

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
APPEALS OF FINAL ZONING ENFORCEMENT ORDERS
ENFORCEMENT CASES NO. RPCE2023003086, RPCE2024000146, and RPCE2024000145**

SETTING

1. The Los Angeles County (“County”) Hearing Officer conducted a duly noticed combined hearing on 4 March 2025 in the matters of the appeals of Final Zoning Enforcement Orders (“FZEO”) for Enforcement Cases No. RPCE2023003086, RPCE2024000146, and RPCE2024000145, and after opening the hearing and taking testimony from Department of Regional Planning (“DRP”) Staff and Appellant Avalon Clean (“Parties”), continued the hearing to 3 June. The Hearing Officer took testimony on 3 June and continued the hearing to 1 July. Due to the late submittal of documents the day before the hearing and the request by DRP Staff’s County Counsel for a continuance due to an unscheduled court appearance, the Hearing Officer took testimony on 1 July and continued the hearing to 5 August 2025 to allow for time to consider the new documents and to accommodate Staff’s County Counsel. On 1 July the Hearing Officer also directed the Parties that 8 July 2025 would be the deadline for submitting additional materials, and that Appellant had until 11 July to respond to any new issues raised by the County in its 8 July submittal. After taking testimony and considering the evidence, the Hearing Officer closed the hearing on 5 August and indicated her intent to sustain the FZEOs and impose the non-compliance fees.
2. Appellant operates its business, Avalon Clean, on three separate but adjoining parcels located in an unincorporated area of Los Angeles County at 14700, 14612, and 14520 South Avalon Boulevard, Gardena, CA 90248 in the West Rancho Dominguez-Victoria community. The Parcels consist of Assessor Identification Numbers (“AIN”) 6137-005-005, 6137-005-026, and 6137-005-025 (“Parcels”), respectively.
3. DRP Staff opened separate enforcement cases for each parcel, issued separate FZEOs for each parcel, and prepared a separate staff report for each parcel. Each FZEO is addressed separately within these Findings and Order. For simplicity, the Parcels will be referred to in these Findings and Order as:
 - a. “Southern Parcel” for Enforcement Case No. RPCE2023003086, AIN 6137-005-005, address 14700 S. Avalon Boulevard;
 - b. “Central Parcel” for Enforcement Case No. RPCE2024000146, AIN 6137-005-026, address 14612 S. Avalon Boulevard; and
 - c. “Northern Parcel” for Enforcement Case No. RPCE2024000145, AIN 6137-005-025, address 14520 S. Avalon Boulevard.
4. The Parcels are zoned M-1-IP-GZ Light Manufacturing – Industrial Preservation – Green Zone. The easternmost 50 feet of the Southern Parcel is zoned B-1-GZ Buffer Strip – Green Zone. The Parcels have a land use category of IL Light Industrial as designated by the County General Plan. (Department of Regional Planning Staff Reports (“Staff Reports”) dated 20 February 2025.)

The Parcels were zoned M-2 Heavy Manufacturing from 24 June 1948 (Staff Report Southern Parcel, p.54) through 13 December 2000, and the zone change to M-1 was effective on 14 December 2000 (*ibid.*, pp.64-72).

5. Assessor's Office records identify the owners of the Parcels as:
- a. Southern Parcel: Radford Alexander Corp., 14700 S. Avalon Blvd., Gardena, CA (*ibid.*, p.80).
 - b. Central Parcel: Gardena Property LLC, 18645 Hillsboro Road, Porter Ranch, CA (Staff Report Central Parcel, p.74).
 - c. Northern Parcel: Reginald and Nancy J. Lathan, Trustees, Lathan Family Trust, 14700 S. Avalon Blvd., Gardena, CA (Staff Report Northern Parcel, p.67).

These entities may be referred to collectively in these Findings and Order as "Appellant."

