

#6

Subj: **Council File # 10-0842 / Zoning Case #ZA 2009-3619 ZV-A2 - Community Impact Statement from San Fernando Valley Greens re: Truck Driving School**
 Date: 6/14/2010 10:28:02 P.M. Pacific Daylight Time
 From: myklmcq@aol.com
 To: amazgrey@aol.com, generalmar@aol.com, Ljhornick2003@aol.com
 CC: councilmember.reyes@lacity.org, councilmember.huizar@lacity.org, Councilmember.Krekorian@lacity.org

To the City of L.A. Planning & Land Use Committee and City Council Members the Honorable Mssrs. Reyes, Huizar and Krekorian,

The San Fernando Valley Greens have formed unanimous consensus on the following Community Impact Statement (CIS) re: the proposed Truck Driving School...

"The San Fernando Valley Greens, the local chapter of Green Party-registered voters in the San Fernando Valley, oppose the zoning variance granted by the Zoning Administration that will allow a Truck Driving School (industrial use) to operate on top of Lopez Canyon Landfill which is currently zoned 'OS' - Open Space.

"The San Fernando Valley Greens oppose setting a precedent that designates any Open Space for privatized or industrial use, which has immense potential for future abuse of scarce, protected, public lands zoned 'OS.'

"By unanimous consensus, we support the appeal to the zoning variance filed by the Community Alliance for Open Space."

Signed by the Facilitators of the San Fernando Valley Greens,

Charles Crittenden
 Robin Gilbert
 Eugene Hernandez
 Jan Holle
 Bob Johnson
 John Lincoln III
 Michael McCue

Date: 6/15/10
 Submitted in PLUM Committee
 Council File No: 10-0842
 Item No.: 6
 Deputy: submitted by Public

In your service,

Michael McCue
 SFV Green Party Liaison for the City of Los Angeles
 Board Member-Elect, Studio City Neighborhood Council

818-762-4595

PS-

Attn: Nancy Woodruff, we authorize you to file this statement with the L.A. City Clerk and whomever else you see fit to notify of our organization's position on this important matter. Further, you are hereby authorized to notify the committee that the zoning variance granted is in conflict with our party's Key Values of *Ecological Wisdom, Grassroots Democracy, Accountability, and Future Focus & Sustainability*...which is why we support your group's appeal of the variance.

Because I am preparing for a national press conference/meeting of the Green Party in Michigan, I may not be able to present this statement in person at the PLUM meeting on Tuesday as we discussed at the VANC meeting, but I will strive to be there if possible. You are authorized to read it in my stead if I am not able to attend.

7/6

Council File # 10-0842

Nancy Woodruff, 10550 La Tuna Cyn. Rd., Sun Valley, Ca

I am the Corresponding Secretary for Foothill Trails District Neighborhood Council which represents the densely populated single family residents immediately to the south and west of the landfill. Over the last 2 years, hundreds of neighbors, dozens of Neighborhood Councils, Community and Homeowners Associations, the entire County Board of Supervisors and a State Representative have written letters against the placing of a truck driving school on top of Lopez Canyon Landfill for a variety of legitimate reasons.

The City Council passed unanimously both in 1996, (95-0850) and 2007 (07-1660) motions to zone the Landfill Open Space. In a January 11, 2008 motion, Councilman Alarcon called for a Truck Driving Academy without any public outreach, unlike when, in 2003, the neighbors were consulted and reluctantly agreed to a temporary mulching project as an environmentally appropriate activity during closing. The mulching has increased exponentially due to transfers from other facilities due to residential complaints at those facilities.

2 years ago, February 2008 (07-2220) this same Committee ruled in favor of an appeal of another, similar variance, involving the closure use of a land fill nearby in Sun Valley.

The Municipal Code clearly states that *convenience* is not an acceptable reason for granting a zone variance, but that is exactly what this case is about.

#6

SUNLAND-TUJUNGA ALLIANCE, INC.

June 15, 2010

PUBLIC HEARING - Planning and Land Use Management Committee of the Los Angeles City Council
Public Comments RE: Lopez Canyon Truck Driving Academy
Council File No. 10-0842

I am Joe Barrett, and I am the director of the Sunland-Tujunga Alliance. The Sunland-Tujunga Alliance is a non-profit, grassroots group of volunteers whose focus is land use and planning issues in the Sunland Tujunga – Lake View Terrace – Shadow Hills – East La Tuna Canyon Community Plan area.

