

RESOLUTION NO. 2025-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERNON APPROVING A CONDITIONAL USE PERMIT FOR THE CITY OF LOS ANGELES TO OPERATE AN ASPHALT RECYCLING CENTER AT 4221 BANDINI BOULEVARD AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH

SECTION 1. Recitals.

A. The City of Vernon received an application for a Conditional Use Permit (CUP) allowing the City of Los Angeles to operate an asphalt recycling plant at 4221 Bandini Boulevard (Property). This plant will receive asphalt pavement being removed from City of Los Angeles street projects which will be crushed and stockpiled for use as road base and/or for use as aggregate in new asphalt pavement on City of Los Angeles street projects.

B. The Property is approximately 3.75 acres, is currently vacant and has most recently been used as a storage yard for sightseeing buses, a garment dye house and exporter, and a pipe and tube supplier. The City General Plan designates this Property for industrial use and it is located in the trucking and transportation overlay zone. The development and performance standards and regulations set forth in 26.4.1-7 of the Comprehensive Zoning Ordinance of the City of Vernon apply to the proposed project.

C. The City Council of the City of Vernon held a public hearing on April 1, 2025, with notice of said public hearing having been duly given as required by law and in accordance with Vernon Municipal Code Sections 17.72.040 and 17.72.050, to hear and consider evidence for and against the proposed Conditional Use Permit and to make findings and determinations in connection therewith.

D. The City Council of the City of Vernon, after due inspection, investigation, and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing with respect to the request for a Conditional Use Permit, does find and determine the following facts:

1. The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Class 32 In-Fill Developments (CEQA Guidelines 15332) as the property is surrounded with compatible industrial uses, is less than five (5) acres in size, and no adverse impacts from traffic, parking, noise, dust, air quality, or water quality are expected to occur from this project.

2. Pursuant to the Vernon Municipal Code Section 17.72.060, a Conditional Use Permit shall not be granted unless all of the following findings have been made. The City Council concludes that the following findings can be made:

- a. The lot for the proposed use is adequate in size, shape and topography, including any required drainage and landscaping.
 - The proposed project will provide adequate parking and truck staging and is adequate in size, shape and topography for the proposed use.
 - The site will be constructed to ensure that the drainage and landscaping conform to the requirements of the Vernon Municipal Code.
- b. The use permitted will not have a material adverse impact on the public.
 - No adverse impacts including impacts from traffic, parking, noise, dust, air quality, or water quality are expected to occur from this project.
- c. The proposed use is compatible with the existing authorized uses of surrounding and adjacent properties.
- d. The proposed use is similar to manufacturing, transportation and warehousing uses of surrounding and adjacent properties. The lot has adequate off-street parking and loading facilities, and vehicle maneuverability for the proposed use.
 - All required parking is provided on-site.
 - Site circulation with vehicles entering on Bonnie Beach Place and exiting onto Bandini helps to ensure adequate maneuverability for the proposed use.
- e. The location, operation and design for the proposed use is consistent with the General Plan, any applicable specific plan and the zoning regulations of the City.
 - The proposed use with respect to the location, operation and design is consistent with the City's Zoning Code and General Plan with the approval of a CUP.
- f. The use is consistent with all applicable Federal, State, and local laws, rules and regulations.
 - The proposed use is consistent with all applicable Federal, State, and local laws, rules and regulations because the conditions of the project require that all required permits be obtained and followed.
- g. The proposed use will not have a significant adverse impact on the general welfare as a result of noise, increased traffic, interference with the flow of traffic, or dust.
 - The proposed project will not adversely impact the general welfare because sufficient parking, loading and maneuvering will be provided on site. The project has access to Bonnie Beach and to Bandini which are of adequate size and pavement type to handle the traffic generated by the proposed project.

- The proposed project will not cause excess noise or dust.
- h. The conditions applied to the permit are necessary to protect the public health, safety, and general welfare.
 - All of the conditions imposed on the Project are necessary to protect the public health, safety and general welfare because the conditions are limited in nature and ensure that the property is used in a manner consistent with that represented by the applicant.