6. The following entitlements were approved by DRP for the Parcels:
- a. Southern Parcel
 - Site Plan Review PP34442 – Approved 5 November 1985 for an "Industrial facility" consisting of a 4,500-square-foot storage building, a 720-square-foot portable office, a 360-square-foot portable driver's facility, a 2,400-square-foot wash rack enclosure, 10,000-gallon underground diesel fuel tank storage, employee/visitor and tractor trailer parking, and a future parking area in the eastern portion of the parcel. (Staff Report Southern Parcel, p.52) ("Plot Plan" or "PP34442.")
 - b. Central Parcel
 - I. Site Plan Review PP30018 – Approved 26 December 1979 for two sheds (Staff Report Central Parcel, p.46). ("Plot Plan" or "PP30018.")
 - II. Site Plan Review PP44080 – Approved 1 February 1995 for the drop-off and pick-up of trailers (*ibid.*, p.45). ("Plot Plan" or "PP44080.")
 - c. Northern Parcel
 - Site Plan Review PP44080 – Approved 1 February 1995 for the drop-off and pick-up of trailers (Staff Report Northern Parcel, p.39). ("Plot Plan" or "PP44080.")

CHRONOLOGY

7. DRP Zoning Enforcement Staff ("Staff") received a complaint referral on 5 December 2023 for the Southern Parcel, claiming "odor emanating from the Subject Property" (Staff Report Southern Parcel, p.7).
8. DRP Staff Investigating Planner Samantha Avalos and Principal Planner Jesus Herrera conducted an inspection of the Parcels with representatives of other County departments and Mr. Reid Lathan of Avalon Clean on 14 December 2023 (*ibid.*). In comparing PP34442 to the onsite conditions, DRP Staff observed the following:
- a. Building A, approved for storage, "was being used to treat liquid waste in white plastic tanks."
 - b. The portable office and portable driver's facility were no longer present.
 - c. The Employee/Visitor parking area was occupied by recreational vehicle ("RV") beds, a carport, a forklift, and tan storage tanks containing liquid.

- d. The eastern portion of the Parcel contained “travel trailers, a black and red forklift, three storage containers (red, blue and white), and an RV being cleaned onsite.”
 - e. The wash rack “was used to treat liquid waste in the truck tanks before disposal into the sewer system.”
 - f. The Zone B-1 portion of the Parcel was occupied by items such as “cargo containers and semi-trucks.”
 - g. A separate entity called Premier Drayage Inc. operated in the eastern portion of the Parcel, utilizing a portable office not included on PP34442 and storing items outdoors.
 - h. The Central and Northern Parcels were utilized as part of the Avalon Clean operations.
(*ibid.*, p.8.)
9. DRP Staff mailed a Notice of Violation (“NOV”) to the owner of the Southern Parcel dated 8 February 2024. (*ibid.*, pp.22-24.) The NOV cited four zoning violations:
1. Unpermitted Use – A land use that is not permitted in this zone is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(A); 22.22.030(B); 22.22.030(C)(1)). *A sewage disposal and sewage treatment facility is being maintained on the premises.*
 2. Unpermitted Storage - Unpermitted storage is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.050). *Outside storage (cargo containers and semi-trucks) are being maintained within a Buffer (B-1) Zone.*
 3. Outdoor Storage – A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Beige colored waste storage tanks, tank trailers that contain waste, recreational vehicles, trailers, forklifts and cargo containers associated with Avalon Clean are being maintained on the premises.*
 4. Outdoor Storage – A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Semi-trucks associated with Premier are being maintained on the premises.”*
- The NOV stated these are not permitted uses in Zones M-1-IP and B-1 and directed the owner to comply with the Zoning Ordinance by 11 March 2024. The NOV warned that non-compliance and other fees totaling approximately \$5,418.00 may result if the violation was not corrected. The NOV contained information for contacting the investigating planner (*ibid.*, pp.22-24). Two written extensions to the compliance date were granted to accommodate DRP Staff discussions with Avalon Clean representatives (*ibid.*, p.9, entries for 7 March 2024 and 1 April 2024), with the last expiring on 10 July 2024 (*ibid.*, pp.25-30).
10. DRP Staff and County Counsel met virtually with Avalon Clean representatives on 30 April 2024 to discuss the NOV (*ibid.*, p.9). Avalon Clean representatives asserted that Avalon Clean is not discharging waste to open waters so should not be considered a waste disposal facility, and that the company has permits from the County Sanitation Districts and Public Works for the waste discharge. DRP Staff and County Counsel stated, “that Avalon Clean’s activities were in line with a sewage treatment and disposal facility,” which is not allowed in Zone M-1. County Counsel also asserted that the use approved by PP34442 amortized in 2020, based

on the effective date of the zone change from M-2 to M-1 in 2000 (*ibid.*) Avalon Clean representatives requested copies of all approvals for the Parcels and additional time to review the materials (*ibid.*, p.10, ¶ 1).