The Sunland-Tujunga Alliance supports the appeal filed by the Community Alliance for Open Space, and strongly opposes the granting of a Use Variance for a truck driving school located at 11950 Lopez Canyon Road.

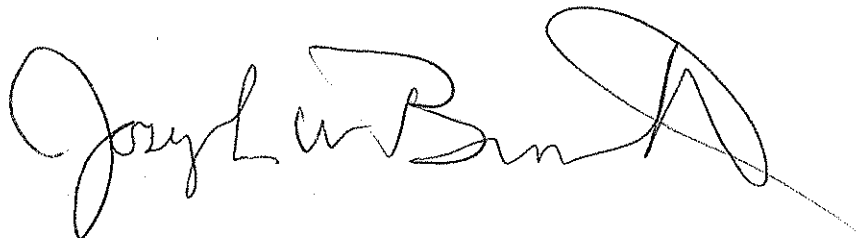
A terrible and dangerous precedent will be set if the PLUM Committee denies this appeal. The approval of a Use Variance threatens Open Space Zoning throughout the City, if not the State. Commercial and industrial uses are not allowed by-right in Open Space Zoned land.

The creation of jobs is not a convincing reason for shredding the Open Space designation.

Councilmember Alarcon has not yet made much effort to research alternative locations for his project. Instead, he has recklessly worked to force an illegitimate use of Open Space Zoning onto this rural neighborhood, and has even gone as far as to insult community members by labeling them "selfish".

We strongly urge the Committee to overrule the Zoning Administrator's decision, support the appeal, and not allow this ill conceived project to proceed. Instead, we hope you will encourage Councilmember Alarcon to work with the community to find a commercially zoned location for the trucking academy.

Thank you for your careful consideration of our concerns.

A handwritten signature in black ink, appearing to read "Joe Barrett", with a large, stylized flourish at the end.

PUBLIC COMMENT – Planning and Land Use Management Committee**DATE:** June 15, 2010**AGENDA ITEM#:** 6**SUBJECT:** CAFOS Appeal of Lopez Canyon Zone Variance**COUNCIL FILE #:** 10-0842**ZONING CASE #:** ZA-2009-3619-ZV-1A**SUBMITTED BY:** Linda Joyce Hornick, 12175 Mercer Street, Lake View Terrace, CA 91342

A tour of the former Lopez Canyon Landfill at the June 2, 2010 Lopez Canyon Restoration meeting convinced me of two things:

1. The Lopez Landfill's closure process is being prolonged unnecessarily and the mulching project is misrepresented - to the detriment of the community, and endangering the Rim of the Valley Corridor in the Northeast Valley.
2. Allowing all the landfill's areas to undergo closure and monitoring without further industrialization can significantly benefit the public and wildlife in the surrounding area.

Item 1-Commercial Enterprise ahead of Closure: By focusing on establishing and expanding first mulching, then composting on the closed "A" deck, followed by preparation for a proposed trucking school within an incompatibly zoned landfill area, the Bureau of Sanitation failed to fulfill its primary function of closing the Lopez Landfill on time, requiring an extension until 2012 for "C" deck's closure. Expanded mulching and composting operations recently created an odor and noise nuisance to neighboring residents necessitating additional offset mitigations and construction. We were told that the mulching/composting operation would close with the landfill. Hopefully this is true and trail links will be established across it as part of the expanded Rim of the Valley Corridor.

Item 2- Public Benefit vs. Commerce: Despite the Bureau of Sanitation's delays in landscape restoration, during the landfill tour we saw that this year's rain increased top area vegetation and many birds, rabbits, bobcats, coyotes and deer transit the closed landfill slopes and decks. Landfill workers have even reported cougar sightings. The weekday noisy landfill area based operations, include some closure activity, but consist mainly of an increasing number of trucks hauling green waste in and mulch/compost out of the landfill. It disturbs Kagel Canyon residents, residents along the Paxton/Lopez Canyon landfill entrance and wildlife in the surrounding vicinity. Finishing the closure of C deck should be a priority along with letting the entire landfill area settle and remain Open Space, rather than a City-run commercial mulch and compost enterprise, spewing diesel fumes, beeping backup alarms and construction site noises into residential areas five days a week.

