



DEPARTMENT OF CITY PLANNING

RECOMMENDATION REPORT



City Planning Commission

Date: June 24, 2010
Time: 8:30 a.m.
Place: Van Nuys City Hall
Council Chambers, Second Floor
14410 Sylvan Street,
Room 201, Council Chamber
Van Nuys CA 91401

Public Hearing: May 10, 2010
Appeal Status: Appealable to City Council
Expiration Date: June 26, 2010

Case No.: CPC 2009-3429-CU
CEQA No.: ENV-2009-3430-MND
Incidental Cases: None
Related Cases: None
Council No.: 6 - Cardenas
Plan Area: Sun Valley – La Tuna Canyon
Specific Plan: None
Certified NC: Sun Valley
GPLU: Community Commercial
Zone: [Q]C2-1L-CDO

Applicant: Victor Sampson c/o Coldwell Banker
Representative: Robert B. Lamishaw, JPL Zoning Services, Inc.

PROJECT LOCATION: 10970 W. Ratner Street

PROPOSED PROJECT: The maintenance, use, and operation of a recycling/buyback center consisting of two to three roll-off type storage containers measuring 11 feet 4 inches by 18 feet each, known as “*rePlanet Recycling Centers*”, with hours of operation of 8:00 a.m. to 5:00 p.m. Monday through Saturday, and 8:00 a.m. to 3:00 p.m. Sunday in the [Q]C2-1L-CDO zone. The project is located on an 8,749 square foot lot.

REQUESTED ACTION:

1. Pursuant to Section 21082.1(c)(3) of the California Public Resources Code, Adopt the Mitigated Negative Declaration (MND), ENV-2009-3430-MND, for the above referenced project; and
2. Pursuant to 12.24 U 22 of the Municipal Code, a **Conditional Use** for the depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers and Mobile Recycling Centers on a property classified in the [Q]C2-1L-CDO zone.

RECOMMENDED ACTIONS:

1. **Approve** the **Conditional Use** for the depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers and Mobile Recycling Centers on a property classified in the [Q]C2-1L-CDO zone, subject to the attached conditions of approval;
2. **Adopt** Mitigated Negative Declaration No. 2009-3430;
3. **Adopt** the attached Findings;

4. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

S. GAIL GOLDBERG, AICP
Director of Planning

Daniel Scott, Principal City Planner

Robert Z. Duenas, Senior City Planner

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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, 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 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 this 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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PROJECT ANALYSIS

Project Summary

The project includes a new recycling “Buyback Center” for the collection of cans and bottles (plastic and glass). Recyclables will be completely contained in two, 8-foot by 20-foot by 8-foot mobile roll-off storage containers within a mobile kiosk (approximately 18 feet x 5 feet) on the northerly end of the site. The recycling center is proposed to be located within 1,000 feet of a Residential Zone, on an approximate 57,499 square-foot owned parcel. The plot plan layout was revised to improve the function, safety, and access from the original submittal.

Staff’s review includes testimony from the public hearing show that there are multiple social issues as well as functional challenges to locate the Recycling Facility on the existing parking lot. Several conditions of approval have addressed the concerns documented during the public hearing phase. The plot plan condition ties layout of the kiosk and containers to provide areas for customer queuing, storage area, utilities (water and trash), container loading/unloading, and landscape buffering. Operational conditions address those issues including hours of operation, public safety, loitering, dumping, and working with law enforcement. This is in response to opposition and issues raised.

Therefore, as conditioned, staff recommends approval of the buyback center. Such conditions will limit the term to 10 years and require the filing of a plan approval after 2 years of operation to verify condition compliance.

Background

The subject property is a flat rectangular shaped parcel having approximately 57,499 square feet of area. The property is zoned [Q]C2-1L-CDO and is designated Community Commercial by the Community Plan. The site is developed with two buildings which are currently occupied by a Denny’s Restaurant and party supply store. Parking for the restaurant per the Certificate requires 15 spaces and is located on the site that provides 91 striped spaces. Parking for the party supply store is separately provided on the adjacent property. The new facility will be erected within a parking lot at the northerly portion of the site, adjacent to the party supply store approximately 50 feet from the northeast property line. Access to the facility is available from an existing 2-way driveway at the bend of Ratner Street.

The property to the north and west is developed with a parking lot and shopping facilities, zoned [Q]R3-1VL-CDO, [Q]C2-1L-CDO, and [Q]P-1L-CDO and designated Community Commercial. Properties northeast are developed with a post office, zoned [Q]C2-1L-CDO, and designated Community Commercial. Properties to the south are developed with a bank and single family units, zoned [Q]C2-1L-CDO and R1-1 and designated Community Commercial and Medium Residential, respectively.

Street Designations:

Ratner Street is dedicated to a 60-foot width, improved with curb, gutter and sidewalk adjacent to the subject property, and designated as a Local Street.

Vineland Avenue is dedicated to a 100-foot width, improved with curb, gutter and sidewalk adjacent to the subject property, and designated as a Major Highway Class II.

