On July 8, 2005, the subject location was certified to operate a recycling center by the State of California. The certification does not indicate where on the property it will be located.

A Certificate of Occupancy was issued for a Recycling Buyback Center on July 27, 2007 by the City's Department of Building and Safety. The certificate issued on this date notes that it is a tenant and address correction for certificates previously issued on June 7, 2007 and July 10, 2007. The Certificate of Occupancy does not specify size or location of the Buyback Center. However, the Use of Land Permit Application--a filing requirement prior to obtaining the Certificate of Occupancy--contains a plot plan outlining the Buyback Center's location (permit number 06020-20000-00510).

It appears that this Certificate of Occupancy is **still valid** but the Buyback Center was moved from this location in October of 2008 to the location which is the subject of this application.

However, according to the applicant, the Buyback Center was originally located in the same area as proposed in this application but moved to the location shown on the previously described Certificate of Occupancy. That was in February of 2006 where it was moved in response to changes in the code that instituted a 100 foot distance requirement from residentially zoned property.

The City's Property Activity Report shows a series of Code Enforcement actions beginning in June of 2007 for a recycling center and automobile repair businesses. According to the applicant a series of meetings and discussions between Code Enforcement and the Council Office led the applicant to the conclusion that in order to take care of these issues the Buyback Center should be relocated to its original location and a conditional use filed.

The Buyback Center was subsequently moved and the subject conditional use filed.

A recent e-mail from LAPD Senior Lead Officer Alex Padron confirmed that since the Buyback Center was moved to its original location there have been no complaints. A similar comment was received via e-mail from Building and Safety Inspector Peter Folling. Both of these are detailed in the Public Hearing and Communications section of this report.

The "Q" condition on the property, established by ordinance 165,479, prohibits residential uses.

## Issues

The gathering and collecting of used materials for their eventual reuse is what recycling is all about. By its nature it is not the cleanest of activities and the subject application appears to involve primarily the collection of plastic and glass. Most of this plastic and glass, if not all, formerly contained a substance with the likelihood that as the container is recycled, a residue is left behind in it. The residue is often that of a liquid food substance. These residues tend to give recycling centers problems of odor and vermin control.

If the recycling material is glass, its gathering and collecting can be noisy as the glass containers hit against each other while they are sorted and stored.

Thus **odor**, **noise** and **vermin infestation** are negative impacts directly related to recycling.

There are other impacts associated with recycling which may or may not have such a direct relationship as odor, noise and vermin infestation. For some of these it is harder to correlate such a direct connection but is nonetheless real. Take away the recycling center and some of these impacts go away.

These impacts include:

- public loitering
- homelessness
- abandoned shopping carts
- increased trash
- dirty water run-off
- crime
- loss of business
- downgrading of neighborhood
- obstruction of access to the site by trucks picking up recyclables

Some of these impacts have broader causes than the operation of a single recycling center.

Some of these impacts may also be mitigated or eliminated by careful **operation** of the recycling center. For example, abandoned shopping carts and trash could be quickly gathered up by the operator.

However, in testimony at the public hearing held by the Hearing Officer, and in correspondence, all of the above impacts were cited. The subject Buyback Center has been operating since at least 2007 and the applicant also provided a California State licensing document certifying its operation as early as 2005.

Thus whether direct or indirect, these impacts are associated with the establishment and operation of a Buyback Recycling Center.

## Community Recycling

One of the characteristics of a Buyback Recycling Center is that it used by residents of a neighborhood where in one stop they can return used containers as part of their routine shopping activity. The Code allows them by-right if they are operated in conjunction with a grocery market and meet certain other requirements such as maximum sizes and minimum distances from residentially zoned properties. They are intended as an accessory to the

operation of an on-site grocery market. The market in the subject application is a “7-II”, not usually known as a primary source of grocery shopping.

Based upon testimony and photos supplied by the applicant and others, and the fact that a “7-11” is not a traditional supermarket, the subject Buyback Center appears to be operating as a larger collection facility for the community. This may be one of the reasons for the strong sentiments of negative impacts expressed at the public hearing. It also appears to the Hearing Officer that the surrounding community may also have a concentration of residents needing the financial benefits of recycling. Combine the facts that the subject Buyback Center does not serve a traditional market, and that the surrounding community may have a concentration of residents benefiting from recycling, helps explain why feelings were so strongly expressed.

Recycling is a benefit not only to the immediate community but to the larger city as a whole. It serves a local and greater public goal. The financial reward to its users can also be reinvested in the local community through purchases in local businesses.

There were no supporters of the Buyback Center testifying at the public hearing. However, the applicant submitted two petitions in support of their application, one with 106 signatures stating the Buyback Center provides “a very valuable service both to residents in the areas as well as to the environment” and the other with 150 signatures stating the Buyback Center “is an asset to the neighborhood as well as the global environment . . . (and) have been happy with their method of operation in helping to better our community.”

Additionally, there are e-mail communications from an LAPD Officer and Department of Building and Safety Inspector stating that since the move back to their original location there have been no complaints or problems. These are detailed in the Public Hearing and Communications section of this report.

## **Conclusion**

The Hearing Officer felt that the operator of the Buyback Center has been diligently trying to establish the proper location on the site for its operations. The location has alternated primarily between two areas on the property as a solution has been sought that would satisfy zoning requirements and minimize neighborhood intrusion. Despite these efforts, however, the Buyback Center’s negative impacts continue to remain a problem. These impacts are directly and indirectly created by the recycling center and have proven difficult to mitigate.