SUMMARY: The primary responsibility of the Bureau of Sanitation should be the closure and settlement monitoring of the former Lopez Canyon Landfill, not its conversion into a patchwork of industrial and commercial development. The former Lopez Landfill lies within the Rim of the Valley Corridor's three-year Federal Study area that began on June 5, 2010. It has the potential for hiking, biking and equestrian and wildlife trail linkage within the corridor. Close the landfill to commercial and industrial uses, and allow it to fulfill its Open Space potential for public and wildlife benefit.

AB

From the Desk
Of
Marlene Rader

June 11, 2010

Los Angeles City PLUM Committee:
Mr. Ed Reyes Chair
Mr. Jose Huizar
Mr. Paul Krejorian

Re: Lopez Canyon Zone Variance Appeal
Council File #10-0842
ZA-2009-3619-ZV-2A

Dear Sir's,

This is the second appeal filed by the Community Alliance for Open Space. I am sure you are aware, at this point, of the obvious issues, but on May 25, 2010 Councilman Alarcon in the City Council meeting referred to this parcel of the landfill as "a piece of dirt". That may be so, if you're not a neighbor of the landfill. I believe that you can't even imagine what the surrounding communities have had to put up with over the last three decades. The CEQA issues are real.

This landfill closed 15 years ago. None of the Decks have been certified as closed, yet, but the last deck C is to close in 2012. After waiting all this time for the noise, the smells and traffic to stop, we are being forced to take on another 5 years with possibly two five year extensions. I think NOT! It won't stop here.

Suffering for years with the hazardous impact the City of Los Angeles Mitigation was to Zone this landfill Open Space and make it park lands. The Bureau of Sanitation didn't even realize that this Truck Driver Training was not suitable in OS zoning until opposition began. As a matter of fact, only one Neighborhood Council supports this project and they are not impacted. There is virtually NO SUPPORT for this project – and the Teamsters, El Progeto del Barrio, the City Bureau of Sanitation, Bureau of Engineering, the Board of Public Works, and Alarcon's staff, do NOT count. No matter how you slice it, collectively, they are "the entire applicant" in one form or another. There is no true community support for this Zone Variance.

The Bureau of Sanitation (BoS) started this project without proper clearance from Cal Recycle. They even went as far as asphaltting the area, before obtaining permits, and took applications from individuals for the training program.

The City demands that private property owners comply with the permit laws, so why is the City exempt from this process?

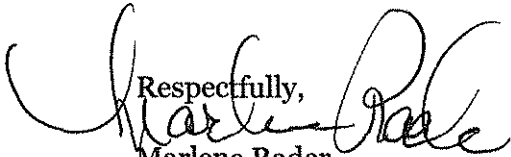
I believe as stakeholder we are better suited to determine the merits or detriments of a project then even the most skilled Planner who does not have a personal stake in the community. And that our quality of life must not be jeopardized.

When the majority of stakeholder and communities tell its elected and appointed leaders that the impacts of a project is damaging to a community, it is incumbent upon those leaders to listen and respond, even if the project fails to appear problematic on paper.

Our elected and appointed officials are stewards of the public trust and it is incumbent upon them to listen and respond to the concerns of there stakeholders.

Clearly, be the number of stakeholders opposing this Zone Variance, by Neighborhood Councils, Community Organizations and individual support letters, this constitutes a "critical mass".

As a neighbor of the landfill I feel this project is a detriment, and therefore the PLUM committee should deny this project and support the appeal for the benefit of the Public good.

Respectfully,

Marlene Rader

12465

#6

COUNCIL FILE #10-0842

From: Timothy W Burgess <kagelfolk3@earthlink.net>
To: PATRICE.LATTIMORE@LACITY.ORG
Subject: COUNCIL FILE #10-0842
Date: Jun 11, 2010 12:47 PM

TIM BURGESS
12465 SHAFER PLACE
KAGEL CANYON
CA 91342

I would like to state my opposition to zoning case # ZA 2009-3619-ZV-A2.