Related Cases:

CPC-1986-822-GPC: General Plan Consistency for the Sun Valley - La Tuna Canyon Community Plan changed the Height District to I-L. Approved by the City Council on August 16, 1989. Ordinance No. 165,141, SA 2910 became effective on October 3, 1989.

CPC-2000-5340-CDO-ZC-MS: Establishment of the Sun Valley CDO and Streetscape Plan which regulate development and design standards. Zoning on the subject property was changed to [Q]C2-1L-CDO. Approved by the City Council on January 8, 2002. Ordinance No. 174,398 became effective on February 25, 2002.

Correspondence Received:

Prior to the completion of the Hearing Officer's report, no correspondence was received from other City Agencies.

Hearing Officer Comments:

Following the public hearing, staff worked with the applicant's representative to achieve a more suitable plot plan layout that would comply with the Municipal Code standards and function as much as possible with the existing on-site uses. This report represents a review of the revised plan received on June 2, 2010.

The proposed use will establish a mobile recycling buyback facility to a portion of the existing surface parking lot of 91 spaces. According to the Certificate of Occupancy, 15 of these spaces are required for the Denny's Restaurant and the remaining are surplus parking spaces. Staff notes that the Party Supply Store requires 15 spaces that is provided on an adjacent property.

Specifically, the location of the facility will be on the northeasterly portion of the subject property (See Plot Plan Exhibit B1). Physically, the proposed 12 feet high kiosk and 2 containers will cover an approximate 500 square-foot area. The entire fenced area including a customer waiting area, and storage area will occupy nearly 3,000 square feet of area. Approximately 16 tandem parking spaces will be removed as a result. These are non-required spaces (for any use) that represent surplus parking. The facility will be 102 feet from the multiple-family residential property line. A trash area and water source will be proposed on the east side of the facility. A 6-foot high fence will provide security for the project.

The applicant has designed the facility to be as functional as possible with minimal impact to the existing parking layout. Such arrangement will also provide as much visibility to the rear of the lot as possible for community safety purposes.

The conditional use category under Section 12.24 U 22 (a) requires compliance with performance standards of Section 12.21 A.18 (d). If any of these standards will be non-compliant, the applicant must apply for the instant Conditional Use Permit as well. The subject case request reflects this in that the project does not comply with the following code performance standards:

- (1) *The lot upon which the Recycling Collection or Buyback Center is lot is not within 1,000 feet of any A, R, C, P, PB, MR, or M1 Zone or use;*
- (2) *The area for depositing Recyclable Materials does not exceed a total of 1,000 square feet;*

Per the Conditional Use category, the Commission may modify these requirements. In staff's review, all other conditions of LAMC Section 12.21 A.18 (d) may be satisfied, except for those

above. Staff notes that this section was added by Ord. No. 171,687, and became effective on August 19, 1997. The project, even if located at the extremities of the site would still encroach within 1000 feet of the R3-1 zone. Secondly, the applicant would need more than 1000 square feet of floor area to operate effectively and efficiently. The spatial needs for the customer waiting area as well as the trash/shopping cart storage area is necessary and key to the design of this use. This space will keep waiting customers off of the public streets and sidewalks. Design/layout of the facility must preserve existing parking spaces and provide recycling containers to be picked up by trucks. The rear gate must be free of parked cars to effectively operate. Moreover, the conditional use shall be issued for the entire ownership of the property and not only the 50' x 175' lot due to the interconnecting parking facilities, vehicular access, and bathroom facilities required within the staff recommendation.

The hearing officer is cognizant of the several social, security, and safety concerns expressed during the public hearing. In an effort to address these issues, several conditions of approval have been recommended to thwart such negative aspects associated with recycling facilities. In addition to those standard conditions and development standards of the Code, staff recommends that the hours of operation be limited from 8 am to 5 pm Monday through Saturday and closed Sundays. Moreover, Reverse Vending Machines shall be permitted along with the weighing of recyclables to be calculated for redemption. Reverse vending machines alone will likely cause long waits and therefore, invites loitering. The applicant is also conditioned to provide security cameras, No Loitering signage, No Dumping signs, Complaint Hotline phone number sign, and identification cards for employees (for police department use). Redemption of recyclables shall be provided with drafts (checks) or vouchers in place of currency in order to thwart robbery. Finally, bathrooms for employees shall be provided at the adjacent retail space next door.

Staff reviewed the project for compliance with the "Walkability Checklist". Building orientation, façade treatment and signage criteria is within the guidelines as proposed. The requested project is consistent with the Sun Valley Design Guidelines. No landscape plan was required for submittal on this case due to the small scale of project – less than the thresholds of Site Plan Review. In the absence of a landscape plan, the applicant has noted a 5-foot wide landscape planter area along the street property line. Staff is recommending a condition requiring a landscape buffer of trees, shrubs, and ground cover to address aesthetic and shade concerns. Moreover, the project will be in compliance with the "RePlanet" prototype guidelines of the Sun Valley Community Design Overlay ordinance.