11. DRP Staff conducted an inspection of the Parcels on 30 July 2024 with representatives of other County departments, the State Department of Toxic Substances Control, and Mr. Reid Lathan of Avalon Clean. DRP Staff observed and Mr. Lathan explained the function of the following:

a. Southern Parcel

- i. Treatment chemicals for truck tank interiors were stored in grey tanks beside the truck tank wash structure before being pumped to Building A.
- ii. Building A contained white tanks to further treat waste before discarding the waste to the public sewer.
- iii. Trailer heads, cargo storage containers, a recreation vehicle, and other items were still stored in the eastern portion of the Southern Parcel.
- iv. Premier Drayage was still located in the eastern portion of the Southern Parcel.
- v. Tan containers used, according to Mr. Lathan, to store liquid waste “for a small amount of time” once Avalon Clean had reached its daily disposal limit.

(*ibid.*, pp.10-11, 30 July 2024 entry.)

b. Central Parcel

- i. Grey tanks which Mr. Lathan explained were empty but previously were used to treat waste.
- ii. Containers with green and white liquid, which Mr. Lathan explained were used to treat wastewater.

(Staff Report Central Parcel, pp.10-11, 30 July 2024 entry.)

c. Northern Parcel

- Liquid storage tanks, trucks, tank trailers containing waste, and a forklift, stored outdoors (Staff Report Northern Parcel, p.8, 30 July 2024 entry).

12. DRP Staff sent via certified mail/return receipt a separate FZEO for each parcel. The FZEOs were dated 25 September 2024 and cited the following zoning violations:

a. Southern Parcel

1. Unpermitted Use – A land use that is not permitted in this zone is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(A); 22.22.030(B); 22.22.030(C)(1)). *A sewage disposal and sewage treatment facility is being maintained on the premises.*
2. Unpermitted Storage - Unpermitted storage is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.050). *Outside storage (cargo containers and semi-trucks) are being maintained within a Buffer (B-1-IP-GZ) Zone.*
3. Outdoor Storage – A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning

Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Beige colored waste storage tanks, tank trailers that contain waste, recreational vehicles, trailers, forklifts, semi-trucks and cargo containers associated with Avalon Clean are being maintained on the premises.*

(Staff Report Southern Parcel, pp.31-33.)

b. Central Parcel

1. Unpermitted Use – A land use that is not permitted in this zone is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(A); 22.22.030(B); 22.22.030(C)(1)). *A sewage disposal and sewage treatment facility is being maintained on the premises.*
2. Outdoor Storage – A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Beige colored waste storage tanks and tank trailers that contain waste are being maintained on the premises.*

(Staff Report Central Parcel, pp.29-31.)

c. Northern Parcel

- Outdoor Storage – A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Liquid storage tanks, trucks, tank trailers that contain waste, and a forklift are being stored on the premises.*

(Staff Report Northern Parcel, pp.23-25.)

The FZEOs stated these uses were not permitted Zones M-1-IP-GZ and B-1-GZ and are in violation of the provisions of Title 22. The FZEOs directed the owners to comply with the Zoning Ordinance and abate the violations within 15 days of 25 September 2024 (which would be 12 October 2024) and warned that a non-compliance fee of \$1,602.00 per parcel may result if the violations were not corrected. The FZEOs contained information for appealing the FZEO within 15 days of the compliance date and for contacting the investigating planner. (e.g., Staff Report Southern Parcel, p.32.)

13. DRP Staff received via e-mail an appeal to the FZEOs on 25 October 2024 from Neill Brower, attorney for Radford Alexander Corporation dba Avalon Clean (*ibid.*, pp.35-40). The appeal was timely filed, as the 15-day time frame was set to expire on 27 October 2024.
14. DRP Staff Samantha Avalos, County Counsel Caroline Castillo, Matthew Hinks (Attorney for Appellant), and Reid Lathan (Appellant) appeared in person and testified at the 4 March 2025 hearing. DRP Staff Ms. Avalos and Mr. Herrera, Ms. Castillo, and Mr. Hinks appeared in person and testified at the 3 June hearing. DRP Staff Ms. Avalos and Ms. Diane Temple, and Mr. Hinks appeared in person and testified at the 1 July hearing. DRP Staff Ms. Avalos and Mr. Hinks appeared in person and testified at the 5 August hearing.