I ask why is the proposed truck driving school being sited on a unfinished landfill, when there are many sites available in industrial areas of the council district. Taking land that was promised for "open space" and putting in an industrial facility neither makes for good public relations nor aids in the environmental stability of the area.

Research has shown that there are much more suitable areas under any of the electric power lines that criss cross the council district. These can not be used for buildings and are available for this kind of operation. These would be accessible to the public roads and freeways far more simply and at far less expense than a site over one mile off the public streets and at a height of over 500 feet up a mountain that requires the expense and pollution of a shuttle bus to get students to the site.

Other areas that are available and far more suited to a driving school are around ~~Hanson~~ ^{WAIN NORMAN} Dam, an area already zoned for this kind of operation and owned by the City. Whitman Airport which is similarly zoned and ready for a truck driving school. There is an existing crane training facility operating at the area under the power lines between Osbourne Street and the 210 freeway by Hanson Dam, which is ideally suited to a driving school with easy access to the freeway and in an area where noise pollution would not be a problem as the freeway would accede the school sounds.

These areas would forfill all the requirements of a truck driving school without the expense, bad public relations or rezoning that Lopez land fill requires.

I am very much in favor of educating people as truck drivers, my only concern is the site, which is abusing the need for open space and ~~returning the land-fill to~~ ^{BLOCKING THE} is original natural surroundings.

Thank you. Tim Burgess

~~RETURNING THE~~
BLOCKING THE
RETURN

CITY OF LOS ANGELES
CALIFORNIA

President
Angelica m Duenas

Vice President
Imelda Padilla

Secretary
Julie Monroy

2nd Vice President
Mike O'Gara

Treasurer
Robert Lim



WWW.SVANC.ORG

Sun Valley Area
Neighborhood Council

9000 Sunland Blvd Suite "A"
Sun Valley CA 91352
Telephone 818-767-8262
Fax 818-767-7510

Date: 6/15/10
Submitted in PWR Committee
Council File No: 10-0842
Item No.: 6
Deputy: submitted by

June 14, 2010

Re:ZA-2009-3619 ZV-2A
Council File # 10-0842
Lopez Canyon

Council Members:

The Sun Valley Area Neighborhood Council (SVANC) supports the Appeal of the Decision to allow a Truck Driving Academy on the Lopez Canyon Landfill.

A book could be written by tying together all the letters from Community groups and the County Supervisors as to why this variance should not be granted.

The Community has a right to regain the use of this land for Open Space Recreational use which was promised to them. It is suspicious that the City has not taken steps to return this property to the citizens for recreational use and The City Planning Department keeps granting variances to other City Departments for uses outside of anything imagined by the surrounding Communities. I think an argument could be made that this has been and continues to be a bad-faith effort on the part of one or more agencies of the city to drag out the closure of this facility for the express purpose of using the land for "City Purposes" and NOT for the open space promised the community. See Council File 07-1660
Ever since Lopez Canyon stopped taking in waste, people continue to come along with different uses for this land. This land was promised to us as open space.(see Council File #07-1660)

First they came with the idea of making it an area that would process green waste to mulch. That brought in lots of truck traffic. Then they brought in manure to mix with the green waste. more trucks. Then there was/is a proposal in the wings for solar panels.

It would seem that the City is "Piece-mealing" projects on this land and further the City seems to be dragging their feet on completing requirements for closure of the landfill so that they may continue to use this land for industrial uses.

The Sun Valley Area Neighborhood Council requests that the City immediately take steps to fill out all required paperwork and any other requirements to "Start the Clock" on the required 30 years for full closure of this landfill. By not completing these requirements the City will now be able to keep complete control of this land for over 44 years instead of the normal 30 year span.

Absolutely no further uses should be approved for this plot of land until the Department of Sanitation has received the 'Closure permissions" from the State agency that governs that process(Calrecycle) that start the "30 year clock"

We request that no permissions be granted to operate this Diesel Truck Driving School or any other use of Lopez Canyon Landfill until the City in Good-Faith submits all the proper paperwork for Closure of the Landfill.