Approval of this conditional permit will be consistent with the State Assembly Bill AB 939 establishing waste management in the state with the creation of the [California Integrated Waste Management Board](#) (CIWMB). The City will continue to support the expectations of AB 939 to divert solid waste goals from landfills. To help in the increase of diversion rates, each jurisdiction was required to create an Integrated Waste Management Plan that looked at recycling programs, purchasing of recycled products and waste minimization.

"Currently, the City of Los Angeles is developing the Solid Waste Integrated Resources Plan, also known as "SWIRP". This plan seeks input from stakeholders representing a broad section of the community, from diverse cultural backgrounds and income levels, and will result in the development and implementation of a 20 year master plan for the City's solid waste and recycling programs. SWIRP will outline the City's objectives to provide sustainability, resource conservation, source reduction, recycling, renewable energy, maximum material recovery, public health and environmental protection for solid waste management planning through 2030 — leading Los Angeles towards being a "zero waste" city. Achieving zero waste will require radical changes in three areas: product creation (manufacturing and packaging), product use (use of sustainable, recycled and recyclable products), and product disposal (resource recovery or landfilling). Change in these areas will impact how we live, work and interact with the

environment. Stakeholders will be instrumental in guiding this visionary twenty year solid waste management plan.”¹

At the public hearing for the conditional use, the applicant advocated for the establishment of the proposed recycling business. They further noted the wishes of the Neighborhood Council on the operating hours, and commented that it is his intention to be a good neighbor to residents. Concerns were vocalized by attendees including community members, a representative of the Los Angeles Police Department, and the local Council Office. At least two members of the audience including a representative of the Council Office opposed the project.

Staff is supportive of the request in this location only if conditioned appropriately to protect the neighborhood. The applicant is providing a high level of compliance with the Municipal Code Section 12.21 A 18 (Recycling Buyback). The applicant has demonstrated that other conditions of recycling buyback centers will be met. Findings of approval can be made to this effect. The unique scenario of the circumstances make the proposed use not in full compliance with the provisions of the LAMC, however; the buyback center is a needed function of our retail operations network and sanctioned by the State code. Further, efforts of local code compliance were also made in the conditions requiring CDO compliance.

Issues

The Council Office and one other individual are opposed to the project due to social ills and potential blight that may be caused by approval of the subject use.

The Los Angeles Police Department has noted their concerns for such use being established in the neighborhood and recommended conditions that will help their department police the neighborhood more effectively. These conditions have been incorporated in staff's recommendation.

Conclusion

Staff's recommendation is for approval of the requested conditional use permit. With the recommended conditions of approval, the proposed project will coexist harmoniously with the surrounding commercial and residential uses. The compliance the recommended conditions of approval will assure appropriate operation of the use in conjunction with the existing shopping center. As conditioned, the project will meet the goals of the Community Plan.

¹ Case No. CPC 2007-2067-CU, Thomas L. Glick.

CONDITIONS OF APPROVAL

A. Entitlement Conditions: Conditional Use

1. **Grant.** Pursuant to Section 12.24 U 22 (a) of the Municipal Code, a Conditional Use is granted 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 Zone, except for the following provisions of the Section 12.21 A 18(d), LAMC:
 - a. The lot upon which the Recycling Collection or Buyback Center is lot is not within 1,000 feet of any A, R, C, P, PB, MR, or M1 Zone or use; and
 - b. The area for depositing Recyclable Materials does not exceed a total of 1,000 square feet.
2. **Use.** The use and development on the subject lease space shall be limited to a "Recycling Collection or Buyback Center", as defined by Section 12.03 of the LAMC, and shall be in substantial conformance with the project plans submitted marked **Exhibit Nos. "B1 and B2", and dated June 2, 2010**, with the exception of the revised plans prepared in conformance with the requirements of these conditions, herein, and of the LAMC to the satisfaction of the Department of City Planning.
3. **Plot Plan.** The use and development of the subject property shall be in substantial conformance with the site plan and elevation plans labeled **Exhibit Nos. "B1 and B2", and dated June 2, 2010**. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization. The applicant shall submit plans and elevations in accordance with the following, to the satisfaction of the Department of City Planning:
 - a. The operator shall be limited to two (2) mobile roll-off storage containers on the project site. The container shall be limited to a maximum dimension of 8 feet wide, 20 feet long, and 8 feet high.
 - b. The operator shall occupy no more than approximately 525 square feet of the lot's surface area with kiosk and containers.
 - c. The operator shall enclose no more than a maximum of 3,000 square feet of the lot with fencing material.
 - d. The operator shall install a 5 feet by 50 feet landscape buffer at the front property line in accordance with the conditions below.
4. The Operator shall provide weighing of recyclables as a means of redeeming containers in addition to machines accepting individual containers. Reverse Vending Machines and Reverse Vending Machine Commodity Storage Bins shall be permitted.
5. At least one (1) employee shall be present at the use during its hours of operation.
6. The business operator shall install and maintain security cameras and a one-month video library that covers all common areas of the business, high-risk areas and entrances or exits. The video or digital tapes shall be made available to the Police Department upon request.
7. Parking for the proposed uses shall be provided pursuant to the requirements of LAMC Section 12.21 A 4.