DETERMINING IF ACTIVITIES CITED IN THE FZEOs ARE VIOLATIONS OF TITLE 22 –
PLANNING AND ZONING ORDINANCE

15. The Parcels are subject to the County General Plan and the provisions of the basic zones of Title 22 – Planning and Zoning Ordinance of the Los Angeles County Code. The Parcels are located within the West Rancho Dominguez-Victoria Community Standards District (“CSD”) and are also subject to those provisions (*ibid.*, p.14). Evidence presented in the administrative record and at the hearing established that the Parcels are located in unincorporated territory (*ibid.*, p.2).
16. The Parcels are subject to the uses and structures established by three approved site plan reviews:
 - a. Southern Parcel – Site Plan Review PP34442, approved 5 November 1985, when the zoning was M-2, for an “Industrial Facility.”
 - Building A: single-story 4,500-square-foot “Butler Type” building, approved for “Storage;”
 - Building B: 720-square-foot “Portable” office;
 - Building B2: 360-square-foot “Drivers Facility;”
 - C: single-story 2,400-square-foot wash rack enclosure labeled “Outside Wash,” “Equipment Space,” and “Inside Wash;”
 - 10,000-gallon underground diesel tank;
 - Twelve parking spaces for employees and visitors;
 - Six tractor trailer parking spaces;
 - Chain-link fencing, 7 feet 6 inches high, around entire perimeter of parcel; and,
 - The eastern 167 feet of the parcel reserved for future parking.(*ibid.*, p.52.)
 - b. Central Parcel
 - Site Plan Review PP30018, approved 26 December 1979, when the zoning was M-2, for two sheds (Staff Report Central Parcel, p.46);
 - Site Plan Review PP44080, approved 1 February 1995, when the zoning was M-2, for the drop-off and pick-up of trailers (*ibid.*, p.45).
 - c. Northern Parcel – Site Plan review PP44080, approved 1 February 1995, when the zoning was M-2, for the drop-off and pick-up of trailers (Staff Report Northern Parcel, p.39).
17. The FZEOs cite the following Zoning Ordinance provisions as applicable to the violations alleged on the Parcels.
 - a. Section 22.02.030 (Title, Purpose, And Components; Applicability of Title 22): Cited for all parcels. Applies the provisions of the Zoning Ordinance to all properties within unincorporated Los Angeles County, and subsection B states no land shall be used and no structure built, used, altered or moved except as permitted by the Zoning Ordinance. Therefore, Title 22 is a permissive ordinance; a use must be listed to be allowed. https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV1INPR_CH22.02TIPUCO_22.02.030APT122
 - b. Section 22.22.020 (Industrial Zones Designated): Cited for all parcels. Identifies the Industrial Zones.

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV3ZO_CH22.22INZO_22.22.020INZODE

- c. Section 22.22.030 (Industrial Zones; Land Use Regulations for Zones...M-1...): Cited for all parcels. Sets forth the permit and review requirements for uses allowed in Zone M-1. https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV3ZO_CH22.22INZO_22.22.030LAUSREZO55
- d. Section 22.22.050 (Land Use Regulations for Zones B-1 and B-2): Cited for the Southern Parcel. Sets forth the permit and review requirements for uses allowed in Zone B-1. https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV3ZO_CH22.22INZO_22.22.050LAUSREZO
- e. Subsection C.7 of Section 22.364.110 (West Rancho Dominguez-Victoria CSD): Cited for the Southern Parcel. Prohibits outside storage or parking vehicles for over 72 continuous hours in Zone B-1. https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV10PLARCOSTDI_CH22.364MEPLARSTDIPA_22.364.110WERADOC_TCOSTDI

Discussion of Alleged Violations

18. “Unpermitted Use” – Cited for the Southern and Central Parcels: “A land use that is not permitted in this zone is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030 B; 22.22.020; 22.22.030 A/B/C.1). *A sewage disposal and sewage treatment facility is being maintained on the premises.*” (Staff Report Southern Parcel, p.31; Staff Report Central Parcel, p.29.)
 - a. Per subsection C.1 of Section 22.22.030 (Principal Use Regulations), sewage disposal plants are not allowed in Zone M-1 and sewage treatment plants are allowed with a conditional use permit (“CUP”). Neither use is listed in subsections C.2 (Accessory Uses) or C.3 (Temporary Uses) as allowed uses.
 - b. “Sewage disposal facility” and “sewage treatment facility” are not defined in Title 22. As the operation of such uses in unincorporated territory is partly regulated under Los Angeles County Code Title 20 – Utilities, the Hearing Officer turns to Title 20 for the following definitions of terms pertinent to the violations alleged in the FZEOs:
 - i. “Waste disposal facility” is defined in Section 20.20.400 as: “any dump, solid waste disposal site, transfer station, sanitary landfill, land reclamation project, incinerator..., or other similar site or facility which is used or intended to be used for the acceptance for transfer, salvage or disposal of rubbish, garbage or industrial waste, whether liquid or solid.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.400WADIFA

This is the same definition which appears in the 1999 version of Title 22, Section 22.08.230 W (Attorney Briefing, pp.99-100).