Our concern is that this property is being used, by the City as a location for some undesirable enterprises that would not be welcomed with open arms by other more affluent neighborhoods. The Northeast Valley has far too many undesirable businesses that affect the health of our Sensitive Receptors. By allowing this Diesel Truck Driving School to operate The City lends credence to the belief that the City is not taking steps for the closure of the landfill so that the City can continue to put other enterprises here and effectively deprive the Community from having the property returned to them for Open Space Recreational space.

Sincerely
Mike O'Gara 2nd Vice President

Sun Valley Area Neighborhood Council
9000 Sunland Blvd Suite "A"
Sun Valley, Ca 91352

FILE NO: 10-0842, ZA-2009-
3619, ZV-1A, C07 AGENDA ITEM NO: 6

My name is Sharon Ford, and I am the conservation representative for the Sierra Club - San Fernando Valley Group.

Along with the Angeles Chapter of the Sierra Club, we urge the City of Los Angeles to:

1. Comply with its original agreement that the Lopez Canyon Landfill site remain closed for the additional 18 years as promised in the original agreement when the site was closed in 1996
2. Prepare an EIR on the proposed truck driving school at the Lopez Canyon Landfill.
 - a. The document should address topics of:
 - > Air quality
 - > Water quality
 - > noise
 - > impact upon well water for Kagel Canyon
 - > impact of truck activity on a landfill that will be settling and emitting methane gas for many years.
 - > impact on wildlife
 - > impact on recreational opportunities
 - b. Allow for full public involvement in this project
 - c. Allowing a zone variance and MWD in lieu of an EIR sets a precedent.
3. Restore all of the methane collection funds that has been incorrectly used for other purposes, and that the funds be used only for those purposes which clearly fall within the category of "environmental benefit."

Thank you.

Sharon Ford
13028 Aetna St
Valley Glen, CA 91401
sharon.ford@att.net

Board of Supervisors County of Los Angeles

December 14, 2009

MICHAEL D. ANTONOVICH
SUPERVISOR

Zoning Administrator
City of Los Angeles
6262 Van Nuys Boulevard
Van Nuys, CA 91401

Dear Sir or Madam:

It is my understanding that you are the decision-maker regarding a proposed truck-driving academy at the Lopez Canyon Landfill.

As the elected representative for the unincorporated communities nearest this landfill (specifically, Kagel Canyon and Lopez Canyon), I have strong concerns about the impacts of the proposed truck-driving academy.

Required Findings:

The required findings can not be made (because the decision-maker must make all of the 5 required findings).

- "Practical difficulties and unnecessary hardships." The applicant has offered no substantive arguments in support of making this finding. The application says that "reasonable interim uses are justified," a conclusion which has no basis in the law, court rulings, or precedent. There is no "practical difficulty" associated with denying this project, as the area would remain as a closed landfill. There is no "hardship," as, again, the use of the property would remain un-changed. This finding presents a significant challenge for any request on a variance application. The Office of Zoning Administration has a long and credible history of insisting that applicants justify the practical difficulties and hardships, one which this applicant has not overcome.

Date: 10/15/10
Submitted in PLUM Committee
Council File No. 10-0842
Item No. 6
I

- "Special Circumstances" or uniqueness. The application makes a preposterous assertion that the property is "well-removed from any adjacent residential uses." To begin with, all trucks entering or exiting the site must drive by a mobile home park adjacent to the landfill entrance. Additionally, a significant portion of the landfill is visible—and audible—from existing residences in Lopez and Kagel Canyons.
- 'Enjoyment of a property right or use generally possessed by other property in the same zone and vicinity.' The troubling sentence in the application states that "it is clear that the City allows non-recreational uses when the property in question cannot reasonably be used for the intended purpose." There is a certain degree of logic if one merely confines the term "open space" to active open space (ball-fields, tot lots, equestrian arenas). But such a narrow definition of "open space" overlooks the concept of passive open space—that is, land that is kept open even if people do not actively recreate on it. Many local jurisdictions—the County of Los Angeles and the City of Los Angeles are two good examples—have acquired inaccessible properties in order to preserve viewsheds. There are, literally, dozens if not hundreds of such examples. The Lopez Canyon Landfill is open space which, again, is visible from many existing residences in Lopez and Kagel Canyons.
- "Will not be materially detrimental to the public welfare." The application concedes that the proposed use will introduce additional activity (increased truck trips) and additional noise (back-up alarms on vehicles) to the subject property. The application tries to characterize these and other impacts as essentially incremental impacts given other activities on the subject property. This is unfair, as the closure of a landfill requires certain activities to occur, and these are unavoidable to protect health and safety. Other uses. While these landfill-related activities must occur on-site, a truck-driving academy need not be located on the subject property. Furthermore, the overwhelming opposition to the proposed use (see "Neighborhood issues," below) would suggest that the vast majority of residents who live in this are convinced that this project will be materially detrimental to their quality of life. The Office of Zoning Administration has traditionally set the bar relatively high in making the required finding. This application does not present ample justification to make the finding, something required of all other applicants seeking a variance, particularly a use variance (as opposed to a standards variance).

