

# CITY OF LOS ANGELES

CALIFORNIA



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January 22, 2010

Khalil M. Gharios (A) (O)  
Bureau of Sanitation  
City of Los Angeles  
1149 South Broadway  
Los Angeles, CA 90015

Robert B. Lamishaw (R)  
JPL Zoning Services, Inc.  
6263 Van Nuys Boulevard  
Van Nuys, CA 91401

CASE NO. ZA 2009-3619(ZV)

ZONE VARIANCE

11950 Lopez Canyon Road

Granada Hills-Knollwood

Planning Area

Zone : OS-1XL

D. M. : 216B165

C. D. : 7

CEQA : Bureau Of Sanitation MND

Legal Description : Lot 3, Sec. 6, T2N,

R14W and Lot 14, Sec. 31, T3N,

R14W; Por. Lots 5 and 6, Sec. 1,

T2N, R15W, San Bernardino Meridian

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27-B, I hereby APPROVE:

a Variance from Section 12.17.6-A,8 of the Los Angeles Municipal Code granting the establishment, use and maintenance of a truck driver training academy in the OS-1XL Zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.



4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. 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.
7. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
8. The subject grant shall be for a five (5) year term period. Said term shall begin on the effective day of this action. At the completion of this grant term, continued operation pursuant to the variance granted herein shall require that a new application be filed for consideration by the Office of Zoning Administration.
9. Authorization.
  - a. This authorization permits operation of a Class "A" Truck Drivers Training Academy in the OS-1XL Zone allowing the use and operation of not more than 10 semi-tractor truck rigs and trailers incidental to said Training Academy, as well as the storage of not more than 10 semi-tractor truck rigs and trailers on-site.
  - b. Not more than eight (8) semi-tractor truck rigs and trailers in association with the Training Academy shall be permitted to be in use or operate at any one time on the 'A' Deck of the Lopez Canyon Landfill site. Two (2) of the total ten (10) semi-tractor truck rigs and trailers shall be available in the event that a rig(s) becomes inoperable or is otherwise unavailable for use/operation.

10. Hours of Operation.
  - a. Hours of operation for the Training Academy shall be limited to the hours beginning at 6:00 a.m. and terminating at 3:30 p.m., Monday through Friday, five days per week.
  - b. No operation of the Training Academy shall occur on Saturday, Sunday, or legal holidays observed by the City of Los Angeles.
  - c. Truck Use. Operation of any truck/trailer rigs in association with the Training Academy functions shall be limited to the hours beginning at 8:00 a.m. and terminating at 3:30 p.m., Monday through Friday only.
  - d. Arrival on the Lopez Canyon site by students via shuttle shall not occur prior to 6:00 a.m., and be limited to Monday through Friday only.
  - e. Operational hours shall be reviewed as part of the Plan Approval review to be conducted by the Zoning Administrator after 6 months of operation in coordination with the Director. Any modification of operational hours to allow for any activity in association with the Training Academy above and beyond the limitations established by this instant grant (e.g., to occur prior to 6:00 a.m. or after 3:30 p.m., Monday through Friday; to be extended to Saturday, Sunday, or legal holidays observed by the City of Los Angeles; or to allow use of the truck/trailer rigs prior to 8:00 a.m. or after 3:30 p.m.), shall also require supplemental environmental review to address potential operational impacts.
11. No maintenance of vehicles shall occur on-site; all vehicle maintenance work must be performed off-site. This shall not preclude review of vehicle maintenance and repair functions in association with Training Academy instruction.
12. The Haul Road on the premises shall be used for ingress and egress only. Driving of Training Academy vehicles on the haul road shall be done by a legally authorized driver or instructor only; no student driving/behind the wheel training shall be conducted on the haul road.
13. All private vehicles, other than those of trainees, must be parked on the Lopez Canyon Landfill site in the prescribed parking area. No off-site parking of vehicles in association with the Training Academy is allowed except for trainees.
14. Trainee's private vehicles shall be parked off-site at the prescribed "park and ride" area adjacent to the landfill. The Training Academy operator shall provide a shuttle service for the trainees to and from the Lopez Canyon Landfill site to the park and ride location.
15. The Training Academy operator shall provide to the Bureau of Sanitation a training/operation plan prior to beginning operations at the facility. A copy of the plan shall be submitted to the Zoning Administrator for attachment to the administrative case file.

16. Storage of any chemical/hazardous material on-site is strictly prohibited.
17. The Training Academy shall adopt and adhere to the Lopez Canyon site Safety and Emergency Action Plan. The Training Academy shall follow the instructions of the senior manager for the Lopez Canyon Landfill facility during emergencies.
18. The Training Academy staff and trainees shall adhere to all worksite rules and regulations as applied to City employees for the Lopez Canyon Landfill site.
19. Driver training shall be prohibited on Lopez Canyon Road and Kagel Canyon Road.
20. Academy vehicles shall be prohibited from travel in any residential areas between 8:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m., Monday through Friday.
21. Prior to initiation of Training Academy operations, the Training Academy administrators shall identify the street route(s) to be used for driver training activity, the staging location where the instructors and trainees will change seats, and access points to and from the freeway .
  - a. The route shall be prepared by the Training Academy operator in consultation with the Bureau of Sanitation, Department of Transportation and Seventh Council District. The final route and location for driver training and staging shall be to the satisfaction of the Department of Sanitation *and* the Department of Transportation. A copy of the final route shall be submitted to the Office of Zoning Administration for attachment to the case file.
  - b. The route shall exclude any use of Lopez Canyon Road and Kagel Canyon Road.
  - c. The route shall exclude any use of streets within the area bounded by Fillmore Street to the west, Gladstone Avenue and the I-210 Freeway to the south, and Osborne Street to the east. This shall not preclude use of streets in the event of an emergency or catastrophic event.
  - e. The route shall avoid use of Local and Collector residential streets to the extent feasible; the route shall be located on Secondary and Major Highways to the extent feasible.
  - f. An opportunity shall be provided for recommendations from the governing board of the Foothill Trails Neighborhood Council regarding the proposed route(s). Recommendations from the Neighborhood Council shall be submitted to the Seventh Council District office in a timely manner, not more than three weeks upon receipt of the proposed route from the operator/Council District office.
  - g. Review of the proposed route by the Council District and/or Neighborhood Council shall not delay final determination by the Department of

Transportation or issuance of permits by other City agencies to allow initiation of Training Academy operations.

22. The operator shall comply with all applicable laws, ordinances, rules and regulations enacted or promulgated or which are enacted or promulgated in the future by the City of Los Angeles, the County of Los Angeles, the State of California, and the Federal Government. The operator shall also adhere to all rules and regulations that have been adopted or that may be adopted by the Bureau or any successor department, board or commission having jurisdiction over the premises.
23. In addition to the earthen berm to be constructed along the perimeter of the 'A' Deck, the Bureau of Sanitation may consider installation of acoustical blanket panels as described in the Noise Study to further mitigate potential noise impacts.
24. Complaint Response/Community Relations. Within 30 days of the decision date, the operator shall submit proof to the Office of Zoning Administration of implementing the following:
  - a. The property owner/operator shall coordinate with the Seventh Council District and Bureau of Sanitation regarding appropriate monitoring of community complaints concerning activities associated with the Training Academy operations.
  - b. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of any response as deemed necessary by the Bureau of Sanitation. The log shall be retained for consideration by the Zoning Administrator.
25. Lighting. Any exterior lighting onto the project site shall be directed downward and located so as not to impact any surrounding residential uses.
26. Signage shall be limited to directional, informational and safety signs only; no temporary or permanent signs of a commercial nature or for advertisement of the Training Academy shall be posted on the site or its perimeter.
26. The project shall comply with the mitigation measures recommended in the Bureau of Sanitation Mitigated Negative Declaration, dated January 15, 2009, attached to the case file, *modified herein*, as follows:
  - a. Air Quality
    - 1) Within one year of beginning operation, the Training Academy shall procure and/or retrofit existing vehicles to use Liquid Natural Gas (LNG).
    - 2) Training shall not be allowed in residential areas between 8:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m. to avoid sensitive receptors.

- 3) Training shall be prohibited on Lopez Canyon Road and Kagel Canyon Road.
- 4) The training vehicles shall meet requirements for maintenance and testing as directed by the SCAQMD permit for the Lopez Canyon site.

b. Noise

- 1) Training academy back-up driving activities that require back-up alarms shall not commence before 8:00 a.m..
- 2) The back-up alarms on the truck used at the Training Academy shall be directional, and be required to be set at their lowest volume.
- 3) The back-up alarms shall be at minimum, the type and quality of that used on the Lopez Canyon site for City vehicles and equipment.
- 4) Prior to commencing operations at the Training Academy, an earthen berm 12 feet in height shall be constructed at the edge of the 'A' Deck as a noise barrier.
- 5) Training shall not be allowed in residential areas between 8:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m. to avoid sensitive receptors.
- 6) Training shall be prohibited on Lopez Canyon Road and Kagel Canyon Road.

c. Transportation/Traffic

- 1) Training Academy students shall park at designated off-site location(s).
- 2) The Training Academy shall comply with the California Highway Patrol Biennial Inspection of Terminals (BIT) program and all other applicable State Vehicle Code maintenance requirements.
- 3) Training shall not be allowed in residential areas between 8:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m. to avoid sensitive receptors.
- 4) Training shall be prohibited on Lopez Canyon Road and Kagel Canyon Road.

27. Prior to nine (9) months, but not before six (6) months from the effective date of this action, the applicant/operator shall file for a Zoning Administrator's review in order to provide for reexamination of the matter to consider the effectiveness of the Conditions herein, and any need to further modify or establish conditions pertaining to the use and operation of the Training Academy. The Zoning Administrator's

review shall be conducted coincident to the review conducted pursuant to Section 4.4 of the Lease Agreement established for the operation (Hours of Operation, 6 month review). The completed application shall be subject to any applicable notification requirements and at minimum shall include notice labels for notification of the Council District, Neighborhood Council, and organizations/individuals on the interested parties list related to the subject authorization. The operator shall submit proof that at least a summary of the compliance documentation was mailed to address labels noted above which includes a statement as follows: "In compliance with the conditions of approval, the attached documentation is mailed to interested parties. To assist the Planning Department in conducting the administrative review, interested parties should contact the Planning Department within two weeks." Information packets sent to the named parties shall be mailed at the applicant's expense at the same time the application is submitted. Upon this review the Zoning Administrator reserves the right to conduct a public hearing and may modify, add or delete conditions of this instant grant as appropriate and require a subsequent review or additional entitlements if deemed necessary. Note: any proposed modification to expand the use, hours, functions or activities in association with the operation shall require additional environmental review to evaluate potential impacts and a public hearing shall be held subject to requirements as established in Section 12.27-C of the Municipal Code.

