



# MINUTES

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## CITY OF HUNTINGTON PARK PLANNING COMMISSION

**Regular Meeting**  
**Wednesday, September 18, 2013**  
**6:30 p.m.**

Chairperson Herrera called the meeting to order at 6:33 p.m. Present: Commissioners Eddie Carvajal, Juan Anaya, Eddie Benitez, and Chairperson Laura Herrera; Absent: Commissioner Veronica Lopez (declared excused by Chairperson Herrera). Also present: Senior Planner Albert Fontanez, Assistant Planner Juan Arauz, City Attorney Joseph Larsen, and Recording Secretary Genny Ochoa.

### **Approval of Minutes**

Motion by Commissioner Benitez, seconded by Vice Chair Anaya, to approve the minutes of the regular meeting held on August 21, 2013, as presented. The motion carried as follows: Ayes: Vice Chair Anaya, Commissioner Benitez, and Chairperson Herrera; Noes: None; Absent: Commissioner Lopez; Abstain: Commissioner Carvajal.

### **Public Appearances**

None.

### **Continued Public Hearings**

None.

### **Public Hearings**

A. CASE NO. 2013-10 CUP – CONDITIONAL USE PERMIT: Request by Francis J. Anguiano for approval of a Conditional Use Permit to establish a large recycling collection facility at 2020 Laura Avenue in the Manufacturing Planned Development (MPD) Zone.

Assistant Planner Juan Arauz reviewed staff's Administrative Report, which included the Administrative Analysis and Recommendations. Mr. Arauz stated that the subject site is currently a vacant lot used for parking and that the applicant proposes to build a new building which will house three portable metal containers. Mr. Arauz added that the applicant will collect aluminum, scrap metal, plastic, and glass, which will be emptied on an as-needed basis and shipped for processing and baling. Mr. Arauz stated that the existing truck storage and maintenance business located on the adjacent parcel to the west will continue to operate and that the applicant will construct a new 6-foot-high block wall to separate the two parcels. Mr. Arauz further stated that access to and from both parcels would be through a 22-foot metal gate. Mr. Arauz added that the proposed use requires five parking spaces, and that the applicant will provide 16 — a surplus of 11 parking spaces. Mr. Arauz stated that improvements to the site included

the removal of four driveway aprons, new planters, and decorative trash receptacles. Mr. Arauz added that staff also conditioned that all noise generated from the recycling operation shall not be audible from 50 feet of the site, or not exceed 60 dBA as measured from the property line.

Mr. Arauz stated that the proposed project, as conditioned, met all the development standards and findings for a Conditional Use Permit and that staff recommended approval of Case No. 2013-10 CUP.

Commissioner Carvajal asked if there had been any issues at the subject location in the past. Mr. Arauz responded that there were no known reported issues. Senior Planner Fontanez added that no incidental traffic generated by the proposed use was anticipated and that the nearest residential properties were about three to four blocks south of the subject site.

Chairperson Herrera declared the public hearing open and called for anyone wishing to speak for or against Case No. 2013-10 CUP. Mr. William Spencer (71946 Eleanor Ln., Rancho Mirage, CA 92270), applicant's architect, came forward to speak in favor of Case No. 2013-10 CUP. Mr. Spencer stated that the applicant had 20 years of experience in the recycling industry and knew how to operate his business in a professional manner. Mr. Spencer stated he would answer questions the Commission might have.

Mr. Manny Hernandez, business operator of LA Recycling (2100 E. Slauson Ave., Huntington Park), came forward to speak against Case No. 2013-10 CUP. Mr. Hernandez stated that he did not feel that it was "right" to allow a recycling operation so close (in distance) to his business. Mr. Hernandez stated that he had "fought" for a year and a half to open his business after the moratorium on recycling operations in the City had been lifted and that it was not fair to make it "easy" for the applicant to come in and establish a new recycling business, specifically at that location. Mr. Hernandez stated it was not right that the new business be permitted to buy/sell metal when his business was not entitled for metal recycling. Mr. Hernandez stated that he opposed the proposed recycling facility at the subject site.