- "Will not adversely affect any element of the General Plan." The finding refers to "any element" of the General Plan, a broad statement which encompasses both local community plans as well as city-wide elements like the Conservation, Land-Use, and Open Space Elements of the General Plan. It is difficult, if not impossible, to present a credible argument that allowing a truck-driving academy would not adversely impact an area designated as "Open Space" on the General Plan. The applicant is trying to establish a commercial activity, one that involves the use of 18-wheel semi-tractor trailers spewing diesel fumes, on a property that is to be utilized for open space. If such activity does not "conflict" with the General Plan, not to mention any reasonable interpretation of the phrase "open space," then one has to wonder what potential use would be required to conflict with the General Plan. Although there are many, many provisions which would preclude the proposed use, there is one in particular that deserves mention. The City's Open Space Element in the General Plan (adopted by the City Council and Mayor in 1973) has a statement that reads "Open Space owned by City Departments and Agencies and other jurisdictions shall be retained for open space use wherever feasible." This one provision—and, again, there are many others in the Open Space Element—presents ample evidence that this finding can not be made. The application merely presents a one sentence conclusion with no supporting evidence, and therefore asks the Zoning Administrator to make a Herculean jump in logic to make this finding in the affirmative.

Process Issues:

- Variance vs. General Plan amendment and Zone Change: The applicant is requesting a variance to allow the project when it should be requesting a combination General Plan amendment and zone change. The request is a use variance—that is, the request is to allow a use that is not allowed by the underlying General Plan and zoning designations. In so doing, the City Council and the Mayor are, in essence, abdicating their legislative authority to City staff. With all due respect, this important decision is being "delegated" to an un-elected City employee rather than being made by elected officials responsible to the voters. It is important to note that very few cities and counties utilize use variances at all. Furthermore, the proposed use (a truck-driving academy) is not an allowed use in the zone. It is not a use allowed with a Conditional Use Permit (CUP). It is a use which is not permitted in the zone in which it is proposed. Again, the reliance on a use variance to entitle the proposed project is both exceptional and highly suspect.

- Timing. My staff has consulted with several planning consultants who routinely process variance applications with the City's Office of Zoning Administration. These consultants report that the processing time is anywhere from 6-8 months to process a variance. The subject application was filed on October 28, 2009, and your hearing is on December 18, 2009. Not only is it highly questionable why this particular application got to a public hearing in a mere 7 weeks, it does a dis-service to other applicants that have been waiting in line for weeks, or months, to get to a public hearing.

CEQA Compliance:

Given the potential impacts of this project, it appears odd that the City is utilizing a Mitigated Negative Declaration (MND) when an Environmental Impact Report (EIR) should be utilized. In one particular category alone—Land Use—it is difficult if not impossible to argue that there are no impacts given the proposal to locate a commercial activity on a property designated as Open Space by the General Plan and zoning. This is above and beyond the impacts on noise, aesthetics (which includes viewsheds), traffic, and other areas that have been well-documented in testimony by other parties. The Initial Study Checklist's "No Impact" answer to the critical question in Land-Use ("conflict with any applicable land use plan") is simply wrong. The accompanying written explanation provides no reasonable justification (this section is both contrary to CEQA and would not withstand judicial scrutiny).

