

**Department of Regional Planning
Department Statement**

Board of Supervisors Meeting: August 13, 2024

Hearing on the appeal of Project No. PRJ2021-001849-(1), Conditional Use Permit No. RPPL2021004983, to authorize the continued use, operation, and maintenance of an existing recycling and trash transfer station on a 1.26-acre parcel located at 1512 North Bonnie Beach Place in the M-2 (Heavy Manufacturing) Zone within the Metro Planning Area. (Appeal from the Regional Planning Commission's denial of the Project.)

This agenda item is an appeal of the Regional Planning Commission's (Commission) decision to deny a Conditional Use Permit (CUP) authorizing the continued use, operation, and maintenance of an existing recycling and trash transfer station (Project) located at 1512 North Bonnie Beach Place in the unincorporated community of East Los Angeles (Project Site). The Commission unanimously denied the CUP on February 28, 2024. The Project applicant's attorney, Thomas Bruen, timely appealed the Project's denial on March 11, 2024.

The Commission denied the CUP because the recycling and trash transfer station generates multiple adverse impacts to the surrounding residences and businesses related to odors, noise, traffic, and neighborhood aesthetic qualities. The Project is inconsistent with multiple General Plan and East Los Angeles Community Plan (Community Plan) Goals and Policies related to Environmental Justice, Land Use Compatibility, Noise, and Community Health, Safety, and General Welfare.

The Project is located across the street from residential land uses on North Bonnie Beach Place with no effective physical barrier to create a buffer. There are 72 residential dwelling units within a 500-foot radius of the Project Site, plus five residential dwelling units just outside the 500-foot radius near the northwest corner of Herbert Avenue and Medford Street, for a total of 77 dwelling units. The Project Site is 1.26 acres in size, which is small when compared to other similar facilities Countywide. This small lot size precludes the Project from being adequately separated and buffered from surrounding land uses, whereas larger lot sizes allow for greater separation and buffering between the similar facilities and their adjacent land uses. Additionally, all inbound and outbound trucks must travel on local streets that primarily serve residential land uses to access the Project Site.

The Commission determined that physical and/or operational measures cannot be incorporated into the CUP's conditions of approval to effectively address and mitigate the multiple adverse

impacts to the surrounding residences and businesses related to odors, noise, traffic, and neighborhood aesthetic qualities because they are intrinsic to the operation of the recycling and trash transfer station at this location. There are no land use buffers, such as a freeway, a major or secondary highway, a body of water, a park, or other infrastructure to effectively buffer the Project from surrounding sensitive land uses, including adjacent residential land uses. Instead, the Project Site's only buffers are local streets (Bonnie Beach Place, Whiteside Street, and Knowles Avenue) that are only 50-to-60-feet wide.

The Project is not consistent with the General Plan's Goals and Policies in the context of Environmental Justice, as identified in [Chapter 3: Guiding Principles](#). The description of Environmental Justice following Guiding Principle 5 in Chapter 3 mentions the need to identify communities that disproportionately bear a burden from stationary sources of pollution due to incompatible land uses and to better regulate incompatible land uses. Census Tract No. 5307, where the Project Site is located, consists of 94.9% people of color. 91.2% of these people of color identified as Hispanic or Latino. Census Tract No. 5307 is in the 99th percentile of the CalEnviroScreen pollution burden score and is in the 98th percentile of the CalEnviroScreen overall score pursuant to the County's Equity Indicators Report. The 99th percentile of the CalEnviroScreen pollution burden score and the 98th percentile of the CalEnviroScreen overall score represent the most egregious levels of exposure to ozone concentrations in the air, particulate matter concentrations in the air, diesel particulate matter emissions, toxic releases from facilities, traffic, drinking water contaminants, and lead exposure in homes when compared to all 8,035 census tracts statewide. This demonstrates that the broader surrounding community disproportionately bears a burden from stationary sources of pollution due to incompatible land uses. The Project, due to its operations and proximity to residential land uses, significantly contributes to this disproportionate impact.

The Project is not consistent with the following General Plan Land Use Element Goals and Policies:

Goal LU 7: Compatible land uses that complement neighborhood character and the natural environment.

Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers, appropriate technology, building enclosure, and other design techniques.

Goal LU 9: Land use patterns and community infrastructure that promote health and wellness.

Policy LU 9.1: Promote community health for all neighborhoods.

Policy LU 9.4: Encourage patterns of development that protect the health of sensitive receptors.

The Project is not compatible with surrounding residential land uses, does not promote community health, and does not protect the health of sensitive receptors. A sensitive receptor is a resident, student, or business employee spending time within 500 feet from the Project Site. There are no adequate or meaningful physical buffers, such as a park, a body of water, or other industrial buildings, to effectively reduce impacts. Therefore, the recycling and trash transfer facility does not protect the health of sensitive receptors because the Project has resulted in multiple adverse impacts related to odors, noise, traffic, and neighborhood aesthetic qualities.

The Project is not consistent with the following General Plan Noise Element Goal and Policies:

Goal N 1: The reduction of excessive noise impacts

Policy N 1.1: Utilize land uses to buffer noise-sensitive uses from sources of adverse noise impacts.

Policy N 1.2: Reduce exposure to noise impacts by promoting land use compatibility.

Policy N 1.10: Orient residential units away from major noise sources (in conjunction with applicable building codes).

Policy N 1.11: Maximize buffer distances and design and orient sensitive receptor structures (hospitals, residential, etc.) to prevent noise and vibration transfer from commercial/light industrial uses.

Residents and business employees expressed that noise from the rumbling, tipping, engine revving, and beeping of trucks entering and exiting the recycling and trash transfer station occurs throughout every day that the facility operates, Monday through Saturday, causing a nuisance to surrounding residents and businesses. Noise is an intrusion into the daily life of residents and businesses adjacent to the recycling and trash transfer station. Noise can be a source of emotional strain and frustration when the noise is constant and beyond a person's control, as is the case with the recycling and trash transfer station.

Additionally, the Project is not consistent with the following Community Plan Goals and Policies related to Physical Environment, Land Use, and Noise:

To protect the community health, safety, and general welfare.

To encourage high standards of development and improve aesthetic qualities of the community.

Encourage the elimination of industrial uses in residential neighborhoods.

Reduce the overall noise level in the community, especially where noise sensitive uses are affected.

The Commission determined that the Project qualified for a statutory exemption (Projects Which Are Disapproved) from the California Environmental Quality Act (CEQA) in accordance with Public Resources Code section 21000, et seq., State CEQA Guidelines section 15270, and the Environmental Document Reporting Procedures and Guidelines for the County, because Staff recommended denial of the CUP.

Staff recommends that the Board of Supervisors deny the appeal and uphold the Commission's denial of the CUP.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Amy Bodek', with a long horizontal flourish extending to the right.

AMY J. BODEK, AICP
Director of Regional Planning

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