Subsequent to the public hearing, the Hearing Officer also learned that the Buyback Center may have rights to continue operating at the location established by the Certificate of Occupancy. This was not discussed at the public hearing and based upon the tenure of testimony given, will likely be a subject of concern to the Community.



## FINDINGS

### **Conditional Use Findings.** Pursuant to Section 12.24 E of the Municipal Code:

- a. *The proposed location will not be desirable to the public convenience or welfare. The Hearing Officer recognizes the value of recycling as a benefit to the overall common welfare of the City and its communities, however, the subject location is not conducive towards providing a recycling center that is desirable to the public convenience. Negative impacts from the recycling Buyback Center at this location outweigh the public convenience and welfare benefits normally provided by recycling centers.*

*The negative impacts cited in public testimony and written communication include public loitering, homelessness, abandoned shopping carts, increased trash, dirty water run-off, crime, loss of business, the downgrading of the neighborhood and obstruction of access to the site by trucks picking up recyclables.*

- b. *The proposed location is directly adjacent to an apartment building. The applicant is requesting that the Buyback Center be located within 60 feet of a residential zone in lieu of the 100 foot requirement and while the apartment building itself is approximately 100 feet from the Buyback Center, there are second floor bedroom windows in a direct line of sight (and smell) of the Buyback Center. Constructing a six or eight foot screening wall along the property line, as has been proposed by the applicant, is not going to obscure the Buyback Center from these windows.*

*The market that is suppose to function as one of the catalysts for encouraging recycling by providing a convenient one-stop shopping trip is not a traditional market. It is not where shopping for most home supplies are done so that recycling can be accomplished as part of that trip. The Buyback Center appears to functioning as a larger regional collection point rather than a neighborhood and supermarket convenience center.*

*For these reasons the proposed location of the Buyback Center is not proper in relation to adjacent uses or the development of the community.*

- c. *The Buyback Center is materially detrimental to the character of development in the immediate neighborhood. It is not a local neighborhood recycling center having a presence and scale suitable to the size of the community. It's impacts are much larger. Almost all of the stakeholders of property and/or business owners in the immediate area communicated on the negative impacts of the Buyback Center. This kind of response is significant and testifies to the materially detrimental contributions of the Buyback Center.*
- d. *The proposed location will not be in harmony with the various elements and objectives of the General Plan. It is in conflict with Goal 1 of the Canoga Park-Winnetka-Woodland Hills Community Plan in that the proposal does not provide a "Safe, secure, and high quality residential environment for all economic, age and ethnic segments of the . . . Community Plan Area." The adjoining residential apartment building would be negatively impacted by the proposed location of the Buyback Center.*

## **PUBLIC HEARING AND COMMUNICATIONS**

A public hearing was held on July 17, 2009. In attendance were approximately 20 people, 14 of whom filled out a speaker card and spoke. Four of the people who spoke in favor of the conditional use consisted of the applicant and their representatives. The ten who opposed consisted of seven property or business owners and two residents, one of whom the Hearing Officer needed to translate into Spanish for the record and for those in attendance.

It is worthwhile to note that, discounting the applicant and their representatives at the public hearing, support for the project was only in the form of written communications while opposition was in-person testimony and written communications.

### In Favor

- applicant's representative
- applicant
- property owner
- recycling rep for applicant

### Opposed

- two residents (inc one who needed translation)
- seven property or business owners within 500 feet
- Council Office

Exhibits presented at hearing include photographs, an access diagram, and sales charts for the "7-11" grocery market illustrating reduced sales.

## **Communications**

### E-mails

#### **--Officer Alex Padron of LAPD:**

" . . . since the center has moved to a different side of the parking lot I have not received any complaints from the local businesses in the strip mall. . . . I want to personally thank you for being a concerned business owner with respect to how your business might impact the local communities. Your attention to those past and current issues shows you genuinely do care for the community in which you are located."

#### **--Peter Folling, Building and Safety Department Building Mechanical Inspector:**

*"I have had no complaints on the recycle center located at 21616 Roscoe Bl from the time they relocated in October of 08 to the time of the hearing. Inspector Dennis Condon responded to a complaint on 01/05/09. He found no violations. At this time the recycle center appears to be compatible with its current location."*

--Janet Beck, owner of Gold Cadillac @ 21602 Roscoe, states she does not want Buyback Center anywhere on property

--Eric Van Ace, Gen Mgr, David Ellis Chrysler Jeep, not in support of Buyback Center

Postal Mail

--Aimal Assil, of Hollywood Motors (adjacent business), opposing Buyback Center states "it is a nuisance, a disturbance" and cites specific problems

--Steve Assil, of Hollywood Motors, citing setback and driveway access issues caused by Buyback Center

**Petitions (applicant submitted)**

--106 signatures on a petition that states:

*"We, the undersigned customers and residents of Canoga Park hereby testify that we are happy to have Cash 2U Recycling in our neighborhood. Cash 2U is "providing a very valuable service both to residents in the areas as well as to the environment. We have found this facility to be always clean and well maintained and the staff is always helpful and polite. Any courtesy shown to this facility and its operators will be appreciated by the local residents."*

--approximately 150 signatures on individual pages stating:

*"I, the undersigned, believe that Cash 2U Recycling . . . is an asset to the neighborhood as well as the global environment. I petition to keep this recycling buyback center open for business in its present location, and that I have been happy with their method of operation in helping to better our community."*

**Issues raised at the Public Hearing are discussed in the Issues section of this document.**