- ii. "Industrial waste treatment facility" is defined in Section 20.20.170 as: "any works or device for the treatment, storage or control of industrial waste within a site prior to disposal."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.170INWATRFA
 - iii. "Sewage" is defined in Section 20.20.340 as: "any waterborne or liquid wastes, including domestic sewage and industrial waste, but does not include or mean stormwater, groundwater, roof or yard drainage."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.340SE
 - iv. "Domestic sewage" is defined in Section 20.20.100 as: "the waterborne wastes derived from ordinary living processes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.100DOSE
 - v. "Industrial waste" is defined in Section 20.20.160 as: "any and all waste substances, liquid or solid, except domestic sewage, and includes among other things radioactive wastes and explosive, noxious or toxic gas when present in the sewage system."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.160INWA
 - vi. "Sewer disposal" is defined in Section 20.20.345 as: "the disposal of industrial wastes or other materials into the public sewer system by means of a direct connection to the public sewer system from the premises named in an industrial waste disposal permit."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.345SEDI
- c. Therefore, given these definitions and code provisions, a site or facility in Zone M-1 where waterborne or liquid waste, not including domestic sewage but including industrial waste, is treated, stored or controlled, where a CUP for treatment has not been obtained, and/or a facility in Zone M-1 where waterborne or liquid waste, including industrial waste, is accepted for transfer or disposal and/or is disposed of, would be violations of Title 22.
19. Unpermitted Storage – Cited for the Southern Parcel: "Unpermitted storage is being maintained on the premises (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.050). *Outside storage (cargo containers and semi-trucks) are [sic] being maintained within a Buffer (B-1-IP-GZ) [sic] Zone.*" (Staff Report Southern Parcel., p.31.)
- a. The eastern 50 feet of the Southern Parcel were zoned B-1 in 2000 (*ibid.*, pp.58-72).
 - b. "Outdoor storage" is defined in Section 22.14.150 – O as: "The storage of goods, equipment, or materials outside of a building for any purpose other than outdoor display."
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.150O
 - c. The CSD states that Zone B-1 "shall not be used for outside storage or for the parking of vehicles for over 72 continuous hours."

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV10PLARCOSTDI_CH22.364MEPLARSTDIPA_22.364.110WERADOC_T COSTDI

- d. Therefore, given this definition and code provision, outside or outdoor storage, or vehicle parking over 72 continuous hours, in Zone B-1 within the West Rancho Dominguez-Victoria CSD would be violations of Title 22.
20. Outdoor Storage – Cited for all three parcels: “A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.02.030(B); 22.22.020; 22.22.030(B); 22.22.030(C)). *Beige colored waste storage tanks, tank trailers that contain waste, recreational vehicles, trailers, forklifts, semi-trucks and cargo containers associated with Avalon Clean are being maintained on the premises.*” (Staff Report Southern Parcel, p.32; Staff Report Central Parcel, p.29; Staff Report Northern Parcel, p.23.)
- a. Refer to Paragraph 19.b. for the definition of “outdoor storage.”
- b. Outdoor storage is not listed as an allowed principal use in Zone M-1, though it is listed as an allowed accessory use.
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV8PERELEAC_CH22.186SIPLREMI_22.186.010AP
- c. Section 22.14.160 – P. Principal use: defines a principal use as, “A primary or dominant use established, or proposed to be established, on a lot.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.160P
- d. Section 22.14.010 – A. Accessory use: defines an accessory use as, “A use customarily incidental to, related, and clearly subordinate to a principal use established on the same lot, which accessory use does not alter said principal use nor serve property other than the lot on which the principal use is located.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.010A
- e. Therefore, given these definitions and code provision, outdoor storage on a parcel zoned M-1 without a related and established principal use, or which serves a use on a different parcel, would be violations of Title 22.