- 28. Any modification of the lease terms established between the operator and the Bureau of Sanitation shall be forwarded to the Office of Zoning Administration for inclusion in the case file and review. Upon this review, the Zoning Administrator reserves the right to modify, add or delete conditions of this instant grant as appropriate and require a subsequent review or additional entitlements if deemed necessary.

**OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

**TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

**VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after FEBRUARY 8, 2010, unless an appeal therefrom is filed with the City Planning Department.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

**NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would



include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on December 18, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27-B, 1 of the Municipal Code have been established by the following facts:

### BACKGROUND

The proposed project consists of a Truck-Driver Training Academy ("Training Academy"), intended to enable students to obtain a Class A California Driver's License. The Training Academy will be operated at the former Lopez Canyon Landfill site under a five-year lease between the City and the Transportation Opportunity Program (TOP), a California Corporation. The former Lopez Canyon Landfill is located in the northeast portion of the City, north of the Lake View Terrace area of the City of Los Angeles, at 11950 Lopez Canyon Road, and is bordered by the Kagel Canyon and Lake View Terrace residential communities, Lopez Canyon Road (to the north and west), and the Angeles National Forest to the north and northeast.

The project site is accessed via a private road known as Los Angeles City Dump Road, at the intersection of Paxton Street and Lopez Canyon Road. The site is located at the terminus of this road, approximately one mile northeast of the main entrance. Classes lasting four weeks will be held on a 1.5 acre portion of the 'A' Deck of the former Lopez Canyon Landfill, zoned OS-1XL. The modular office building (trailer, 24 feet by 60 feet) is proposed to be located along the westerly edge of the 'A' Deck, near the access road. This building will be 1,440 square feet, and will include four private offices and one large common office area, and two handicapped-accessible restrooms.

The proposed Training Academy will use Paxton Street as the ingress and egress route for the student shuttle service and semi tractor-trailer rigs; within the site, vehicles will travel via the established haul road. Access to I-210 Foothill Freeway is located less than one quarter-mile from the entrance to the Lopez Canyon site

Lopez Canyon Road, to the north and west of the project, holds commercial properties such as a compost and mulching operation, heavy machinery rentals, and landscaping companies. It is also the location of Hope Gardens, a transitional housing program operated by the Union Rescue Mission. North of the project site, Lopez Canyon Road passes between Glen Haven Memorial Park and Shalom Memorial Park, and dead-ends into Kagel Canyon Road, leaving Kagel Canyon to continue northward. To the east of the site, is the Kagel Canyon residential community. Kagel Canyon is a semi-rural area, and is mostly low-density residential development with horsekeeping, and includes Dexter Park. West and south of the project site are two mobile home parks, both of which lie in

unincorporated Los Angeles County. South and south east of the former landfill is the City's residential community of Lake View Terrace.

The Lopez Canyon Landfill, a Municipal Solid Waste landfill, ceased to accept waste on July 1st, 1996, and has been in the process of closure since that date. Currently, Lopez Canyon is undergoing closure procedures. While the landfill is zoned 'Open Space' and is ultimately destined to become a community recreation area, state law mandates that a monitoring period of at least thirty years be conducted, during which unsupervised public use of the site must be prohibited. The purpose of this monitoring period is to ensure that gas and liquid (leachate) production by decomposing organic matter is measured, and safely disposed of in ways that ensure it will not contaminate groundwater under the site. At the end of this period, if gas and leachate production, and subsidence of the site's ground surface have fallen to minimal levels, public recreation and other uses consistent with a zoning designation of 'Open Space' may be initiated.

In 1989, an active gas collection system was installed at the landfill. The gas collection system at Lopez Canyon consists of 450 gas collection wells, several miles of gas collection header line and 7 landfill gas flares. The Lopez Canyon Landfill Gas Utilization Project converts the landfill gas into reusable energy instead of being wasted by flaring. The first gas to energy plant was built in 1999 and currently produces 6 MW and serves 4500 homes. Subsequently, the Bureau partnered with the City Department of Water and Power and completed the installation of fifty new gas micro turbines, each the size of a refrigerator that produce a total of 1.5 MW, enough power to serve 1,500 homes. Landfill gas to energy projects such as Lopez Canyon's control landfill gas emissions and migration off the landfill property in compliance with SCAQMD rules and regulations, generate cost effective renewable energy from landfill gas that is otherwise being wasted by burning, reduce greenhouse gas impacts, and generate income to the Bureau while directly benefiting the community. A section of the landfill has also been dedicated for the Lopez Canyon Environmental Center, where greenwaste is collected and grinded into mulch for reuse by City residents. The site also includes a helicopter pad for the Fire Department.<sup>1</sup>

Paxton Street is classified as a Secondary Highway and currently provides access to the Lopez Canyon Landfill for large trucks.

Lopez Canyon Road, is a fully-improved Collector Street with a standard dedication of 64 feet and a roadway width of 44 feet.

Previous zoning related actions on the site/in the area include:

Case No. CPC-1991-0547-PAD - On March 11, 1992, a Plan Approval conditional use was approved for a sanitary landfill.

Case No. CPC-1995-0166-CU - On September 27, 1995, the City Planning Commission approved a request for a refuse disposal and landfill closure operations for a sanitary landfill.

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<sup>1</sup> Source: City of Los Angeles, Bureau of Sanitation, See [http://san.lacity.org/srpcd/LF\\_lopezCanyon.htm](http://san.lacity.org/srpcd/LF_lopezCanyon.htm) for a comprehensive description of the former Lopez Canyon Landfill site.

Case No. CPC-1997-0027-CU - On June 3, 1997, the City Planning Commission approved a request for the installation of an electrical generation facility for using off-gas to generate electricity in the OS-1XL Zone.

## **PUBLIC HEARING**

The public hearing was held on December 18, 2009, at the Marvin Braude Constituent Services Center in Van Nuys, and attended by the project applicant (Bureau of Sanitation), representatives of the project applicant, City and County officials, local civic organizations, Neighborhood Council and property owner's associations, business operators, community stakeholders, and several interested parties. Those who spoke at the public hearing are listed below:

### **All Speakers**

Javier Polanco, Senior Civil Engineer, Bureau of Sanitation  
Karen Coca, Environmental Affairs Officer, Bureau of Sanitation  
Robert Lamishaw, land use consultant, representative for Bureau of Sanitation.

Richard Alarcon, Los Angeles City Councilman, Seventh Council District  
Faisal Alserri, Planning Deputy, Seventh Council District  
Antonio Sanchez, Office of the Mayor  
Paul Novak, Chief Deputy, County Supervisor Michael Antonovich's Office,

Lauren Ahkiam, Pacoima Beautiful  
David Adelman, VICA  
Bruce Ackerman, VICA  
Bobby Arias, Communities in Schools  
Patricia Castellanos, LAANE  
Abby Diamond, Sunland Tujunga Alliance  
Neal Dudovitz, Neighborhood Legal Services  
Magdalena Duran, El Proyecto del Barrio  
Ruben Garcia, Pacoima Neighborhood Council  
Wayde Hunter, North Valley Coalition of Concerned Citizens, Inc.  
Rosemary Jenkins, Golden State Jobs Coalition  
Electra Kruger, Shadow Hills Property Owners Association  
Marlene Rader, Kagel Canyon Civic Association  
Nina Royal, Sunland Tujunga Neighborhood Council  
Corrine Sanchez, El Proyecto del Barrio  
Jimmy Sanchez, People in Progress  
Jeff Woodruff, La Tuna Canyon Community Association  
Nancy Woodruff, Foothill Trails District Neighborhood Council  
Ken Worthen, El Poyecto del Barrio

Mike Anderson  
Brian Baker  
David Besdesky  
Darius Bakhtar

Danny Black  
Tim Burgess  
Frank Chavez  
Kelly Decker  
James Garrison  
Karen Glazier  
Billy Hays  
Christena Hughes  
Donna Lauber  
Mike O'Gara  
Katherine Paull  
Edwin Scheeline  
William Slocum  
Bud Terusa  
Mike Trivich  
Cynthia Valdez

**Oral Testimony: Support**

Of the speakers listed above, the following spoke in support of the request:

Javier Polanco, Senior Civil Engineer, Bureau of Sanitation  
Karen Coca, Environmental Affairs Officer, Bureau of Sanitation  
Robert Lamishaw, land use consultant, representative for Bureau of Sanitation

Richard Alarcon, Los Angeles City Councilman, Seventh Council District  
Faisal Alserri, Planning Deputy, Seventh Council District  
Antonio Sanchez, Office of the Mayor

Lauren Ahkiam, Pacoima Beautiful  
David Adelman, VICA  
Bruce Ackerman, VICA  
Bobby Arias, Communities in Schools  
Patricia Castellanos, LAANE  
Neal Dudovitz, Neighborhood Legal Services  
Magdalena Duran, El Proyecto del Barrio  
Ruben Garcia, Pacoima Neighborhood Council  
Rosemary Jenkins, Golden State Jobs Coalition  
Corrine Sanchez, El Proyecto del Barrio  
Jimmy Sanchez, People in Progress  
Ken Worthen, El Poyecto del Barrio

James Garrison  
Cynthia Valdez

**Applicant's Statement**

The opening statements and project summary provided by Javier Polanco, Karen Coca, and Robert Lamishaw at the hearing are summarized below. The applicant

provided testimony affirming statements made in the justification submitted with the application as follows.

The applicant seeks a variance to allow the establishment of a truck-driver training academy on the 'A' Deck of the Lopez Canyon Landfill site, in an Open Space zone.

The proposed project consists of a truck-driver training academy intended to enable students to obtain a Class A California driver license. The site will be operated under a five-year lease with the opportunity for two five-year extensions, between the City and the Transportation Opportunity Program ("TOP" Training Academy).

Each course is proposed for four weeks and will be held on a paved area of approximately 1.5 acres, on the 'A' Deck of the former landfill. This deck is fully closed and is now governed by the Final Post Closure Maintenance Plan as approved by the CIWMB (Calif. Integrated Waste-Management Board). The project area was designated for use as an expansion area for the Lopez Canyon Environmental Center which accepts source-separated green materials and produces high-quality mulch and compost, but this area is not currently needed for this purpose.

The intent is for the City to provide a double-wide trailer to act as administrative and classroom space. The hours of operation will be 6 a.m. to 3:30 p.m., although no truck driving shall be allowed on the 'A' Deck before 8 a.m. The lease terms establish that the City has the right to designate a minimum of twelve students from City employees, and at least 25% of the remainder to be residents of the City's Council District 7, within which the project is sited.