Senior Planner Fontanez stated that there were no distance requirements between recycling facilities within the City's zoning regulations.

Ms. Joanna Anguiano, representing the project applicant, came forward to speak in favor of Case No. 2013-10 CUP. Ms. Joanna addressed Mr. Hernandez and stated that although they may be competing businesses, they could possibly work together to mutually benefit their respective businesses and have fair competition.

Ms. Lorie Sanchez (2100 E. Slauson Ave., Huntington Park), employee of Mr. Manny Hernandez, LA Recycling, came forward to speak against Case No. 2013-10 CUP. Ms. Sanchez stated that it took Mr. Hernandez a "long time" to start his business and that she believed that it would not be "healthy competition." Ms. Sanchez stated that it was not right to establish the proposed recycling business at the subject site.

Commissioner Benitez stated that the Commission's role was to determine if the proposed use was conforming with the City's land use and zoning regulations and did not consider issues related to business competition.

Chairperson Herrera added that when Mr. Hernandez initiated the process for his Conditional Use Permit, there was a moratorium on recycling facilities in place and that now that the moratorium was lifted, the Commission would make its decision based on current laws. Ms. Herrera stated that the Commission did not have the "say so" on matters related to competition between businesses.

Ms. Lucy Enriquez addressed City Attorney Larsen and asked if there was a law to protect a business from competing businesses and if a moratorium on recycling uses could be reestablished to protect the existing recycling facility business from bigger corporations coming in to compete with it. Mr. Larsen responded that there was no law that could preclude the applicant from building a recycling facility at the subject site.

Chairperson Herrera called for anyone else wishing to speak for or against Case No. 2013-10 CUP. Hearing no one, the public hearing was closed.

Senior Planner Fontanez reported that cities normally place distance requirements between "sensitive receptors" to preclude additional uses in close proximity to similar uses. Mr. Fontanez added that since the expiration of the moratorium, staff has received many inquiries from prospective businesses wishing to establish recycling facilities in the City and that the Commission might want to explore establishing "sensitive receptors" standards for recycling uses in the future to prevent the proliferation of the use in the City.

Motion by Vice Chair Anaya, seconded by Commissioner Carvajal, to APPROVE CASE NO. 2013-10 CUP AND ADOPT RESOLUTION NO. 2013-10 granting a Conditional Use Permit at 2020 Laura Avenue, subject to the Condition Nos. 1-46 as outlined in staff's report. The motion carried as follows: Ayes: Commissioners Carvajal, Anaya, Benitez, and Chairperson Herrera; Noes: None; Absent: Commissioner Lopez.

Senior Planner Fontanez announced that the Commission's decision may be appealed with the City Clerk's office within 15 calendar days.

**B. CASE NO. 2013-12 CUP – CONDITIONAL USE PERMIT:** Request by Ace Recycling for approval of a Conditional Use Permit to allow the expansion and operation of an existing metal recycling collection and processing facility at 6069-6105 Maywood Avenue, within the Manufacturing Planned Development (MPD) Zone and the adoption of an associated Mitigated Negative Declaration under the California Environmental Quality Act (CEQA).

Senior Planner Albert Fontanez reviewed staff's Administrative Report, which included the Administrative Analysis and Recommendations. Mr. Fontanez stated that the subject site is made up of two separate parcels which the applicant (Ace Recycling) would be required to consolidate through a Lot Line Adjustment if the Conditional Use Permit (CUP) entitlement is granted. Mr. Fontanez stated that Ace Recycling had

recently acquired Parcel 1 to expand and provide additional area to its current recycling facility. Mr. Fontanez added that the parcel was developed with a single-story metal building that will be demolished and replaced with two new metal buildings. Mr. Fontanez stated that Parcel 2 is developed with three separate buildings and will continue with the operation of the existing recycling facility. Mr. Fontanez added that Ace Recycling has operated the recycling facility in compliance with existing Conditional Use Permit No. 1870. Mr. Fontanez stated that the proposed project was not Categorically Exempt under the CEQA and that a Mitigated Negative Declaration (MND) was prepared to mitigate any potential impacts resulting from the operation. Mr. Fontanez stated that the environmental consultant was present to answer questions.