DETERMINING IF ACTIVITIES CITED IN THE FZEOs TOOK PLACE ON THE PARCELS

21. Determining whether activities cited in the FZEOs took or are taking place on the Parcels relies in part on addressing three key issues which are points of disagreement between the County and Appellant concerning: the definition of disposal; an amortization period for the uses and structures on the Parcels; and, whether certain activities qualify as accessory uses. Each issue is addressed herein.
22. **Disposal**
- a. A primary ground for appeal by Appellant is that the activity taking place on the Southern and Central Parcels is not “disposal” but is “discharge”. Appellant does not raise objections to being cited for operating a “sewage treatment facility,” presumably because a sewage

treatment facility is allowed in Zone M-1 with a CUP (Attorney Briefing, pp.1-5, ¶ 2-22). Accordingly, the following discussion is limited to defining the term “disposal” within the context of Title 22, where possible, and applying such definition to the violations alleged in the FZEOs.

- b. Appellant asserts that, “The operations on the Properties do not constitute a `disposal facility.” Appellant cites the definition of “disposal” in Planning and Zoning Code Section 22.14.180 – R in the “Recycling and solid waste” subsection, which is:

“The final disposition of solid waste onto land into the atmosphere, or into the waters of the State of California. Disposal includes the management of solid waste through the landfill process.”

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.180R

Appellant also cites the definition of “disposal site” in the same subsection as demonstrating that Avalon Clean’s operations are not a disposal facility. The definition of “disposal site” in the subsection is, in part: “[t]he place...for the disposal of solid wastes...”.

Appellant states that the treated wastewater is “discharge[ed]” into the County sewer system for further treatment by the County, so Avalon Clean is not responsible for the “final disposition of solid waste”.

(Staff Report Southern Parcel, p.37, bullets 2-3.)

- c. However, Section 22.14.180 – R Recycling and solid waste states that the subsection defines “disposal” “solely for Sections 22.140.720 (Recycling Collection Facilities, Accessory), 22.140.730 (Recycling Collection Facilities, Principal), 22.140.740 (Organic Waste Facilities), and 22.140.750 (Solid Waste Facilities).”
- d. No evidence has been presented, and Appellant does not assert, that Appellant is collecting materials for recycling or is operating as an organic waste facility. The material handled on the Parcels does meet the definition of “Solid waste” contained in 22.14.190 – S – to which a former attorney for Avalon Clean agreed (Attorney Briefing, p.1507) – but this cannot be said of the same section’s definition of “Solid waste facility,” which includes conversion technology facilities and various types of landfills (https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.190S), which do not reflect the uses on the Parcels, and the organic waste handled on the Parcel is not the principal use as required by Section 22.140.740 C.1 for the “disposal” definition in that section to apply. https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV7STSPUS_CH22.140STSPUS_22.140.740ORWFA
- e. Therefore, as Appellant’s activities do not meet the definitions of the facilities listed in Section 22.14.180 – R Recycling and solid waste, the definition of “disposal” contained therein does not apply to Appellant’s activities.
- f. Appellant argues that “the County’s position that disposal occurs onsite because the County’s Department of Public Works (“DPW”) has issued to Avalon an Industrial Waste Disposal Permit, which authorizes it to `treat/store/dispose’ of industrial wastewater...lacks merit in light of the use of the properties, the lack of onsite disposal of water to the environment, and the commonly understood meanings of the terms ‘discharge’ and ‘disposal.’” (*ibid.*, p.2, Item 5.)

- g. It is not clear what Appellant means by “commonly understood meanings”, as the DPW uses both terms in the permits provided as evidence for this appeal (e.g., Staff Report Southern Parcel, pp. 112 and 115). In fact, the DPW document “Industrial Waste Disposal Permit Conditions and Limitations” uses the term “disposal” throughout (*ibid.*, pp.152-158), including in Part A: On-Site Disposal – Public Sewer, Item 1, where “Disposal of industrial wastewater to the public sanitary sewer shall be limited to the flow indicated on the industrial waste disposal permit.” (*ibid.*, p. 152.)

In another example of both terms apparently being used interchangeably, County Code Title 20 – Utilities, Part 3 of Chapter 20.36 is titled “Discharge to Public Sewers,” and Section 20.36.300 of that chapter applies the provisions of Part 3 “to the disposal of industrial waste to the public sewer only.” Apparently, releasing industrial waste directly to the public sewer system, as Avalon Clean does, can be considered “disposal.”