Initially, the academy will consist of one class of 12 students, who will receive 160 hours of instruction and training in each four-week session. At full operation, the academy will start one twelve-student class session every two weeks, so that a maximum of 24 students will occupy the project site at any one time. Approximately eight non-students, administrators, and instructors, will be needed for the two classes. A total of ten trucks will be available for training; four trucks assigned to each class, with two trucks to be kept in reserve for use at times when one or more of the regular vehicles are inoperative.

The landfill ceased to accept waste on July 1, 1996, and has been in the process of closure since that date. While the landfill is zoned OS-1XL (Open Space) and is ultimately destined to become a community recreation area, state law mandates that a monitoring period of at least 30 years must be conducted, during which unsupervised public use of the site must be prohibited. The purpose of this monitoring period is to ensure that gas and liquid production by decomposing organic matter is measured, and safely disposed of in ways that ensure it will not contaminate groundwater under the site. At the end of this period, if gas and leachate production, and subsidence of the site's ground surface have fallen to minimal levels, public recreation and other uses consistent with a zoning designation of Open Space may be initiated.

The site cannot be used for public use at a minimum of 30 years after the landfill's closure (i.e., 2026), and the proposed project is not anticipated to have any impact on the ultimate use of the site as a community recreation area. In addition, the terms of the aforementioned lease expires five years from the date of signing and provides for two five-year renewals. No further extensions will be granted once post-closure monitoring indicates that public recreational uses may be safely conducted on-site.

The Bureau of Sanitation issued a draft Mitigated Negative Declaration in December, 2008, which received over 150 comments. Based on these comments, a revised MND was issued; additional measures were incorporated regarding noise and traffic/transportation mitigation, and were released in the draft MND issued in January, 2009.

The noise study prepared for the project addressed ambient noise levels as well as those levels generated by academy-related activities (including back up alarms), based on evaluation of noise levels generated at the existing training academy in Long Beach. A Noise Study, dated February 4, 2009, was conducted including ambient sound surveys at three locations in and near the proposed site, and for truck noise based on the Long Beach operation. Mitigation measures include limiting hours of activity, locations for training operations, and backup alarms that modify and minimize sound generation. Potential air quality impacts would be subject to mitigation measures established under the current SCAQMD permit and monitoring program. In addition, all trucks would be converted to LNG use within the first year of operation of the academy. All operators conducting driver training would be fully licensed and trained in all conditions. The Academy driving activities that require back-up alarms will not commence before 8 a.m. The Lease Agreement requires that back-up alarms on the trucks used at the Academy will be directional, and required to be set at their lowest volume. The back-up alarms will be at least of the type and quality of that used on the Lopez Canyon site for its City vehicles and equipment. An earthen berm 12 feet high will be constructed at the edge of the 'A' Deck as a noise barrier before commencing operations at the site.

The purpose of the OS Zone is to provide open space. The intent of the Code, in allowing for zone variances, is not to condemn land to remain vacant and unproductive for decades until those uses allowed by the Code can be implemented.

The use of Open Space property for non-recreational use is not uncommon, as exemplified by the gravel mining operations around Hansen Dam, commercial/industrial uses under power lines (e.g., nursery growing and storage yards, cellular facilities and towers), and channels or washes.

There are special circumstances regarding the site, namely, its proximity to the Angeles National Forest, the proposed use represents only 1/4% (one quarter of 1%) of the site, and the 30-year prohibition of the site for public use. In addition

The applicant is stating that the project will not be materially detrimental to the public welfare in that it will only occupy 1.5 acres of a nearly 600-acre site and will be well-removed from any residential uses.

Other Testimony In Support

**Councilmember Richard Alarcon**, Seventh Council District, affirmed his support of the request, noting specifically that approval of the request would allow the opportunity for the City to partner with Transportation Opportunity Program (TOP) at the Lopez Canyon site, offering four weeks of intense, behind-the-wheel training for drivers seeking a "Class A" license to drive big-rig trucks and tractor trailers. He noted that since the project's initiation in 2007, the applicant and City agencies have conducted substantial outreach with the community. Councilman Alarcon spoke to the Lopez Canyon location as being strategic in providing highly desirable job opportunities and related skills for Seventh Council District residents, City employees and others throughout the Valley. He stated that one-quarter of the trainees will come from the areas surrounding Lopez Canyon in the Northeast Valley. He spoke regarding the involvement and support of Mayor Villaraigosa throughout the process. He also noted his long-established interaction with the community and dedication in regards to closure of the Lopez Canyon Landfill and completing operations to ensure that the ultimate goal for use of the site as open space is fulfilled. He noted that impacts identified by those in opposition to the request were appropriately mitigated under the measures identified in the environmental clearance, lease agreement, and pursuant to City standards and regulations for safety and conduct on the subject site. Councilman Alarcon also noted that speculation regarding exposure of residents to hazards and unsafe conditions was unfounded. He noted that the academy follows stringent hiring standards. To qualify, drivers must be a minimum 23 years old; have a clean driving record without DUIs; undergo a comprehensive background check; and pass a Department of Transportation-mandated drug screening and physical examination. Councilman Alarcon emphasized the substantial benefits to the community and local participants, noting that graduates typically earn \$60,000 in their first year out of the academy, plus health and pension benefits and a significant increase in salary over "Class B" drivers who operate dump trucks and school buses. While private-sector driving programs exist (for a fee), the free non-profit academy has a 97% pass rate for the Department of Motor Vehicle's Class A exam, almost double the average pass rate of private schools. He closed his comments emphasizing the primary objectives of the project, the adequacy of impact mitigation measures, the importance of reliance on factual information by the community and not unqualified statements or speculation, and the long-range benefits to the community associated with the project.

**Antonio Sanchez**, East Valley Area Director, Office of the Mayor noted the Mayor's support of the proposed Training Academy use and the associated benefits that would be made available to City residents and employees. He noted the Mayor's participation and continuous support of the project since the inaugural press conference in 2007. He noted that the project would meet Mayor Villaraigosa's objectives to ensure the economic welfare and prosperity of Los Angeles' residents, while encouraging development of sustainable jobs, and livable communities. Mr. Sanchez noted that the Mayor in offering support of the Training Academy recognizes the need and importance of green space and remains committed to completing the closure process at the former Lopez Canyon Landfill site to fulfill the intended use of the site for open space and recreational parkland use. He noted that the proposed use would not interfere with fulfilling these objectives, while also providing much needed employment and training opportunities for the community.

The **other speakers listed above in support of the request noted the following in their comments, summarized below**, and concurred with the statements made by the applicant and previous speakers in support of the request:

- Project provides substantial public benefits, providing job opportunities that are in demand and desired by the residents and community stakeholders;
- Academy operations are an interim use that will not prevent or subvert closure operations and ultimately will still enable use of the former landfill site as open space/recreational use as established by the General Plan;
- Development of jobs within the community is integral to rebuilding and sustaining the community;
- Project is a compatible and appropriate use on City-owned property that meets the locational criteria for the project and on land that would otherwise be underutilized;
- Project is an environmentally "neutral" project and is consistent with the scope/intensity of uses currently being conducted at the site (e.g., compost/mulch operation);
- Potential impacts associated with noise, trip generation and operations would not exceed current levels or impact significance thresholds, and are avoided or appropriately mitigated by the proposed measures;
- Project site selection is limited by the extremely low vacancy rate characterizing the East Valley;
- There is lack of available sites that meet the locational criteria and project objectives;
- Trucking industry continues to have high demand for trained operators and is a high-growth industry in an otherwise sluggish economy;
- TOP provides quality instruction and has an established record of preparing drivers with skills necessary to receive a Class A Driver's License;
- Alternative site locations suggested outside of the community will shortchange Valley communities which do not receive a fair-share of economic incentives available to other areas of the City (e.g. Port of Los Angeles, Central City);
- Potential hazards and safety impacts are exaggerated and have no factual basis; concerns rely on sensationalized rhetoric and speculation; and,
- NIMBYism is short-sighted and does not reflect the opinion of the whole of the community.

### **Oral Testimony: Opposition**

Of the full list of speakers noted in attendance at the hearing (above), the following spoke in opposition to the request:

Paul Novak, Chief Deputy, County Supervisor Michael Antonovich's Office

Abby Diamond, Sunland Tujunga Alliance  
Wayde Hunter, North Valley Coalition of Concerned Citizens, Inc.  
Electra Kruger, Shadow Hills Property Owners Association  
Marlene Rader, Kagel Canyon Civic Association  
Nina Royal, Sunland Tujunga Neighborhood Council  
Jeff Woodruff, La Tuna Canyon Community Association  
Nancy Woodruff, Foothill Trails District Neighborhood Council



Mike Anderson  
Brian Baker  
David Besdesky  
Darius Bakhtar  
Danny Black  
Tim Burgess  
Frank Chavez  
Kelly Decker  
Karen Glazier  
Billy Hays  
Christena Hughes  
Donna Lauber  
Mike O'Gara  
Katherine Paull  
Edwin Scheeline  
William Slocum  
Bud Terusa  
Mike Trivich

**Nancy Woodruff**, Land Use Chairperson, Foothill Trails District Neighborhood Council (FTDNC) addressed issues of paramount importance to the community stakeholders represented by the FTDNC, including residents, business and property owners in the Lakeview Terrace and Kagel Canyon neighborhoods. Ms. Woodruff noted that over 200 letters in opposition to the request had been submitted by stakeholders in response to the Mitigated Negative Declaration (MND) issued by the Bureau of Sanitation regarding the proposal, with similar strong opposition voiced at FTDNC meetings and town hall sessions. Issues identified by the FTDNC include:

- Opposition to the request has been voiced continuously by the community since the inception of the project and first meeting with the community in February, 2008; representation that the proposal has been "well-received" is inaccurate;
- Precedent-setting use of open space that in concert with other current use of the Lopez Canyon site, is piecemealing "industrial-type projects on the site that is not consistent with the designated use of the site as Open Space;
- Lack of community outreach and lack of responsiveness by City agencies/Council District to inquiries from constituents and FTDNC;
- Draft MND issued by the Bureau of Sanitation (January, 2009) was not updated and was prepared in association with the mulching/compost facility project and does not adequately analyze the impact potential of the instant request;
- MND does not address off-site training on local streets and highways;
- Denial of a similar variance request for motocross recreational use on closed landfill (Council File CF# 2007-2220)
- No hardship on the part of the applicant, and the request is inconsistent with the General Plan and Community Plan;
- Detrimental to the public welfare as a result of use-generated impacts including noise (engines, braking, backing signals); safety (pedestrian, vehicular, horses); hazards (fuel fires); property values;

- Lack of sustainable funding for the proposed use, as exemplified by closure of the Long Beach Training Academy facility;
- Other Neighborhood Councils also voiced support of the FTDNC opposition to the request.