8. **Height.** The height of all buildings and structures of the subject project shall not exceed 12 feet, as defined in Section 12.21.1 of the Municipal Code and shall be in substantial compliance with the elevation plans labeled **Exhibit “B2” and dated June 2, 2010.**
9. **Landscape Buffer.** A minimum 50-foot and 5-foot wide landscaped buffer shall be provided along the street property line. The landscaped buffer shall be open to the sky with no projections into the landscaped buffer. No walls or signs shall be located within the buffer. Driveways are not permitted to cross or encroach into the buffer.
 - a. The buffer shall be planted with a variety and species of materials including, but not limited to a minimum of 3 trees, 6 shrubs, ground cover and the following:
 - i. Trees shall be a minimum 24-inch box and 9 feet high at the time of planting and may include the following species: crape myrtle variety (*Lagerstroemia indica*), Kousa Dogwood (*Cornus kousa*), Japanese Cherry (*Prunus serrulata*).
 - ii. Shrubs shall be a minimum of 5 gallon and 3 feet high at the time of planting and may include the following species: Waxed Leaf Privet (*Ligustrum japonicum*), Manzanitas (*Arctostaphylos*), Coffee Berry (*Rhamnus californica*), California Lilacs (*Ceanothus*), or similar characteristic shrub.
 - iii. Ground cover shall include a variety of drought tolerant, California native and non-native plant materials.
 - b. A walkway a minimum of 6 feet wide may be installed within the buffer for pedestrian access purposes.
10. **Landscape Plan.** The site shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the Planning Department.
11. **Development Standards.** The subject use shall be compliant with the following development standards of Section 12.21 A 18 (d) (3) through (19) of the Los Angeles Municipal Code:
 - a. The area for depositing Recyclable Materials shall be a minimum of 10 feet from all property lines, except for Reverse Vending Machines and Reverse Vending Machine Commodity Storage Bins located 24 inches or less from the exterior wall of a building; [Section 12.21 A 18 (d) (3) LAMC]
 - b. The entire site shall be enclosed by a 6-foot high concrete block or masonry wall. In addition, if the facility is located in any C, P or PB Zone, a five-foot landscaped buffer, approved by the City Planning Department as provided in Section [12.21A6\(i\)](#) of this Code, shall be maintained along all street frontages; [Section 12.21 A 18 (d) (4) LAMC]
 - c. All Recycling Receptacles shall be covered, durable, waterproof, rustproof, of incombustible construction, and of sufficient capacity to accommodate the materials collected; [Section 12.21 A 18 (d) (5) LAMC]
 - d. Except for Reverse Vending Machine Commodity Storage Bins, either the Recycling Receptacle or the enclosure is clearly identified with the operator’s name, address, telephone number, hours of operation, and a notice that no material shall be left outside the enclosure, and each Recycling Receptacle must clearly indicate the type of material to be deposited. [Section 12.21 A 18 (d) (6) LAMC]
 - e. On a daily basis the site is kept free of litter, debris, spillage, bugs, rodents, odors, and other similar undesirable hazards; [Section 12.21 A 18 (d) (7) LAMC]
 - f. Recyclable Materials, other than Recyclable Materials contained in reverse vending machine commodity storage bins, are emptied from Recycling Receptacles when full or every week, whichever occurs first; [Section 12.21 A 18 (d) (8) LAMC]
 - g. All recycled goods shall be placed or stored in Recycling Receptacles and not be left out on the site by the end of the business day; [Section 12.21 A 18 (d) (9) LAMC]

- h. Paper products and other lightweight materials shall be immediately placed into covered Recycling Receptacles when they are dropped off; [Section 12.21 A 18 (d) (10) LAMC]
 - i. All Recycling Receptacles and containers shall be kept secure from unauthorized entry to prevent scavenging and theft of recyclable materials; [Section 12.21 A 18 (d) (12) LAMC]
 - j. The area for depositing Recyclable Materials and/or enclosure shall not impair traffic flow nor diminish the required parking spaces except that up to 10 percent of the required parking spaces may be used as part of the area utilized for Recyclable Materials; provided, however, that if the area for depositing Recyclable Materials is abandoned, then the parking spaces shall be reestablished; [Section 12.21 A 18 (d) (13) LAMC]
 - k. Any activity involving baling and hand sorting of Recyclable Materials, as well as automated can conveyor/magnetic or mechanical separators, and crushers for can, glass, or plastic bottles, is conducted in compliance with Section 12.19A4(b)(1) of this Code. [Section 12.21 A 18 (d) (14) LAMC]
 - l. At least one trash receptacle shall be provided within a recycling site; [Section 12.21 A 18 (d) (15) LAMC]
 - m. The area for collection of Recyclable Materials, and all driveways, parking areas, storage areas, and loading zones shall be paved and maintained in good condition; [Section 12.21 A 18 (d) (16) LAMC]
 - n. A source of running water shall be maintained on the site; and [Section 12.21 A.18 (d) (17) LAMC]
 - o. No Recycling Center Operator shall permit loitering, camping, public begging, consumption of alcoholic beverages, use of illegal narcotics, or any other criminal activity on any premises over which he has control. [Section 12.21 A 18 (d) (18) LAMC]
 - p. An administrative fine of \$250.00 may be collected by the Department of Building and Safety pursuant to the procedures set forth in Paragraph (g) of this subdivision for any violation of the provisions of this paragraph. [Section 12.21 A 18 (d) (19) LAMC]
12. The operator shall provide drafts (checks) or vouchers in exchange for recyclable redemption only. No cash or currency shall be exchanged on the property. A "No Cash on Premises" sign shall be installed in a conspicuous location.
13. Bathroom facilities shall be made available for employees/attendants of the recycling facility at the retail building next door at 10970-74 W. Ratner Street.
14. The operator shall provide its employees with photo identification cards for employee verification to be available on demand by the Los Angeles Police Officers. The cards shall include information that officers may need to employees from distinguish loiterers.
15. **Hours of Operation.** The hours of operation shall be limited from 8:00 a.m. to 5:00 p.m. Monday through Saturday and closed on Sundays.
16. The site shall not be leased for any other use other than for the intended recycling buyback facility.
17. **Signs.** All signs shall be of an identifying nature only and shall be arranged and located so as not to be a distraction to vehicular traffic or adjacent residential areas. All standards of signage shall be in compliance with the Municipal Code unless an entitlement application to vary such standards is filed and determined. A "No Loitering"