Neighborhood Concerns:

Copies of correspondence from several community associations opposing the project have been forwarded to me. From what I have seen, there is strong opposition to this proposed project from:

- Kagel Canyon Civic Association
- Foothill Trails District Neighborhood Council
- Lake View Terrace Improvement Association
- North Hills West Neighborhood Council
- Sun Valley Neighborhood Council
- Sunland Tujunga Neighborhood Council

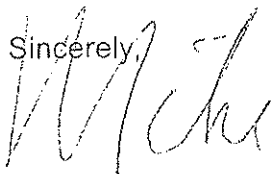
Page: 5

Additionally, at a community forum held on December 10th, it is my understanding that more than fifty (50) area residents testified in opposition to the proposed project.

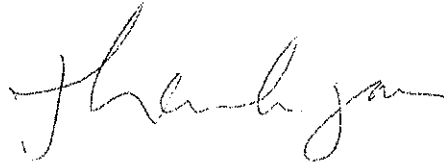
Given the public outcry, the lack of any credible evidence necessary to substantiate the findings, the lack of an EIR, and the specious utilization of a use variance, it is clear that there is nothing in the record which supports the granting of this variance.

Thank you in advance for your consideration of these comments.

Sincerely,



MICHAEL D. ANTONOVICH
Supervisor



cc: The Honorable Antonio Villaraigosa, Mayor
Los Angeles City Councilmembers

#6



Board of Supervisors County of Los Angeles

April 5, 2010

MICHAEL D. ANTONOVICH
SUPERVISOR

Date: 6/15/10
Submitted in PLUM Committee
Council File No: 10-0842
Item No.: 6
Deputy: _____

North Valley Area Planning Commission
City of Los Angeles
200 North Spring Street, Room 272
Los Angeles, CA 90012

Hand-Delivered

Honorable Commissioners:

Thank you for the opportunity to provide input concerning the proposed truck-driving academy at the Lopez Canyon Landfill. My previous letter to the Zoning Administrator, which raises several concerns about the proposed truck-driving academy, is enclosed for your consideration.

As indicated in my earlier letter, as well as the public record before you, it is self-evident that the findings required to approve this variance can not be made. The Zoning Administrator erred and abused her discretion in several instances, including the following:

With respect to the findings made in the ZA determination, your attention is called to the following:

- The discussion of the "strict application" finding suggests that Open Space is not really open space if it is used for something else for five years. The entire finding is based on some concept of an "interim use" that is not substantiated anywhere in State law, nor in the City's General Plan and Zoning Ordinance. The entire discussion suggests that an Open Space designation is a mere inconvenience that can be ignored at will, for an "interim period" of five years.
- In addressing the "special circumstances" finding, the ZA discusses the applicant's objectives, benefits to the community, the limited availability of industrially-zoned properties, and why the alternative sites suggested by the community would not meet the applicant's objectives. Although this is fascinating information, none of it addresses the special circumstances finding itself or why it can be made. There is no discussion of "size, shape, topography, location or surroundings" as required. In short, there is no true justification—other than a specious convenience of the fact that the City owns the land—that speaks directly to how the finding can be made.

- The discussion asserting that the project will not be “materially detrimental” to the surrounding community includes the following statement:

“The facility operator, employees, and future trainees recognize their obligation to be respectful to the residents, businesses, and property owners within the immediate neighborhood and have stated in testimony at the public hearing their commitment to operating a facility that is both amenable to and desirable with the community.”

The language is ridiculous given a landfill not currently in compliance with State law (the CalRecycle letter), a mulching operation that causes adverse nuisance odors on a daily basis. The Commission is being asked to believe that “we’ll get it right this time” even though the track record suggest otherwise.

- The discussion about “not adversely impacting any element of the General Plan” again relies on the 5-year “interim” use as justification for a finding that can not be made. Cities don’t adopt General Plans and then declare them open season for interim uses. Open space is open space . . . or it isn’t, in which case the City should change the General Plan and zoning designations. The City’s Open Space Element in the General Plan is simply being ignored for political convenience, plain and simple.

Before rendering a decision on this appeal, there are additional points which you should consider:

- Of the 20 individuals who spoke in favor of the project at the ZA hearing, note that
 - 5 are City employees
 - 3 are affiliated with El Proyecto del Barrio, a co-applicant;
 - 1 is a consultant paid by the City; and
 - 7 represent organizations whose members live nowhere near the project.