**Paul Novak**, representing Los Angeles County Supervisor Michael Antonovich, noted that while the Supervisor is in agreement with the primary objectives of the project, the location at the former Lopez Canyon Landfill site is clearly objectionable. Mr. Novak noted that the proposed use is not comparable to existing uses on the site, and would result in new impacts that are inadequately addressed in the MND and are unable to be mitigated to acceptable levels. He stated that the proposed use is not typical of post recovery activities associated with landfill closure and that the use is more appropriately suited to properties designated and zoned for industrial use. He noted that use of the variance procedure subverts the planning process, that a General Plan Amendment and Zone Change would generally be required for a project of this type, and that the required variance Findings cannot be made in the affirmative to approve the project proponent's request. Mr. Novak specifically identified discussion provided in the December 14, 2009 letter authored by the Supervisor, noting that an important decision is being delegated "to an un-elected City employee rather than being made by elected officials responsible to the voters", and that there was "no practical difficulty, hardship or special circumstances." Mr. Novak also noted that the City's definition of "open space" overlooks the concept of passive open space. In citing from the Supervisor's letter, he stated, "...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." The timing for the hearing and processing of the application was also questioned as to its occurrence prior to a federal and significant religious holiday and the appearance that the applicant (City) received priority scheduling over other applications submitted for discretionary review.

Mr. Novak requested that the December 14, 2009 letter from Supervisor Antonovich be formally recognized as being entered into the record (letter attached to case file).

#### Other Testimony in Opposition

The **other speakers listed above in opposition to the request noted the following in their comments, summarized below**, and concurred with the statements made by the previous speakers in opposition to the request.

- Lack of assurance that OS Zone and the site will be preserved for recreational and open space use;
- Incremental piecemealing of site for industrial uses; piecemealing does not address potential cumulative impacts (noise, viewshed, completion of closure operations);
- Impacts to viewshed from Kagel Canyon community;
- Lack of definition for off-site travel routes for driver training;
- Inaccurate accounting of uses associated with the adjoining properties;
- City has not established credibility with the community as to the current use of the site and limited progress in completing closure process;

- City actions have resulted in broken promises, and mismanagement;
- Responsible agency review and approvals have not been conferred to the applicant for use of the site (e.g., Regional Water Quality Board);
- Amendment to the closure plan is required by responsible agencies;
- Mulching facility and other activities have grown out of proportion with that anticipated by the adjoining residential neighborhoods;
- Political objectives that override the welfare of the residents;
- Alternative sites were not considered by the applicant;
- Settlement and other physical characteristics of the landfill that may be adversely affected by the truck traffic have not been analyzed;
- Allocated enrollment should also be available to veterans and other groups;
- Economic impacts on private driver-training operators who do not have similar access to public funding and subsidies;
- Rush to judgment without adequate analysis to support findings;
- Lack of transparency, timeliness, and due process by the responsible agencies.

### **Rebuttal/Response to Questions**

The applicant and their representative were provided the opportunity to respond to issues and questions raised in the hearing testimony and as well as to questions posed by the Zoning Administrator after closing the public comment period. The applicant/applicant's representative response is summarized below:

- The site is an active site and currently maintains active operations despite no longer accepting refuse;
- Comments misrepresent the active character of the project site;
- Affirmed ability to make findings in regards to hardship and special circumstances based on limited availability of appropriate sites, within City ownership, that meet other project objectives;
- No substantial evidence provided that significant impacts would result from project implementation;
- Lease terms reflect that use is not meant to be permanent or long-term;
- Project is an interim use and entitlements under a General Plan Amendment/Zone Change would establish a permanency not desired nor intended for the Trucking Academy. The applicant noted in response to Supervisor Antonovich's concern (i.e., "...an 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"), that within the City, a zone variance is used for this exact purpose with Associate Zoning delegated this exact authority by the City Charter, as approved by the City residents. The applicant's representative noted, "The exact purpose of a zone variance is to allow a remedy when the underlying zone creates an unfair condition or hardship not intended by the code. Zone Variances allowing an interim use not otherwise permitted in a zone are a perfectly legitimate process and one that has been widely accepted by the City. If the applicant were asking for a permanent grant, that ran indefinitely with the land, one could make the argument that it was a de facto zone change, but when such a use is intended to provide a reasonable transitional use of property when said property cannot be used for the zoned purpose, a variance is a reasonable and appropriate vehicle."

- The proposed operation will be at least ½ mile from the closest residential property;
- Issues raised in regards to current landfill operations, (i.e., mulching facility, proposed LNG facility, and closure operations activity status) are not before the Zoning Administrator or within the Zoning Administrator's authorities for the instant request;
- The proposal and variance request needs to be evaluated on its own merits, taking into consideration the full scope of mitigation measures made available as part of the project;
- Conversion of LNG engines for the trucks is an involved process that can not feasibly occur immediately, therefore the 1-yr conversion timeframe is reasonable and feasible;
- Fueling will occur off-site or at an on-site location via mobile fuel delivery (already currently occurring on-site in association with current Bureau of Sanitation vehicles);
- Locations for off-site travel /driving training routes will be established prior to initiation of operations;
- Alternative sites within authority of the Bureau of Sanitation are not available for use by the Training Academy as they are either currently engaged in other use or are undergoing final stages of conversion to open space uses;
- The Lopez Canyon site meets all primary objectives of the proposal;
- Security will be provided in accord with established City procedures for on-site use, access;
- The applicant will be required to comply with all applicable State and local safety regulations; scope of potential hazards and safety issues noted in objection are unsubstantiated and lack evidence of any nexus to the proposed use;
- No signage beyond directional/informational signage is proposed, i.e., no commercial signage or advertisement;
- Review has been completed by other responsible agencies, e.g., Regional Water Quality Board, SCAQMD)
- All public notice and Brown Act requirements have been met and all environmental issues have been adequately addressed and resolved.

The applicant's representative, Robert Lamishaw, also provided a five page written letter dated December 17, 2009, prepared in response to the correspondence received from Supervisor Michael Antonovich (letter attached to case file).

### **Zoning Administrator Comments**

At the conclusion of the public hearing, the Zoning Administrator took the matter "Under Advisement" in order to have the opportunity to review testimony provided at the hearing documents submitted at the public hearing, and the administrative file. The record was closed at the public hearing for receiving any additional comments for consideration by the Zoning Administrator. The closing of the record does not preclude any party from submitting information for attachment to the case file or from reviewing the public record. The written comments dated and requested to be entered into the record *after* the Zoning Administrator's closing of the record (December 18, 2009) may not be reflected in the Zoning Administrator's written determination.

***Correspondence***

Over 200 written letters including form letters and petitions were received from agencies, organizations, community stakeholders, and individuals in regards to the request. This correspondence is included in the administrative case file. Approximately 80% of these letters are in opposition to the request. The content of the written correspondence, both in opposition and in support of the request, substantially reflects comments provided in the public hearing testimony. Letters from organizations are noted below as to support or opposition. Individuals have not been listed due to the quantity of documents received.

***Agency Comments***

It is noted that the California Regional Water Quality Board approved the Amendment to the Final Post Closure Amendment Plan, as stated in their determination letter issued October 30, 2009, attached to the case file.

On behalf of the Bureau of Sanitation, the applicant's representative provided a five page written response to the letter submitted by Supervisor Michael Antonovich (attached to case file).

***Organizations: Support***

Los Angeles Chamber of Commerce  
Pacoima Chamber of Commerce  
Valley Industry & Commerce Association  
Pacoima Beautiful  
United Service Workers West/SEIU, Local 1877/SEIU Local 2006  
Los Angeles Alliance for a New Economy  
Clergy and Laity United for Economic Justice  
The Valley Economic Alliance  
Los Angeles Mission College  
Los Angeles Community Colleges  
Youth Policy Institute  
Initiating Change in Our Neighborhoods  
Habitat for Humanity, San Fernando/Santa Clarita Valleys  
Phoenix House  
El Nido Family Centers

***Organizations: Opposition***

Foothill Trails District Neighborhood Council  
Sun Valley Area Neighborhood Council  
Sunland-Tujunga Neighborhood Council  
Studio City Neighborhood Council  
Kagel Canyon Civic Association  
Sunland-Tujunga Alliance  
Greater Toluca Lake Neighborhood Council  
Lakeview Terrace Improvement Association

North Hills West Neighborhood Council  
Supervisor Michael Antonovich, Board of Supervisors, County of Los Angeles

### **MANDATED FINDINGS**

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The OS (Open Space) Zone provides land use regulations and standards for the use of publicly-owned land. The Municipal Code allows landfill sites which have received certificates of closure in compliance with federal and state regulations within the OS Zone.

The former Lopez Canyon landfill is designated to become a community recreation area. However, the landfill site cannot be opened for public use for a minimum of 30 years after the landfill's closure. The landfill closure plans phases are as follows: Phase 1 (2-4 year plan; entry and existing park improvements), Phase 2 (7-10 year plan; trail connections and improvements in the bufferlands), and Phase 3 (20+ year plan; landfill conversion to active recreation fields).

As noted previously in this determination, the Bureau of Sanitation currently operates the Lopez Canyon Environmental Center on the 'A' Deck of the former landfill site. Since 2004, the City-owned and operated Center serves as the processing location for curb-side collected yard trimmings from the East Valley area as well as horse manure collected by the City, which is processed into mulch and compost. Today an average of 300 tons per day (tpd) of yard trimmings are mixed with about 125 tpd of woody materials to produce high quality mulch that is given away free to City of Los Angeles residents, delivered to farmers and donated to schools, non-profits, and community groups. This interim use has been found to be reasonable, has not resulted in significant environmental impacts, and as currently operated, under conditions established by the Bureau in concert with recommendations from the community stakeholders, is an appropriate interim use. The Environmental Center use does not interfere with, delay, or preclude operations in association with the closure plan for future use of the site for park and recreational land.

Similarly, the Training Academy would be an interim use occupying a location on the 'A' Deck; this location within the landfill was previously made available for use by the Environmental Center and subsequently found not to be needed for the composting operation. The Training Academy would not occupy any areas that are included in the Phase 1 or 2 closure program or that have completed closure (e.g., the 'AB+' Deck, 'A' Slopes, 'B' Deck, or 'B' Slopes or any area within the North AB+ Slopes,

'C' Deck, 'C' Slopes). The Training Academy would be located within the area designated under the Phase 3 program of the closure plan and would not interfere with any current or future closure activities.