sign shall be posted in a conspicuous location of the lease space. Further, a “No Dumping” sign shall be posted as well.

18. **Loading.** Prior to clearance of building permits, the applicant shall provide a plot plan clearly identifying the location of a loading area for the subject project. Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys and/or other public ways shall not be used for the parking or loading or unloading of vehicles. The location of said loading area shall be to the satisfaction of the Planning Department.
19. A phone number shall be provided by the applicant, for the receipt of complaints from the community regarding the subject facility, to the immediate neighbors, local neighborhood associations, and the Council Office. The property owner/operator shall designate a community liaison who shall meet with representatives or the neighborhood and/or associations, at their request, to resolve neighborhood compliance regarding the subject property.
20. **Term of Grant.** The approval of the Conditional Use Approval shall valid for a period of ten (10) years from the effective date of this grant. Prior to the expiration of the time to utilize this grant, the applicant can file a written request to extend the term of this grant for a period of up to one additional year. Thereafter, this grant shall be deemed terminated. If a building permit is obtained during the initial term of the grant or during the extension period, but subsequently expires, this determination shall expire with the building permit.
21. In order to provide for reexamination of the matter two (2) years after the operation and if the applicant/operator or owner of the land wishes to continue operation as herein authorized, an “Approval of Plans” shall be filed. Said application must be filed no later than three months prior to the initial 2 year period and said application must be made on the appropriate forms and fees paid. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-I of the LAMC, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by owner notice labels for abutting properties include the Council District, and individuals on the interested parties list related to the subject authorization. The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Approval of Plans review application. An application without such documentation shall be accompanied by a fee payment governed by Section 19.01-C of the LAMC. Further, any requested modification to the discretionary action shall also result in the increased fee. The applicant shall submit proof that at least a summary of the compliance documentation was mailed to address labels noted above which included a statement that:

“In compliance with the conditions of approval, the attached documentation is mailed to interested parties. To assist the Planning Department in determining if a public hearing shall be held, interested parties should contact the Planning Department.”

The Director of Planning (or designee) may elect to waive the public hearing if the applicant has fully complied with the conditions of approval, continued operation of the facility would not adversely impact the surrounding community, and the matter is not likely to evoke public controversy. If a public hearing is required, the Director reserves the right to either modify the conditions of approval of the Conditional Use Permit by imposing new and/or different substitute conditions or revoke the Permit if, in the

Director's opinion, its revocation is necessary for the protection of persons in the surrounding neighborhoods or occupants of adjacent properties.

22. **Safety Hazards.** The applicant shall submit a parking and driveway plan that incorporates design features that reduce accidents, to the Bureau of Engineering and the Department of Transportation for approval.

B. Environmental Conditions:

1. **Aesthetics (Surface Parking).** The proposed recycling center shall be designed in a manner similar to Re Planet facility as shown in the file.
2. **Aesthetics (Graffiti).**
 - a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash overgrown vegetation or other similar materials, pursuant to Municipal Code Section 91.8104.
 - b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.
3. **Aesthetics (Signage).** On-site signs shall be limited to the maximum allowable under the Code.
4. **Aesthetics (Light).** Outdoor lighting shall be designed and installed with shielding, so that the light source cannot be seen from adjacent residential properties.
5. **Creation of a Health Hazard.** The applicant is required to maintain appropriate vector-control to monitor for and minimize any rodent infestation.
6. **Public Services (Police General).** The plans shall incorporate the design guidelines relative to security, semi-public and private spaces, which may include but not be limited to access control to building, secured parking facilities, walls/fences with key systems, well-illuminated public and semi-public space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities or building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Please refer to Design Out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Crime Prevention Section (located at Parker Center, 150 N. Los Angeles Street, Room 818, Los Angeles, (213) 485-3134. These measures shall be approved by the Police Department prior to the issuance of building permits.