Mr. Fontanez displayed a PowerPoint presentation and stated that the subject site is located in an industrial-zoned area with commercial- and residential-zoned properties to the east along Maywood Avenue, and railroad right-of-way to the west. Mr. Fontanez reported that Parcel 1 has been vacant for about six months and that Ace Recycling proposed to continue to collect only ferrous metals in bulk which will be processed for transporting overseas. Mr. Fontanez stated that on-site improvements included an 8-foot split face block wall along the front property line which will mitigate visual and noise impacts, as well as enhancement of the parking area by providing 50 parking spaces in addition to nine commercial vehicle parking spaces. Mr. Fontanez added that staff had incorporated several conditions of approval within the project as recommended by the Code Enforcement and Building Divisions in order to mitigate potential impacts that would be of concern to neighboring properties. Mr. Fontanez further added that the Police Department had conditioned that noise emanating from the premises shall not exceed 60dBA or not be audible 50 feet from the property line.

Mr. Fontanez stated that the proposed project would be a great improvement to the current condition of the subject site and that based on the applicant's current recycling operation, staff recommended the approval of Case No. 2013-12 CUP as conditioned.

Commissioner Benitez asked if any citations, crimes or complaints have been reported in connection with the current recycling operation. Mr. Fontanez responded that he was not aware of Ace Recycling receiving any violations in connection with the recycling operation.

Commissioner Carvajal inquired regarding the hours of operation. Mr. Fontanez reported that the recycling operation would be Monday through Saturday, 8 a.m. to 5 p.m. Construction hours will be 7 a.m. through 7 p.m.

Chairperson Herrera declared the public hearing open and called for anyone wishing to speak for or against Case No. 2013-12 CUP. Mr. Paul Kim (Cal-City Construction, Inc., 16605 Norwalk Blvd., Cerritos, CA 90703, [562] 404-4820), project architect, came forward to speak in favor of Case No. 2013-12 CUP and stated that Ace Recycling would comply with the requirements as stipulated by staff.

The following individuals came forward to speak against Case No. 2013-12 CUP:

1) Lucy Enriquez (3617 E. 61<sup>st</sup> St., Huntington Park): Ms. Enriquez stated that the recycling operation i) generated excessive noise; ii) created uncontrollable dust and pollutants; iii) made her house shake (earth vibrations), and iv) disturbed the peace. Ms. Enriquez expressed concern for the children residing in the nearby residential area and who attend Loma Vista (Avenue) Elementary School. In response to Commissioner Benitez's inquiries, Ms. Enriquez stated that she had not reported her complaints to the health or police department or any other entity out of "respect for free enterprise," however, if she needed to, she would start "right away."

2) Edilia Ruiz (3538 61<sup>st</sup> St., Huntington Park): Ms. Ruiz stated that she was a local school volunteer, and that there are two schools close to the subject site. Ms. Ruiz expressed the followings concerns: i) there were children with asthma that are affected by the excessive dust generated by the recycling operation; ii) cars wait in line in the early morning to enter the subject site creating excessive traffic in the area; and iii) there is excessive contamination resulting from recycled materials such as refrigerators and microwave ovens. Ms. Ruiz stated that she belongs to a group of residents that is trying to have the business move out of the area and expressed her strong opposition to the proposed project.

3) George Franco (3505 61<sup>st</sup> Pl., Huntington Park): Mr. Franco's concerns were i) excessive noise; ii) excessive dust; iii) increased traffic on Maywood Avenue where trucks line up at 7 a.m. to enter business. Mr. Franco stated that Maywood Avenue is a very narrow street with no street parking on the "right side" of the street.

4) Alejandro Baez (3511 E. 61<sup>st</sup> Pl., Huntington Park): Mr. Baez stated that the recycling operation created earth vibrations to the surrounding properties and the continued operation would destroy (their) neighborhood. Mr. Baez stated that area residents did not want the recycling operation at the location and requested that City officials listen to and consider the residents' concerns.