In addition, the Municipal Code allows for certain uses within the OS Zone subject to review and approval by the Planning Commission, City Council and Zoning Administrator. These uses include high voltage transmission lines (including towers), water treatment facilities, pumping facilities, distribution facilities and water filtration plants, and wireless telecommunications facilities. Aquaria, observatories, planetaria and zoos, golf courses, senior citizen centers, community centers, clubhouses, community rooms, playgrounds, libraries, tennis courts, and gyms would also be allowed under the same discretionary review process. These uses are generally of greater intensity than the proposed Training Academy, and by nature of this intensity could result in impacts that are significant and exceed threshold levels (e.g., significant trip generation, hours of operation including evenings and weekends, visual impacts (lighting, structures), noise, and occupancy). As evidenced in the environmental analysis completed for the proposed Training Academy, the subject use will not result in significant adverse effects or create impacts that would exceed regulatory standards or thresholds.

The grant term for the variance has been limited to five years to assure that conditions imposed for the use remain effective in mitigating potential impacts and that operation of the Training Academy has been conducted in compliance with these measures. Although the terms of the lease allow the opportunity for two five-year term renewals, such renewal would be contingent on further approval by the Zoning Administrator to allow for a new variance.

Approval of the variance to enable the proposed use will not delay or prevent the ultimate use of this property for open space and recreational purposes. The intent of the OS Zone is to provide dedicated land for both passive and active public open space use. In allowing the Training Academy to operate on the site, this intent will neither be sidetracked nor foreclosed. Approval of the requested variance will allow a use that serves the public interest and welfare of the community until such time as the former landfill site meets federal and state standards, enabling continued public use of the land, consistent with the purpose and intent of the Code.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The applicant has noted the following project objectives:

- operation of a first-class truck driver training facility conducted on a non-profit basis, providing student training with the goal of qualifying the trainees for a Class A California Driver's license;
- at least 25% of the remainder of the trainees are residents of the Seventh Council District;

- City of Los Angeles Bureau of Sanitation employees shall comprise at least 8.33% of the openings for trainees each year, but in no event less than 12 and no more than 25 trainees per year, at no cost to the City or the employees; and,
- partnership with knowledgeable local work force development agencies and/or organizations to identify potential participants.

The benefits to the immediate community and the ability of the project to meet these objectives are dependent upon conducting the Training Academy operation at a location specifically within the Seventh Council District. The Lopez Canyon Landfill site meets a primary project objective to serve and train local residents from the Seventh Council District and employees of the City of Los Angeles, Bureau of Sanitation, as the site is located within the Seventh Council District and at a Bureau-operated facility. This locational advantage provides an opportunity for community residents and employees to obtain desirable vocational skills, within close proximity to their residence or job site, while reducing travel time, vehicular trips, personal investment, and energy consumption that would otherwise be generated by Training Academy enrollees commuting to a location outside of the Council District area. The location also will serve to facilitate interaction between local economic development organizations and the City agencies in coordinating mutual efforts to achieve the enrollment objectives established for the operation.

In addition, the continued limited availability of industrially-zoned properties within the northeast San Fernando Valley presents a challenge to the City and operator in finding an appropriate location for the Training Academy. As presented in a recent report by the Economic Research Center, California State University, Northridge:

*Bucking the national trend of upward vacancy rates, the Valley vacancy rate has dropped from 1.7 percent to 1.4 percent. The drop in vacancies is lead by the East Valley. The Valley's industrial space market, after hovering around 3 percent vacancy range in 2003, dropped below 2 percent in 2006 and has been remaining there since then. The various Valley regions experienced somewhat different patterns over the past year. The East Valley showed a drop from a fourth quarter 2007 rate of 2.1 percent to only 1 percent in fourth quarter 2008. The various regions of the Valley experienced somewhat different vacancy industrial rates in the fourth quarter of 2008 with the West Valley turning in the highest rate at 2.1 percent, the Central Valley registering at 1.4 percent rate, and the East Valley lower at an amazing 1.0 percent vacancy. The East Valley added just over 1 percent to existing space. While these space additions are helpful to the crunch in industrial space availability in the Valley, this muted growth of industrial space is compounded by the very low vacancy rates being experienced here.<sup>2</sup>*

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Source: "The San Fernando Valley Economic Report, Dr. William W. Roberts, Professor, CSUN Director, Economic Research Center, California State University, Northridge, 2009 Valley Economic Summit. The San Fernando Valley Economic and Real Estate Report, which combines the annual San Fernando Valley Economic Forecast by the CSUN College of Business & Economics, and the annual San Fernando Valley Real Estate Outlook by Southland Regional Association of Realtors and



The Bureau of Sanitation noted in testimony at the public hearing that the Lopez Canyon site was the most opportune in regards to available City-owned properties, meeting all of the project objectives, and therefore, that alternative sites were not pursued. The Lopez Canyon Landfill site was identified as a candidate site that would not create unnecessary encumbrances to both the City and operator. While the East Valley contains 43 percent of existing Valley industrial space, the low vacancy rates have essentially stabilized rental rates at their current levels, with little reduction occurring or foreseeable in the Valley. The use of the Lopez Canyon Landfill site provides an opportunity for both the City and Training Academy operator to minimize commitments necessary to maintain lease arrangements with a third party on privately-owned property or to purchase property within the targeted community.

Alternative sites presented in public hearing testimony by community stakeholders would not fulfill project objectives. These sites are either earmarked for other development proposals, are not under City ownership, are not located within the Seventh Council District, or are under private or County ownership and thus would require third-party lease arrangements or property acquisition. The actual availability of privately-owned property and the County property has not been established by the stakeholders. The properties identified by the stakeholders are listed below, including relevant information regarding their status.<sup>3</sup>

<u>Alternative Site Location</u>	<u>Ownership/Status</u>
9351 North Tujunga Avenue	Private
12621 S. Sheldon Street	City; located in CD6
12627 Osborne Street	Los Angeles County
12385 San Fernando Road	Private
15625 Bledsoe Street	City (LADWP); proposed Lakeside Park/softball fields

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

While the nearly 600-acre land fill site is arguably unique at to physical context and character, the broader issue of using Open Space zoned property for non-recreational uses is not uncommon. As noted, in the application, the City allows non-recreational uses when the recreational use is not feasible or other uses are reasonable and are found to be compatible with the intended be use and purpose.

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California Association of Realtors, focuses on current trends and the outlook for the economy and the Valley region real estate market. (Copy attached to case file).

3 The exhibit presented by the stakeholders at the public hearing, and the ZIMAS property reports pertaining to these properties (obtained by the Zoning Administrator from ZIMAS City records on December 31, 2009) are included in the case file.

The former Lopez Canyon Landfill is in a transitional phase from a heavy industrial use to future recreational use. The closure procedure for a landfill operation is not instantaneous. As much as the landfill facility is no longer accepting refuse, the site is still active as it continues to conduct closure activities (grading, landscaping) and maintains other operations (compost facility, landfill gas/energy facility). The applicant is proposing to make an interim use of one quarter of one percent (0.025%) of the subject landfill for a community, serving education and training purposes.

The instant variance allows for this transition from landfill to park land to occur with appropriate interim use of the property during the closure process. As noted in the previous findings, the availability of an appropriate site, capable of meeting the project objectives, is limited by locational factors.

As recognized by both project proponents and community stakeholders in opposition to the request, there are several similar truck driver training facilities located in the community and region, all of which provide a desirable service to the community. While these businesses provide training skills, job opportunities, and other direct benefits to their clients that are equivalent or similar to those associated with the proposed project, these operators do not necessarily seek to achieve or have the ability to meet the objectives established for the Training Academy by the City and Bureau of Sanitation, i.e., not-for-profit, dedicated enrollment positions for local residents and City employees, and a location within the Seventh Council District. As such, the variance is necessary for the City to obtain the ability to use the property in a manner generally possessed by other property in the vicinity but that is denied to the property in question.

4. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The subject Training Academy will occupy 1.5 acres, (approximately 0.25%), of a nearly 600 acre site and will be well removed from any residential uses. A maximum of 8 trucks will be in operation at any one time. As the nearest sensitive use is more than 2,143 feet from this area, according to the Mitigated Negative Declaration, the localized impacts are reduced both by distance and the ratio of hours spent conducting training on the site.

The impact analysis conducted in regards to noise, traffic, air quality, and visual/aesthetic impacts for the proposed Training Academy use is summarized below.

#### Noise

A noise study was conducted for the Bureau of Sanitation on January 14, 2009, between noon and 2:30 p.m. to establish the current landfill ambient conditions.<sup>4</sup> A

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4 "Lopez Canyon Landfill Truck Driver Training Academy Noise Impact Modeling Report", Behrens and Associates, February 4, 2009. Copy attached to administrative case file.

20-minute duration continuous ambient sound survey was conducted on the 'A' Deck of the landfill and two 20-minute continuous ambient sound surveys were completed at two residences on Kagel Canyon Road (12769 and 12600 Kagel Canyon). To establish truck noise impacts, noise readings for two 318 and 475 horsepower trucks were taken at the Truck Driver Training Academy in Long Beach while the trucks were in operation. On-site measure operational sound levels of the trucks used at the Training Academy in Long Beach were used as the foundation of the noise levels for the model. The ambient sound levels at Lopez Canyon Landfill and off-site locations were modeled while taking into consideration the topographical features and ground cover of the landfill site and adjacent surroundings. The results of the modeling analysis show that the projected noise levels along Kagel Canyon indicate no measured truck noise impact at the residences and therefore, that projected truck noise levels along Kagel Canyon Road would not be significant. The study also shows that noise generated towards the Lake View Terrace community would not exceed ambient levels or thresholds for significant impact.

The proposed site for the Training Academy is internal to the landfill site and located more than 2,000 feet from any proximal residential uses (see Section XI, Noise, of the Mitigated Negative Declaration). According to the noise analysis performed by the City, the neighboring community of Kagel Canyon is a somewhat rural area, and has an ambient noise level below that of urban areas. Current operations being conducted at the landfill during the day include the use of a tub grinder, trommel screens and loaders, which generate sound up to 95 dBA. City collection vehicles also deliver green materials for processing and composting throughout the day. All moving equipment and City collection vehicles include back-up alarms. These alarms are specifically designed to command attention, and when used for landfill closure activities, or when outside the noise shadow of the sound barrier at the Lopez Canyon Environmental Center (LCEC), are reportedly heard at residential sites throughout Kagel Canyon. The Training Academy includes the use of commercial vehicles which are also required to have operating back-up alarms. However, the Training Academy will retrofit their vehicles to install broadband back-up alarms, similar to the types of backup alarms on the LCEC on-site equipment.

To further avoid any possible adverse impacts the following measures will be implemented as part of the Training Academy operation:

- Training Academy driving activities will not commence before 8:00 a.m.;
- Back-up alarms on the trucks used at the Academy will be directional, and required to be set at their lowest volume;
- The backup alarms will be at least of the type and quality of that use on the Lopez Canyon site for its City vehicles and equipment;
- An earthen berm 12 feet high will be constructed at the edge of 'A' Deck as a noise barrier before commencing operations at the site;
- As noted previously, traffic will be limited and well removed from any residential area proximal to the subject property; and,
- Sound walls and other techniques may be considered as additional measures to ensure adequate protections to Kagel Canyon and Lake View Terrace communities.