C. Administrative Conditions:

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
2. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the

County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
7. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
8. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.

FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Sun Valley – La Tuna Canyon Community Plan, updated and adopted by the City Council on August 13, 1999. The Plan designates the subject property as Community Commercial with corresponding zones of CR, C2, C4, RAS3, and RAS4. The existing zoning IS CONSISTENT with the land use designation of the General Plan as reflected in the adopted community plan.
2. **General Plan Text.** The Sun Valley – La Tuna Canyon Community Plan text includes the following relevant land use goals, objectives, policies and programs:

GOAL 2 A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.

Objective 2-1 To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Policies

2-1.1 *New commercial uses should be located primarily in existing established commercial areas or existing shopping centers.*
Program: *The Community Plan retains commercial land use designations to conform with existing commercial centers.*

2-1.2 *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and developed in accordance with design standards.*
Program: *The Plan includes an Urban Design chapter which establishes Design Standards for commercial development which addresses this policy.*

Objective 2-2 *To enhance the community identity in distinctive commercial districts.*

Policies

2-2.1 *Improve security and parking standards in commercial areas.*
Program: *The Plan includes an Urban Design component which establishes Design Standards for commercial development to implement this policy.*

2-2.3 *Require that any proposed development be designed to enhance and be compatible with adjacent development.*
Program: *Implement conformance with applicable design standards identified in the Design Guidelines of the Plan.*

Objective 2-3 *To enhance the appearance of commercial districts.*

Policies

2-3.1 *Improve the landscaping of commercial properties.*
Program: *Implementation of the Design Policies established in the Urban Design Chapter.*

2-3.3 *Require that any proposed development be designed to enhance and be compatible with adjacent development.*

Program: Implement conformance with applicable design standards identified in the Design Guidelines of the Plan. 2-3.4 Improve safety and aesthetics of parking areas in commercial areas.

Program: Design standards for parking areas established in the Design Guidelines implement this policy. 2-3.5 Require that older commercial business areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.

Program: A Community Design Overlay district (CDO) is designated for the older commercial business district in the former LANI area along Vineland Avenue and Sunland Boulevard between Strathern Street and the Golden State (Interstate 5) Freeway, and along San Fernando Road between Olinda Street and Clybourn Avenue.

The project will meet the above objective of the Sun Valley – La Tuna Canyon Community Plan by providing opportunities for support to a commercial recycling sector of the local economy in order to facilitate the redemption and recycling of aluminum, plastic and other California redeemable containers purchased from nearby retailers. Such facility also supports and is consistent with the California Beverage Container Recycling and Litter Act (SB 3056) which demands the availability of recycling centers within a one-half mile proximity to the grocery stores distributing beverages sold with redemption value.

The proposed project is located adjacent to commercial and residential uses to provide public convenience and has been properly sited with placement of its vehicular and pedestrian access from Ratner Street. Landscaping guidelines of the Sun Valley Community Design Overlay District will be implemented as a result of this application.

3. **General Plan Framework – Solid Waste.** The proposed project supports the following goals under the adopted General Plan Framework as adopted by City Council on August 8, 2001.

GOAL 9D. An integrated solid waste management system that maximizes source reduction and materials recovery and minimizes the amount of waste requiring disposal.

GOAL 9E. Adequate Recycling Facility Development - expanded siting of facilities that enhance the City's reduction, recycling and composting efforts using methods and strategies that are economically, socially, and politically acceptable.

GOAL 9F. Adequate collection, transfer and disposal of mixed solid waste - the City shall seek to ensure that all mixed solid waste that cannot be reduced, recycled or composted is collected, transferred and disposed of in a manner that minimizes adverse environmental impacts.

GOAL 9H. A cost-effective solid waste management system that emphasizes source reduction, recycling, reuse, and market development and is adequately financed to meet operational and maintenance needs.

4. **Charter Findings:** Pursuant to Section 556 of the City Charter, the subject Conditional Use is in substantial conformance with the purposes, intent and provisions of the General Plan. The Los Angeles Municipal Code permits the filing, review, and

determination of conditional use applications as outlined in Section 12.24. Provided findings of fact are made herein for the subject case action, the decision maker may act appropriately.

B. Conditional Use Findings

1. *The location of the project will be desirable to the public convenience or welfare.*

Approval of the proposed conditional use on the subject property provides an opportunity for the redemption of recyclable containers within close proximity to the existing market which distributes such beverage products. Locating such use within walking distance of the market will allow patrons wishing to participate in recycling activities to do so. Further, the convenience afforded to these patrons will support the general public welfare in supporting the recycling efforts to become a greener society. Therefore, the proposed project is desirable to the public convenience or welfare.

In the larger public sense, locating the recycling facility within one-half mile of the market is in full compliance with the California Beverage Container Recycling and Litter Act (SB 3056). Establishing the recycling buyback station will permit continued implementation of the State Senate Bill and its provisions.