5) Hipolito Serrano (3633 E. 60<sup>th</sup> Pl., Huntington Park): Mr. Serrano expressed concern for the excessive contaminants and dust generated by the recycling operation. Mr. Serrano state he suffered from daily headaches and requested that the Commissioners consider the concerns of the residents.

Mr. Phil Martin (Phil Martin & Associates), environmental consultant, stated that mitigation measures were incorporated in the MND and in the Conditions of Approval of the CUP. Mr. Martin addressed the issues presented by the residents:

- i) Noise: The MND determined that noise levels would not be perceived by the average person with the implementation of the recommended mitigation measures.
- ii) Air emissions: The thresholds in the MND air emissions study were not exceeded. Mitigation measures to reduce dust during construction would include frequent watering of exposed surfaces; apply "soil binders" to the surface to adhere to pavement. Thresholds were not exceeded; the project would not be a health hazard to children.

- iii) Earth vibrations: The study did not identify any impacts associated with the project related to earth vibrations. Mr. Martin stated that there had to be identification of the impacts from the recycling operation in order to implement mitigation measures for existing vibrations.
- iv) Traffic: It is anticipated that the proposed project will not increase traffic in the area since the operation would not increase.

Chairperson Herrera encouraged applicant representatives to respond to the residents' comments.

Mr. Steven Ko (Ace Recycling, 6069 Maywood Ave., Huntington Park), General Manager, stated that Ace Recycling had been in operation for the past two years and that he had not heard of any complaints until now. Mr. Ko stated that (they) take classes to learn the best methods of operation for the recycling facility.

Mr. Paul Kim readdressed the Commission and stated that he was not aware of the residents' concerns. Mr. Kim stated that the noise levels would not increase with the proposed expansion of the recycling facility.

A discussion was held. City Attorney Larsen explained that the Commission would have to approve both the MND and CUP. Mr. Larsen stated that a CUP allows a business operation with conditions imposed by the Planning Commission and that it can be revoked by the Planning Commission if it is found that the operation is not in compliance with the Conditions of Approval.

With no one else coming forward to speak on Case No. 2013-12 CUP, Chairperson Herrera declared the public hearing closed.

Chairperson Herrera stated that she was very "sympathetic of the Freedom Park area"; however, there was no log of the conditions reported by the residents and that she needed to base her decision on what was presented to the Commission. Ms. Herrera suggested to the residents that they log their concerns in the future so that they can be presented to the Commission. Ultimately, if the business does not comply with the Conditions of Approval, the City may potentially revoke the CUP.

Commissioner Benitez reminded those in the audience that if "problems" associated with the recycling facility persisted, they could take action as a community and report their concerns.

The Commission concurred to modify the Conditions of Approval by adding the following conditions:

1. Continue monitoring dust, vibration, noise;
2. Conduct staff site inspections every six months;
3. Installation of mirrors at entry/exit locations; and
4. Check into "soil binders" for dust reduction.

Motion by Commissioner Carvajal, seconded by Commissioner Benitez, to ADOPT THE MITIGATED NEGATIVE DECLARATION ASSOCIATED WITH THE PROPOSED PROJECT, APPROVE CASE NO. 2013-12 CUP, AND ADOPT RESOLUTION NO. 2013-12, granting a Conditional Use Permit at 6069-6105 Maywood Avenue, subject to the Conditions of Approval as modified. The motion carried as follows: Ayes: Commissioners Carvajal, Anaya, Benitez, and Chairperson Herrera; Noes: None; Absent: Commissioner Lopez.

Senior Planner Fontanez announced that the Commission's decision may be appealed with the City Clerk's office within 15 calendar days.

**New Business**

None.

**Information Items**

None.

**Staff Comments**

None.

**Planning Commission Comments**

None.

**Adjournment**

There being no further business, Chairperson Herrera adjourned the meeting at 8:14 p.m.

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Laura Herrera, Chairperson

ATTEST:

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Albert G. Fontanez, Secretary