### Visual/Aesthetic

The project plans and sectional views identify that the proposed berms and natural hillside would substantially obstruct the line of sight of most adjacent residences as well as acting to minimize any potential noise impacts. Further, as noted above, the proposed Training Academy is well removed from any proximal residential use. As noted in the MND prepared by the Bureau of Sanitation, the existing views from off-site locations towards the project site consist of sparsely vegetated slopes, berms, and decks characteristic of a former landfill. Additionally, the berms to be installed at the edge of the 'A' Deck would obstruct views of this Training Academy site.

### Air Quality

An Air Quality and Emissions Analysis was prepared for the proposed use using the proposed training curriculum for the Training Academy trucks, including starting, running and idling exhaust, and accounts for tire and brake wear. The analysis identifies that daily emissions for PM<sub>10</sub> and NO<sub>x</sub> generated by the eight (8) trucks to be used for the Training Academy purposes would not exceed the adopted SCAQMD emissions thresholds, and therefore potential impacts would not be adverse or significant. The project is required to maintain compliance with the SCAQMD permits issued for the landfill closure operations. In addition, all vehicles will be converted or retrofitted to LNG use within one year of initiating operation, there will be no training conducted on Lopez Canyon Road or Kagel Canyon Road, and not operation of vehicles between 8:00 a.m. and 9:00 a.m., and 2:00 p.m. and 4:00 p.m. to avoid sensitive receptors.

### Traffic/Circulation

A maximum of eight (8) trucks will be involved in the daily Trucking Academy operations. Access to the freeway is located less than one-quarter mile from the entrance to the Lopez Canyon landfill site. Section 4.2 of the lease agreement states, "All private vehicles, other than those of trainees, must be parked on the Premises...No parking outside the premises is allowed except for trainees" and that trainee's private vehicles must be parked in the designated park-and-ride area. There will be no training conducted on Lopez Canyon Road or Kagel Canyon Road, and not operation of vehicles between 8:00 a.m. and 9:00 a.m., and 2:00 p.m. and 4:00 p.m.. In addition to those measures identified in the Mitigated Negative Declaration, incorporated as conditions of this grant, the Conditions of Approval require that prior to initiating operations, the applicant provide a route identifying the specific streets/location to be used for driver training activities and staging, and to not use streets within prescribed areas of the Lake View Terrace and Kagel Canyon neighborhoods adjoining the landfill site (see Condition Nos. 19, 20, and 21 of this grant).

### Conclusion

The potential impacts associated with use of the site have been considered in reviewing this request. A review of project plans, historic use documentation, the

environmental analysis, and a field survey of the site concluded that the use will not generate adverse effects to the adjacent properties or community.

Testimony and letters in support and in objection to the request were submitted by local elected officials, adjoining property owners, business owners, and stakeholders, also attached to the case file. The issues identified in objection have been addressed in the Conditions of Approval imposed by this grant, based on a comprehensive review of the project plans, environmental impact analysis, economic analysis, on-site observations, and recommendations of the responsible City agencies, Council District, Neighborhood Council(s), and stakeholders.

The grant authorized herein incorporates conditions which have been imposed upon the use to insure compatibility with established uses in the surrounding community. The environmental mitigation requirements of the Mitigated Negative Declaration, as *modified by the Zoning Administrator*, attached as Exhibit "B" to the case file, have been incorporated and made a part of the Conditions of Approval of this grant. The Conditions of Approval require project development and site configuration to be consistent with the project plans reviewed by the Zoning Administrator, and for the use to be conducted in full compliance with the express provisions of this grant.

The proposed project is subject to review by responsible City agencies, including the Department of Environmental Affairs, Fire Department, Department of Building and Safety, Bureau of Sanitation, and Bureau of Engineering, to assure compliance with applicable state and local requirements as well as the specific Conditions of Approval imposed by this grant. The applicant has received approval of the *Amendment to the Final Post-Closure Maintenance Plan (FPCMP)* from the California Regional Water Quality Control Board, Los Angeles Region (CRWQB) to permit the proposed Training Academy; the CRWQB approval notes that a revised stormwater pollution prevention program that includes best management practices related to the operations of the Training Academy was submitted as part of the amendments to the FPCMP. The CRWQB letter advises that the Amendment to the FPCMP must also be approved by the City of Los Angeles Lead Enforcement Agency and the California Integrated Waste Management Board before its implementation (see letter attached to case file).

The facility operator, employees, and future trainees recognize their obligation to be a 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 within the community. The Bureau of Sanitation provided a copy of the lease agreement; the lease incorporates adopted policies including specific rules, regulations, and responsibilities established for the operation and compliance thereto. These requirements will be distributed and reviewed with all employees, trainees and others affiliated prior to implementation of the Training Academy operation as well as at the time of hiring and enrollment of employees and trainees, respectively.

The Conditions of Approval require an initial administrative review, conducted by the Zoning Administrator, following the first six-month period of operation in conjunction with the requirement for review established by the Bureau of Sanitation

lease. This six-month review provides the opportunity for the Zoning Administrator to assess the efficacy of the Conditions of Approval and to assure that the operator has conducted the use and continues to maintain compliance with the terms and limitations of this grant. The Zoning Administrator maintains the authority to modify, change, or delete conditions as warranted, based on factual evidence.

In addition, the grant term has been limited to a five-year period to provide for further review should the applicant seek to maintain the use for a longer period of time (i.e., extension of the lease term for two additional five-year periods, as provided in the lease), as well as to revisit the appropriateness of the use within the immediate context and in association with community needs and opportunities at that time. The Conditions of Approval note specifically that any proposed modification to expand the use, hours, functions or activities in association with the operation shall require additional environmental review to evaluate potential impacts and that a public hearing be held subject to requirements as established in the Municipal Code. As previously noted, conducting the use in compliance with the Conditions of this grant will insure operations that do not adversely affect the proximal residential area. The applicant is required to operate the facility according to practices that are consistent with the intent of the Code to minimize noise, air quality, circulation, parking, and aesthetic impacts to adjacent neighbors. Therefore, as conditioned, the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements on adjoining properties.

5. **The granting of the variance will not adversely affect any element of the General Plan.**

The adopted Community Plan does not specifically address variance issues, however, the overall goal of the Plan is to promote an arrangement of land uses, circulation and services, which will encourage and contribute to the economic, social, physical health, safety, welfare and convenience of the people who live and work in the plan area and to guide the development of the district to meet existing and anticipated needs and conditions. The Community Plan sets forth goals to maintain the community's individuality by preserving and enhancing the positive characteristics of existing residential neighborhoods.

Open space locations with the community include the Tujunga Wash, Angeles National Forest, the Verdugo Mountains, and the former Lopez Canyon Landfill site. The Community Plan recognizes Open Space as land which is essentially free of structures and buildings or is natural in character and which functions in one or more of the following ways:

- Recreational and educational opportunities.
- Scenic, cultural and historic values
- Public health and safety
- Preservation and creation of community identity
- rights-of-way for utilities and transportation facilities
- Preservation of natural resources or ecologically important areas.

The Community Plan designates the former Lopez Canyon Landfill Site as Open Space. The State of California requirements for closing a landfill site involve preparation of a post-closure maintenance plan. This plan mandates that the site be maintained and monitored for not less than thirty (30) years after the last shipment of waste to the site. The plan requires the detection and monitoring of methane gas and its migration underground during this time. In addition, a 30-year restoration project, entailing slope stabilization and landscaping, is proposed for the site. Closed organic waste landfill sites in the County of Los Angeles have not been reused for residential purposes. The Plan proposes that the site be designated a future recreational area.

As previously noted, the proposed use will not subvert or preclude use of the former landfill for future recreational use, alter the General Plan designation for the site as an open space resource, or prevent attaining the goals established by the General Plan. The zone variance process is intended to provide needed adjustments to the planning process versus a long-term decision such as a zone change or general plan amendment. This grant is not in perpetuity and is limited to a five year (5) year term. Therefore, the subject grant does not hinder implementation of the General Plan and ensures success in meeting the intent of the designation to preserve the land for open space and recreational uses in the future. Absent any significant environmental impacts or evidence of other adverse impacts to the immediate surrounding properties, there is neither compelling reason nor purpose for imposing the strict application of the zoning regulations.

The Community Plan goals and objectives seek to encourage appropriate uses within the existing environs. The goals and objectives of the Community Plan are reflected in both the function and design of the proposed project. The project meets the intent of Plan provisions regarding land use compatibility, buffering of adjoining development and proximal residential zones, providing for the public welfare, and maintaining desirable characteristics of existing neighborhoods. The applicant has demonstrated that the facility will operate with consideration of the adjacent residents and property owners, fulfills a desired service, and will be compatible with the neighborhood. As such, permitting use of a portion of the landfill for the proposed Training Academy purposes is consistent with the goals and objectives of the Community Plan and thereby consistent with the General Plan and its elements.

#### **ADDITIONAL MANDATORY FINDINGS**

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas outside the 500 year flood zone.
7. On January 15, 2009, a Mitigated Negative Declaration was prepared for the proposed project by the Bureau of Sanitation (Khalil Gharios, P.E., Division Manager, Solid Resources Processing and Construction Division). 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 (modified and incorporated as conditions of this action), there is no

substantial evidence that the proposed project will have a significant effect on the environment. I have considered the Mitigated Negative Declaration and hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.

The records upon which this decision is based are with the Bureau of Sanitation, Solid resources Citywide Recycling Division, 1149 South Broadway, 10th Floor, Los Angeles, CA 90015.