Similarly, approval of this conditional permit will be consistent with the State Assembly Bill AB 939 establishing waste management in the state with the creation of the [California Integrated Waste Management Board](#) (CIWMB). The City will continue to support the expectations of AB 939 to divert solid waste goals from landfills. To help in the increase of diversion rates, each jurisdiction was required to create an Integrated Waste Management Plan that looked at recycling programs, purchasing of recycled products and waste minimization.

The City of Los Angeles is currently developing the Solid Waste Integrated Resources Plan, also known as "SWIRP". This plan seeks input from stakeholders representing a broad section of the community, from diverse cultural backgrounds and income levels, and will result in the development and implementation of a 20 year master plan for the City's solid waste and recycling programs. SWIRP will outline the City's objectives to provide sustainability, resource conservation, source reduction, recycling, renewable energy, maximum material recovery, public health and environmental protection for solid waste management planning through 2030 — leading Los Angeles towards being a "zero waste" city. Achieving zero waste will require radical changes in three areas: product creation (manufacturing and packaging), product use (use of sustainable, recycled and recyclable products), and product disposal (resource recovery or landfilling). Change in these areas will impact how we live, work and interact with the environment. Stakeholders will be instrumental in guiding this visionary twenty year solid waste management plan."

2. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The subject property is a flat rectangular shaped lot and has 8,750 square feet of area. The entire parcel owned in common is composed of 57,499 square feet of area. The property is zoned [Q]C2-1L-CDO and is designated Community Commercial by the Community Plan. The site is developed with a restaurant and separate retail building. The proposed recycling facility will be 102 feet from the property line shared with an R3-1 zoned property that is developed with an apartment building. A kiosk and 2 containers will be positioned on the eastern end of the parcel against the southwest side of the

existing retail building. Further south is a surface parking area with a Denny's restaurant beyond that are also owned in common. The proposal meets all standards of the LAMC with exception of the 1,000 foot distance to other zones and uses; and 1,000 square foot area. Additionally, conditions of approval will assure the project's operation with sensitivity with the neighboring community.

3. *The proposed project will not be materially detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

The proposed use is compatible with the adjacent multiple family neighborhood. The site will be a distance of 102 feet from the residential properties. The improvements are designed to enhance and be compatible with the adjacent and surrounding neighborhood. Furthermore, the proposed project will meet all applicable provisions of the Los Angeles Municipal Code, with the exception of the aforementioned distance requirement, discussed herein, and is consistent with the general purpose and intent of the zoning regulations.

Specifically, the location of the facility will be on the northeasterly portion of the subject property (See Plot Plan Exhibit B1). Physically, the proposed 12 feet high kiosk and 2 containers will cover an approximate 500 square-foot area. The entire fenced area including a customer waiting area, and storage area will occupy nearly 3,000 square feet of area. Approximately 16 tandem parking spaces will be removed as a result. These are non-required spaces (for any use) that represent surplus parking. The facility will be 102 feet from the multiple-family residential property line. A trash area and water source is located will be proposed on the east side east of the facility. A 6 foot high fence will provide security for the project.

The applicant has designed the facility to have the utmost function and minimal impact to the existing parking layout. Such arrangement will also provide as much visibility to the rear of the lot as possible for community safety purposes.

The conditional use category under Section 12.24 U 22 (a) requires compliance with performance standards of Section 12.21 A.18 (d). If any of these standards will be non-compliant, the applicant must apply for the instant Conditional Use Permit as well. The subject case request reflects this in that the project does not comply with the following code performance standards:

- (3) *The lot upon which the Recycling Collection or Buyback Center is lot is not within 1,000 feet of any A, R, C, P, PB, MR, or M1 Zone or use;*
- (4) *The area for depositing Recyclable Materials does not exceed a total of 1,000 square feet;*

Per the Conditional Use category, the Commission has the ability to modify these requirements. In staff's review, all other conditions of LAMC Section 12.21 A.18 (d) may be satisfied, except for those above. This section was added by Ord. No. 171,687, and became effective on August 19, 1997. The project, even if located at the extremities of the site would still encroach within 1000 feet of the R3-1 zone. Secondly, the applicant would need more than 1000 square feet of floor area to operate effectively and efficiently. The spatial needs for the customer waiting area as well as the trash/shopping cart storage area is necessary and key to the design of this use. This space will keep waiting customers off of the public streets and sidewalks. Design/layout of the facility must preserve existing parking spaces and provide recycling containers to be picked up by trucks. The rear gate must be free of parked cars to effectively operate. Moreover,

the conditional use shall be issued for the entire ownership of the property and not only the 50' x 175' lot due to the interconnecting parking facilities, vehicular access, and bathroom facilities required within the staff recommendation.