Accounting for two persons of unidentified affiliation, that leave a grand total of two individuals in support, both from organizations in Pacoima. This is a community which is located more than a mile from the Lopez Canyon Landfill, one that that will not be impacted by the adverse traffic, noise, and air quality impacts associated with this project.

- Of the 26 individuals who spoke in opposition to the project at the ZA hearing, the overwhelming majority are residents who live near the Landfill and are directly impacted by the proposed use.
- As noted in the ZA determination, “200 written letters” were received, and “[a]pproximately 80% were in opposition to the request. In other words, more than 160 individuals took the time to write a letter opposing the project.
- The number of individuals who oppose the project is roughly 186, while the number of those who support is, at best, 26. This is a ratio of roughly seven to one in opposition.
- Nearly every neighborhood council, community group, and civic association that has weighed in on the matter is opposed to the project. Questions have been raised as to whether the one neighborhood council allegedly supporting ever took an official vote on the project.
- Approval of this request establishes a dangerous precedent relative to all areas in the City that are designated as Open Space on the General Plan and zoning maps. Identifying an area as Open Space on the City’s land-use maps should not be a “here today, gone tomorrow” proposition subject to the political whims of a single elected official. There are hundreds of acres (if not thousands) of land designated as Open Space in the City of Los Angeles, and the City should not set a precedent by opening these areas up to commercial-industrial uses. This is contrary to any notion of sound land-use policy, an abuse of your authority, and a violation of the public trust. As commissioners you were appointed to your positions to prevent this kind of behavior, not to endorse it.
- The smokescreen that this is an “interim” use is absurd, as the area ceases to function as open space once the proposed use is located at the property. Open space is not a convenience to be ignored based upon political whim—land is utilized as open space or it is not.
- The reliance on a “use variance” to circumvent what is truly necessary—a General Plan amendment and zone change—is both legally questionable and, again, sets a dangerous precedent. Most cities and counties, upon advice of counsel, will not even allowed use variance applications to be filed, much less approved. Further, if the City wants to fundamentally change what uses are allowed at the landfill, then it should go through the process required of everybody else, which is to change the General Plan and zoning designations. The use variance being employed for this project is a privilege the City would be unlikely to grant to a private party.

Page: 4

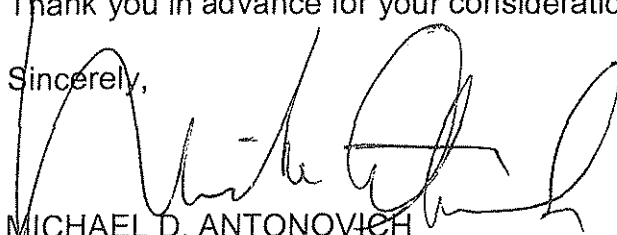
- The City already has a uses on the property which are not in compliance with State permits (see letter from CalRecycle, enclosed). It seems imprudent, at best, to enable more uses on the property when the City can not even comply with its existing permits, and frankly is rewarding bad behavior.
- The location is inappropriate for the proposed use, as documented in the ZA determination, which notes:
 - "Lopez Canyon Road, to the north and west of the project . . . is also the location of Hope Gardens, a transitional housing program operated by the Union Rescue Mission".
 - "[adjoining] Kagel Canyon is a semi rural area, and is mostly low-density residential with horsekeeping, and includes Dexter Park";
 - "West and south of the project site are two mobile home parks"; and
 - "South and south east of the former landfill is the City's residential community of Lake View Terrace";

Given this context, it is difficult if not impossible to know why the ZA would determine that this is an appropriate location for the proposed use.

It is important that you as commissioners bear in mind your role in protecting the residents of the City of Los Angeles from mis-guided zoning decisions. It is patently clear that there is nothing in the record which supports the granting of this variance. Your role is to promote good planning, not destroy it. I urge you to grant the appeal and over-turn the Zoning Administrator's decision.

Thank you in advance for your consideration of these comments.

Sincerely,



MICHAEL D. ANTONOVICH
Supervisor

MDA:pno

cc: The Honorable Antonio Villaraigosa, Mayor
Los Angeles City Councilmembers