LINN K. WYATT

Associate Zoning Administrator  
Direct Telephone No. (818) 374-9914

LKW:lmc

cc: Councilmember Richard Alarcon  
Seventh District  
Adjoining Property Owners



REVISIONS	DATE	BY

APPROVED \_\_\_\_\_  
 DATE \_\_\_\_\_

**LOPEZ CANYON LANDFILL**  
 11950 Lopez Canyon Road,  
 Lakeview Terrace, CA 91342

**TRUCK DRIVER TRAINING ACADEMY**

JOB NO: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DESIGNED: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 DRAWN: \_\_\_\_\_  
 SCALE: \_\_\_\_\_

SHEET TITLE  
**SITE PLAN  
 AND  
 TRUCK  
 ACADEMY  
 LOCATION**

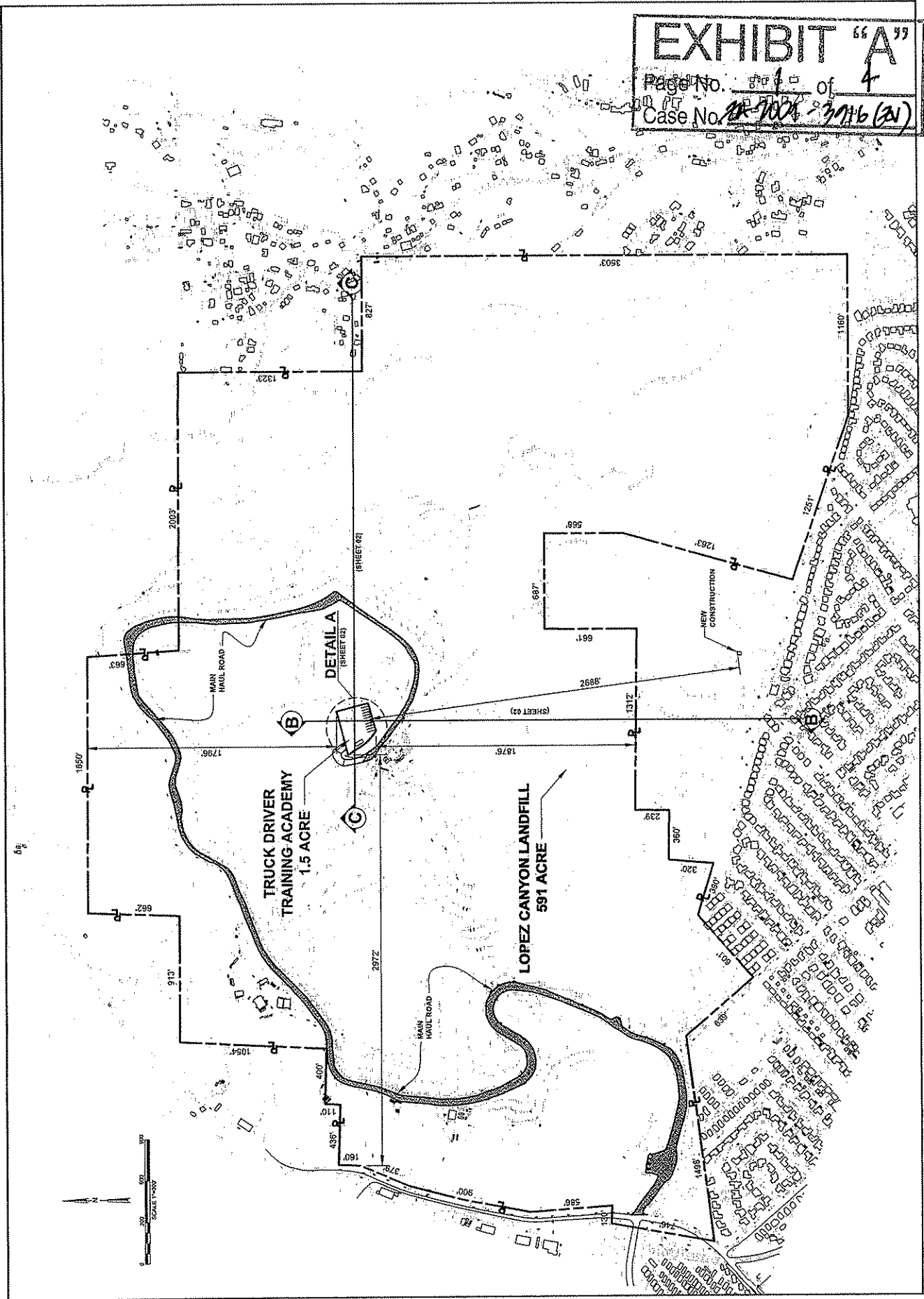
DRAWING NO.  
**01**

SHEET 1 OF 2 SHEETS

**EXHIBIT "A"**

Page No. 1 of 4

Case No. LA-1004-30116 (2)



NO.	DATE	BY

APPROVED \_\_\_\_\_  
 DATE \_\_\_\_\_

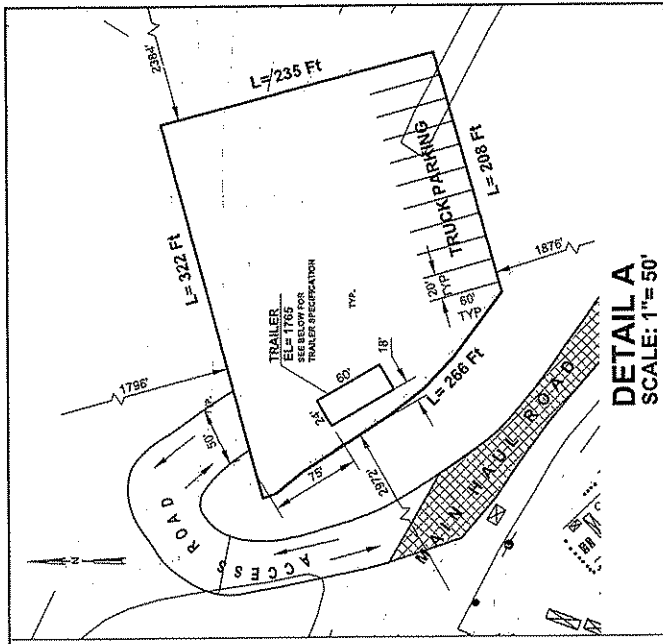
**LOPEZ CANYON LANDFILL**  
 1950 Lopez Canyon Road,  
 Lakeview Terrace, CA 91342

**TRUCK DRIVER TRAINING ACADEMY**

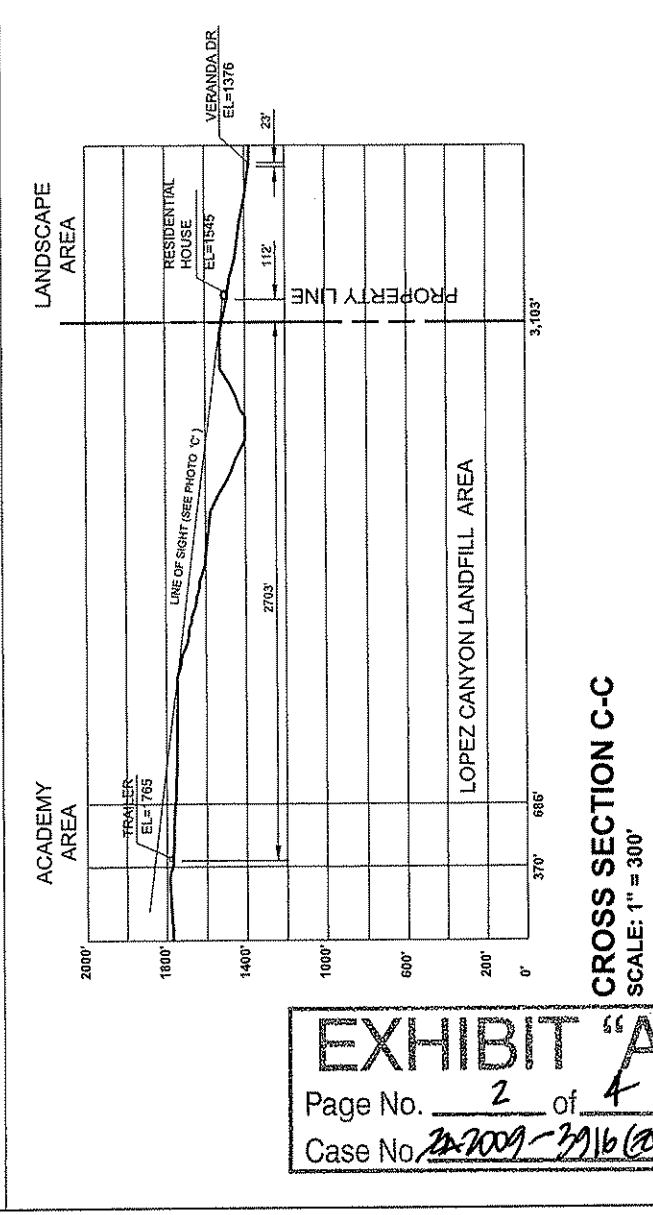
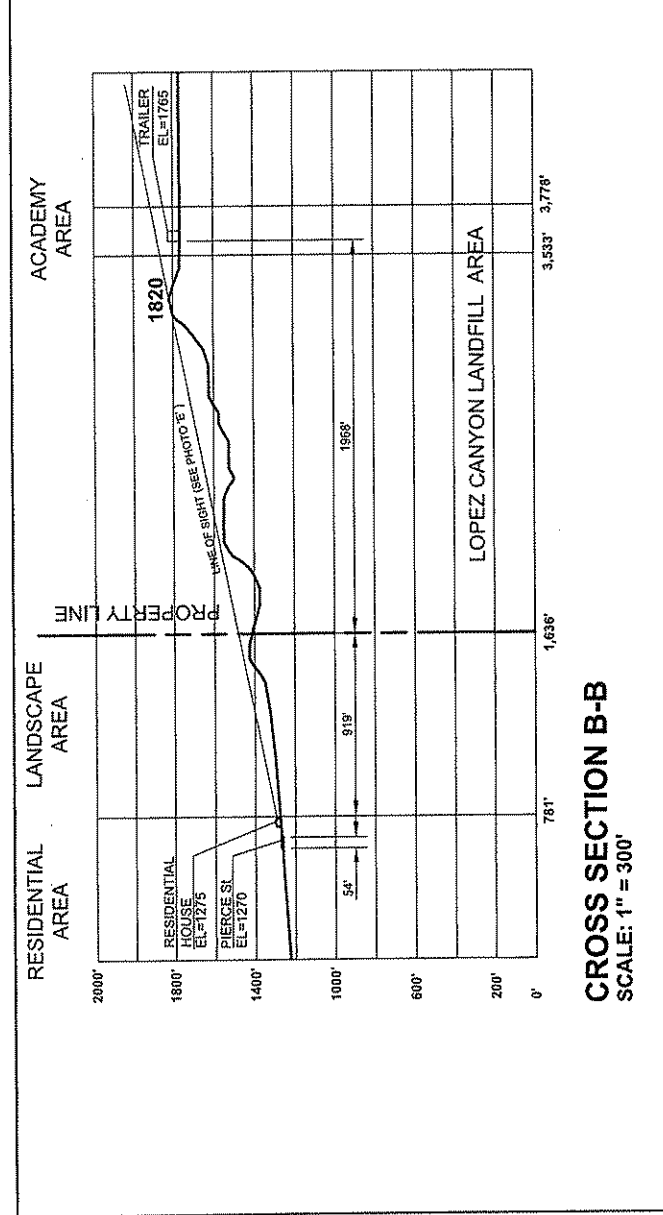
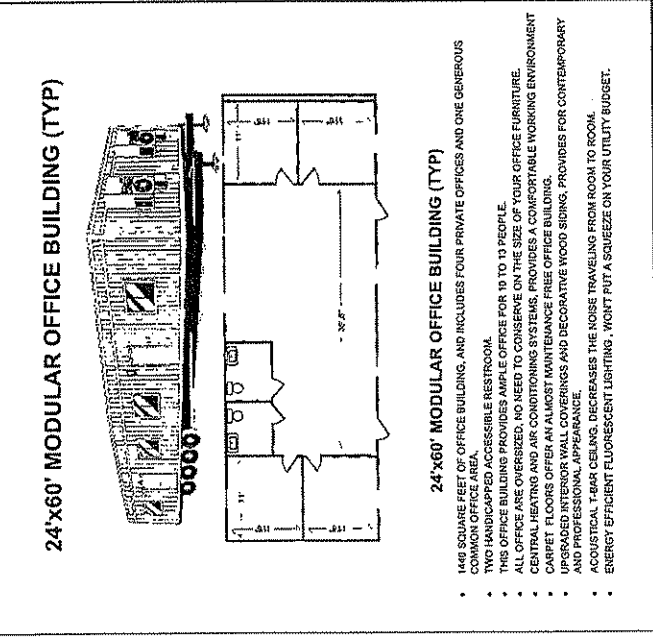
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 DTR:  
 DESIGNED:  
 CHECKED:  
 DRAWN:  
 SCALE:

SHEET TITLE  
**TRUCK ACADEMY DETAIL, CROSS SECTIONS, FLOOR PLAN**  
 DRAWING NO.