Several social, security, and safety concerns were expressed during the public hearing. In an effort to address these issues, several conditions of approval have been recommended to thwart such negative aspects associated with recycling facilities. In addition to those standard conditions and development standards of the Code, the hours of operation is limited from 8 am to 5 pm Monday through Saturday and closed Sundays. Moreover, Reverse Vending Machines shall be permitted along with the weighing of recyclables to be calculated for redemption. Reverse vending machines alone will likely cause long waits and therefore, spawns loitering. The applicant is also conditioned to provide security cameras, No Loitering signage, No Dumping signs, Complaint Hotline phone number sign, and identification cards for employees (for police department use). Redemption of recyclables shall be provided with drafts (checks) or vouchers in place of currency in order to thwart robbery. Finally, bathrooms for employees shall be provided at the adjacent retail space next door.

Further, ensuring that the proposed project not be materially detrimental to the character of the development in the immediate neighborhood, entitlement conditions regulating the use and development have been imposed, within the subject property. Reasonable conditions of Section 12.21 A 18 (d) have been incorporated in the conditions of approval to assure Code compliance is achieved as much as possible in consideration of the existing non-conforming status of the shopping center. Therefore, the project as conditioned will be in harmony with the General Plan and it implementing Planning and Zoning Code.

C. CEQA Findings

A Mitigated Negative Declaration (ENV-2008-3430-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

PUBLIC HEARING AND COMMUNICATIONS

The public hearing was held on May 10, 2010. There were 8 people in attendance. The applicant and his representative, residents, and a representative of Council District 6 spoke on the case.

The applicant's representative described the project and the operational aspects of such recycling buyback centers. Typically they may be a positive experience if the operators are good neighbors and a challenge otherwise. He proposed mitigating conditions of operation including limited hours, fences, adequate parking, enclosed containers, etc... The use will encourage recycling in the area. The "Payless Market" across the street, which dispenses beverages with recyclable containers, is within convenient proximity to the proposed project. The applicant will maintain the project and will be a good neighbor. Further, he notes that the project will provide security cameras, no trespassing or loitering signage, ID papers for employees, No Dumping signs, dumpster for trash, for items in excess of \$50: vouchers in place of currency – to be exchanged at Chase Bank, Landscaping, and bathrooms at the retail bank building next door.

The applicant's representative submitted 51 form letters of support that were signed by multiple individuals without addresses to identify their residence or affiliation. The letters indicate that the signers are stakeholders in the community; they support the project and feel that the project would benefit the community and environment. Due to the lack of information of each signer, the hearing officer cannot corroborate the letters' validity.

Three affiliates of the applicant indicated their support of the project and expressed that use be an asset to the neighborhood. The kiosk will resemble a building. They noted that the apartment building owners to the rear support the recycling business as a way of cleaning up the street. They acknowledged that the Sun Valley Park is known for loitering.

A member of the public noted the following general comments:

- Pest control
- Security cameras should be installed.
- Aesthetics and Keeping the site clean
- Control of Homeless persons
- Crime generated as a result of the recycling use
- Illegal dumping of large items (furniture and appliances)

A representative of the Los Angeles Police Department made several general comments including the following:

- If managed correctly, the business could be good for the community. If not, the use could spawn several problems including loitering, drinking on premises, etc...
- Employees could be fearful of asking people to leave.
- Screens could hide illegal activities.
- Officers have witnessed individuals rushing through traffic to arrive at such redemption facilities prior to closing time, to only cause traffic dangers.
- Crime and robbery result from perpetrators thinking there is money to be had on the site.
- Illegal dumping of trash and other large items (i.e. furniture and appliances).
- Vandalism to cars and neighboring properties.
- Abandoned shopping carts.

One letter of opposition was received from a resident that cited the following impacts:

- The use will attract and supply revenue to homeless persons known to frequent the Sun Valley Recreational Center, one block north of the site. These individuals will hunt through adjacent neighborhoods and commercial dumpsters for recyclables to redeem. Such persons will cause petty theft for neighboring properties.
- The project operator will not have control of the customers who redeem recyclables.
- Homeless persons will deprive the City of Los Angeles profits from recyclable materials.
- Drought tolerant plants such as the *Texas Privet* should create a 10-foot wide landscape buffer at the street to screen the proposed recycling facility's unsightly containers. Landscaping should be low enough for police to view the site. "Smart irrigation" should be installed to moderate water use.
- Hours of operation should be consistent with the Post Office across the street as a way of monitoring activities on the subject site.
- He is also concerned that this parcel may become a gathering place for loitering on weekends.

A representative of Council District No. 6 indicated that their opposition towards the request noting the following:

- Proximity of the liquor store to the site will cause negative effects.
- Other problematic recycling venues such as at Sylmar/Vanowen will be duplicated here.
- Transient population will create crime in the area and businesses will respond by erecting protective measures such as unsightly barbed wire.
- The project's proximity to the park should be taken into consideration, as it is a sensitive use.
- There is a network of alleys that provide pedestrian access for crime activity.
- Urban design must be considered for the area.

The hearing officer noted that he will allow an additional week of time for testimony involving "new issues" only. Additionally, he requested that the applicant or his representative submit a revised plot plan that will be in accordance with the Sun Valley CDO Design Guidelines. The guidelines require a certain prototype of recycling kiosk similar to the "Replanet" model.