3. Pursuant to the Vernon Municipal Code Section 17.72.100, the City Council has imposed the following conditions on the Conditional Use Permit to protect the public health, safety and general welfare:

- a. The facility shall be operated in accordance with all current codes, rules and regulations and subject to fees as adopted by the City of Vernon, the State of California and other governmental agencies not otherwise addressed by this grant of a conditional use permit.
- b. The facility shall be operated in a manner that will prevent unsanitary conditions, odors and other nuisances.
- c. All subject work shall be in accordance with City Standards. No changes shall be made in the site development except with the prior approval of the Director of Public Works.
- d. The facility shall be operated in a manner that will not impede traffic on Bandini Boulevard or Bonnie Beach Place. No truck maneuvering, truck staging or truck parking associated with the facility shall take place offsite or on the public street without prior approval from the Public Works Department.
- e. The property owner and any successors in interest shall indemnify, hold harmless and defend the City of Vernon, its officers, agents and employees from and against all claims, complaints or petitions for: (1) damages, losses expenses resulting from bodily injury, sickness, disease, disability or death arising from the operation of the facility excluding therefrom any such claim resulting from the sole negligence or intentional wrong doing of the City of Vernon, its officers, agents or employees; (2) a peremptory writ or other relief by way of injunction, mandamus, or administrative mandamus; and/or (3) legal expenses and attorney's fees incurred by the City of Vernon on behalf of any party in such actions or proceedings. The City of Vernon does not waive its right to participate in the defense of any such action.
- f. The facility shall meet all applicable requirements of Air Quality Management District Rule 403 Fugitive Dust.
- g. Permittee shall provide the City with a Fugitive Dust Control Plan for review and approval by the City and implementation by the Permittee

prior to the start of operations. Plan shall be modified at any time as requested by the City. At a minimum, plan shall require the following:

- Install at each point of vehicle egress from the site a wheel shaker/wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide to remove bulk material from tires and vehicle undercarriages before vehicles exit the site. Device shall be maintained as necessary to remove accumulated material.
 - All material tracked on the public right-of-way by vehicles entering or exiting the site shall be removed at the conclusion of each workday or shift.
 - Truck loading – Pre-water material prior to loading/unloading. Continue to add water during loading/unloading to reduce fugitive dust emissions. Maintain at least six inches of freeboard on haul vehicles. Use tarps or other suitable enclosures on inbound and outbound trucks whether carrying a load or empty. Check seals on belly-dump and end-dump trucks regularly to prevent spillage. Comply with track-out mitigation requirements.
 - Crushing – pre-water material prior to loading in crusher. Apply water to crushed material to prevent dust plumes. Adjust application of water as necessary to prevent generation of visible dust.
 - Screening – pre-water material prior to screening. Install wind barrier with a porosity of no more than 50% upwind of screen to the height of the drop point.
 - Stockpiles/Material handling – Apply water to at least 80% of the surface area of all storage piles on at least a daily basis to ensure no visible fugitive dust. Add or remove material from the downwind portion of the stockpile.
 - At all times provide the Public Works Department with updated 24-hour contact information for a person with the authority to expeditiously employ sufficient dust mitigation measures to ensure that fugitive dust is not being generated.
- h. Property owner shall plant and maintain 20 trees of a size and species acceptable to the City along the perimeter of the property.
- i. Outdoor storage and activities of all materials, products, and equipment shall be screened or otherwise hidden so as not to be visible from the street; however, the screen shall be at least 8 feet in height and shall not exceed 10 feet in height as measured from grade level. The screen shall be maintained in good condition.
- j. Not later than twenty (20) days from the date of approval of this CUP, the property owner shall indicate in writing, its acceptance of and agreement with the conditions herein. The CUP shall be void and of

no force or effect unless written acceptance and agreement is submitted to the City within the twenty-day period.

- k. All surfaces including but not limited to structures, equipment and vehicles on or immediately adjacent to the premises shall be maintained free of graffiti. Graffiti shall be removed within 24-hours of initial discovery.
- l. At all times the site shall be maintained in good condition, free of weeds, rubbish and debris, and secured from public access.
- m. Noncompliance with any of these conditions shall constitute sufficient grounds for the City of Vernon to void this CUP, disconnect utilities, and/or take appropriate enforcement action including citation and/or fines for a violation.

E. The City Council of the City of Vernon determines that the evidence in the record constitutes substantial evidence to support the actions taken and the findings made in this Resolution, that the facts in this Resolution are supported by substantial evidence in the record, including testimony received at the public hearing, the staff presentations, the staff report, and all materials in the project files. The City Council of the City of Vernon expressly declares that it considered all evidence presented and reached these findings after due consideration of all evidence presented to it.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERNON AS FOLLOWS:

SECTION 2. The City Council of the City of Vernon finds and determines that the above recitals are true and correct.

SECTION 3. The City Council of the City of Vernon authorizes a Conditional Use Permit be Granted to the City of Los Angeles to operate an asphalt recycling plant at 4221 Bandini Boulevard.

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SECTION 4. The City Clerk or Deputy City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED APRIL 1, 2025.

JUDITH MERLO, Mayor

ATTEST:

YONNIE PARKER, Deputy City Clerk
(seal)

APPROVED AS TO FORM:

ZAYNAH N. MOUSSA, City Attorney