**02**  
 SHEET 2 OF 2 SHEETS



**DETAIL A**  
 SCALE: 1" = 50'



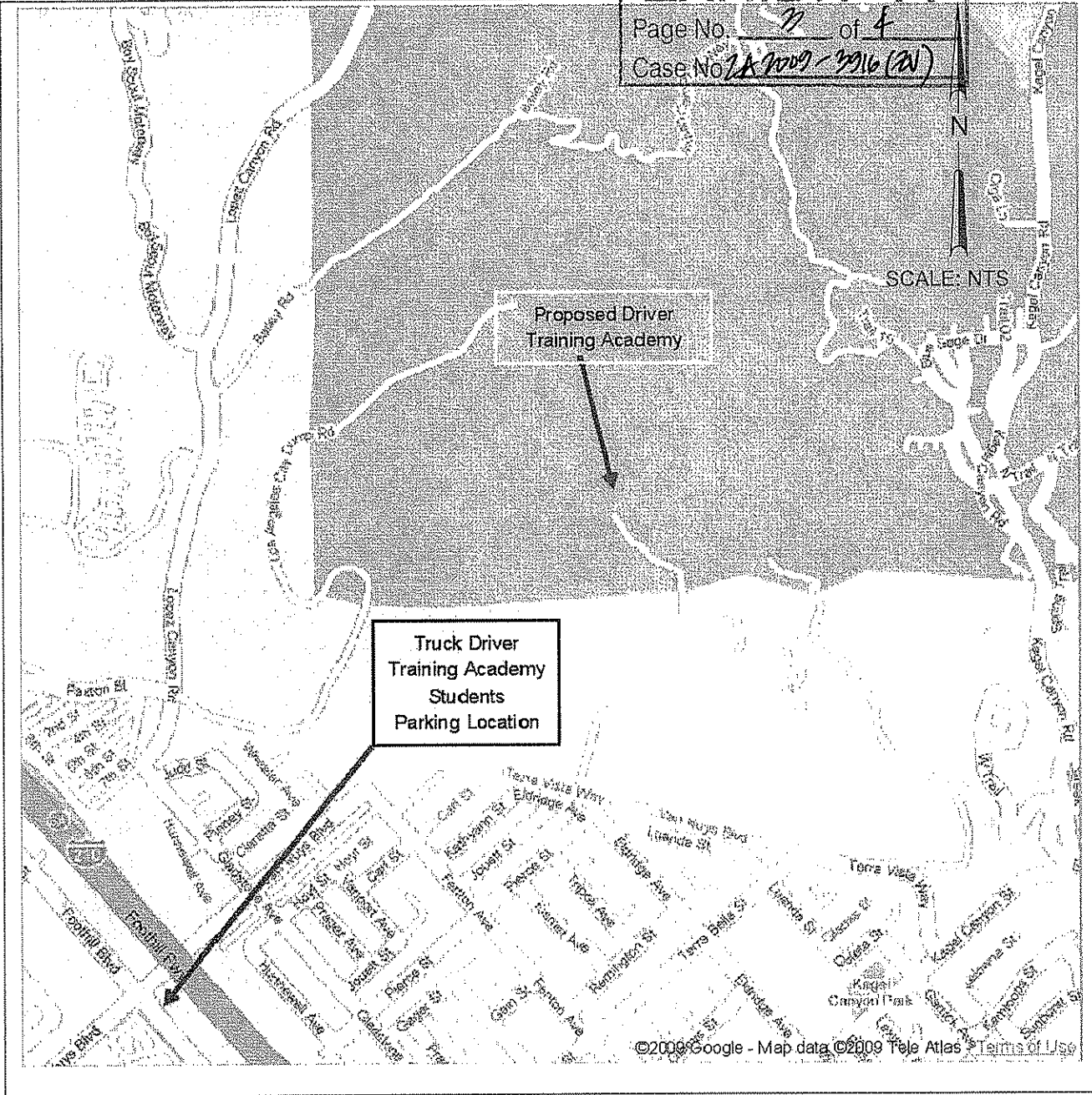
**EXHIBIT "A"**

Page No. 2 of 4

Case No. 22-2009-3916 (20)

# EXHIBIT "A"

Page No. 11 of 4  
Case No. 21A 0009 - 0016 (21)



## VICINITY MAP ZONE VARIANCE TRUCK DRIVER TRAINING ACADEMY

**Lopez Canyon Landfill  
11950 Lopez Canyon Road  
Lake View Terrace, CA 91342**

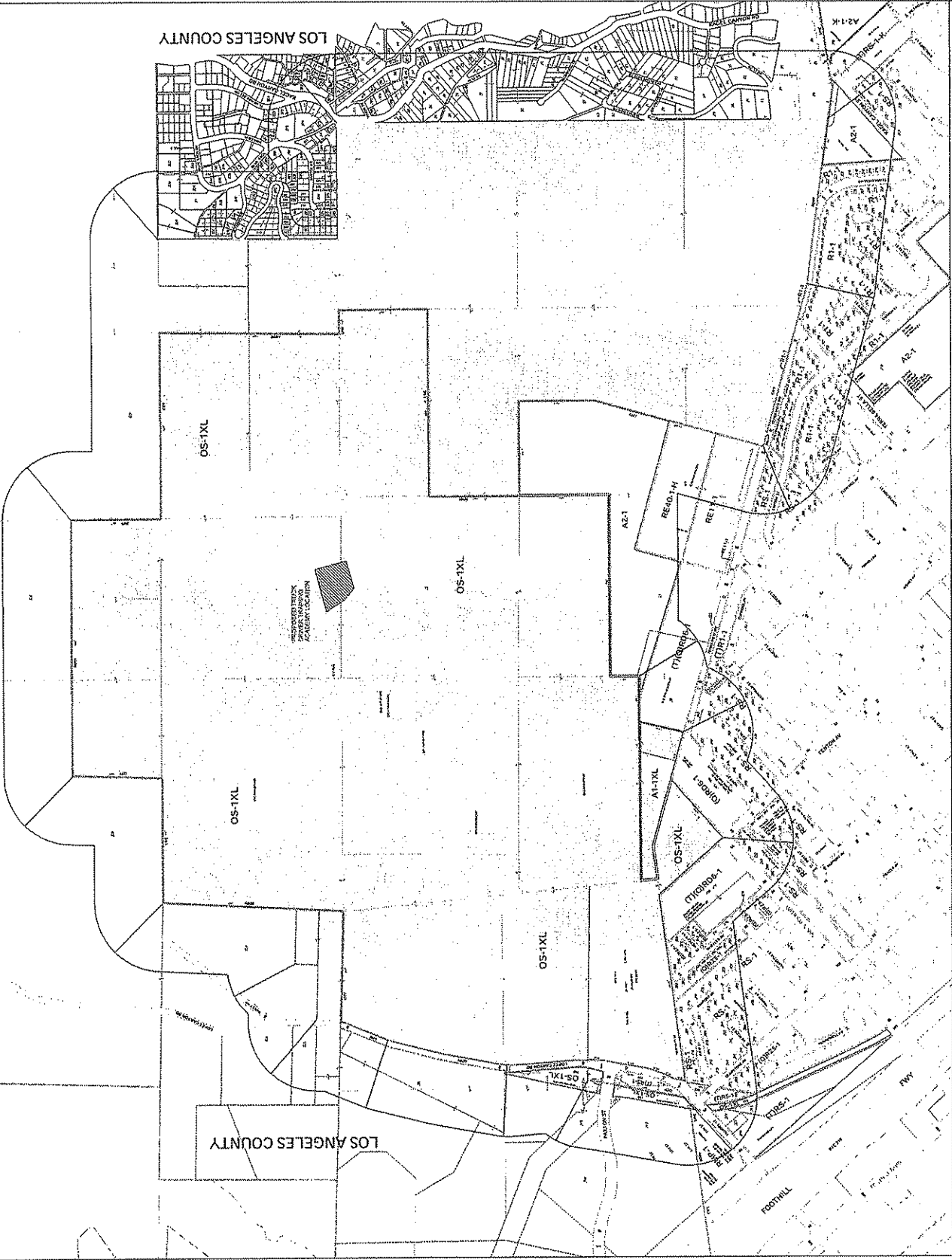


ANGELES NATIONAL FOREST

ANGELES NATIONAL FOREST

LOS ANGELES COUNTY

LOS ANGELES COUNTY



SCALE: AS SHOWN  
 DATE: 11/11/09  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 APPROVED BY: J. B. BROWN  
 TITLE: ZONING MAP

**ZONE VARIANCE**  
 PROPOSED TRUCK DRIVER TRAINING ACADEMY

PROJECT: PROPOSED TRUCK DRIVER TRAINING ACADEMY  
 LOCATION: 11111 W. 111TH ST., LOS ANGELES, CA 90024  
 ZONING: OS-1XL  
 COUNTY: LOS ANGELES COUNTY  
 CITY: LOS ANGELES  
 CONTACT: J. B. BROWN  
 PHONE: (310) 555-1234  
 FAX: (310) 555-5678  
 EMAIL: JBROWN@COUNTYOFLOSANGELES.COM  
 WWW.COUNTYOFLOSANGELES.COM