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT20UT_DIV2SASEINWA_CH20.36INWA_PT3DIPUSE_20.36.300APPA3PR

- h. The Hearing Officer is not basing her determination of what to label activity on the Parcels on the title of a document. Rather, as Title 22 does not define “disposal” or “discharge” in any meaningful way applicable to the alleged activities on the Parcels, the Hearing Officer turns to another County Code, namely Title 20 – Utilities, which regulates the operation of sewage disposal and treatment facilities within unincorporated territory.
- i. Chapter 20.20 does not separately define the terms “discharge” or “disposal.” Several definitions from Title 20 do assist with determining whether certain activities allegedly taking place on the Parcels are allowed and thus which, if any, approvals may be required from DRP. The following definitions are from Chapter 20.20 – Definitions, of Division 2 – Sanitary Sewers and Industrial Waste:
- i. “Waste disposal facility” is defined in Section 20.20.400 as “any dump, solid waste disposal site, transfer station, sanitary landfill, land reclamation project, incinerator... or other similar site or facility which is used or intended to be used for the acceptance for transfer, salvage or disposal of rubbish, garbage or industrial waste, whether liquid or solid.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.400WADIFA
 - ii. “Industrial waste treatment facility” is defined in Section 20.20.170 as “any works or device for the treatment, storage or control of industrial waste within a site prior to disposal.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.170INWATRFA
 - iii. “Sewage” is defined in Section 20.20.340 as “any waterborne or liquid wastes, including domestic sewage and industrial waste, but does not include or mean stormwater, groundwater, roof or yard drainage.”
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.340SE
 - iv. “Domestic sewage” is defined in Section 20.20.100 as “the waterborne wastes derived from ordinary living processes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.”

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.100DOSE

- v. "Industrial waste" is defined in Section 20.20.160 as "any and all waste substances, liquid or solid, except domestic sewage, and includes among other things radioactive wastes and explosive, noxious or toxic gas when present in the sewage system." https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.160INWA
- vi. "Sewer disposal" is defined in Section 20.20.345 as "the disposal of industrial wastes or other materials into the public sewer system by means of a direct connection to the public sewer system from the premises named in an industrial waste disposal permit." https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no_deld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.345SEDI
- j. The definitions for "waste disposal facility" and "industrial waste treatment facility" are applicable as Appellant admits to accepting industrial waste for disposal and to treating, storing, and disposing (or discharging) of industrial waste onsite (Attorney Briefing, p.8, ¶ 5; p.8, ¶ 8; p.11, ¶ 20). The definition of "sewage" is applicable to the waste handled by Appellant on the Parcels (e.g., *ibid.*, p.1, line 27; *ibid.*, p.8, lines 1-3), as "sewage" includes industrial waste. The definitions of "domestic sewage" and "industrial waste" show that industrial waste and domestic sewage are distinctly different materials and that discarding material directly into the public sewer can be considered "disposal." The definition of "sewer disposal" is applicable as it describes the activity alleged by DRP to be taking place on the Southern Parcel and to which Appellant admits, namely that industrial wastes are being disposed of (or discharged) directly into the public sewer (e.g., *ibid.*, p.1, ¶ 3; p.7, ¶ 4; p.8, ¶¶ 5 and 8).
- k. Appellant asserts that, "Planning staff does not have the expertise to make the call" as to "what a 'sewage treatment' or 'sewage disposal' plant is." (Response to June 18 County Counsel Letter (20250630), p.6, ¶ 2.) Planning staff appear to have addressed this issue during the 30 July 2024 onsite inspection of the Parcels, when LA County Sanitation Districts Staff informed DRP Staff "that a facility that discharges liquid waste into the sewer system and to a LA County Sanitation District facility would be considered a disposal facility." (Staff Report Southern Parcel, p.11, 9th bullet.) As the Sanitation Districts is the agency responsible for operational oversight of the regional wastewater collection system, their staff presumably would have the expertise to make such a call.
- l. The provisions of County Code discussed in this Item 22 indicate that, within the context of Title 22, whether the activity taking place on the Parcels is labeled "discharge" or "disposal" is immaterial; the activity itself and the material handled meet the definition of "sewage disposal" and "sewage" in the County Code, which are regulated by Title 22.
- m. Therefore, Appellant is engaged in sewage treatment and sewage disposal on the Parcels.

23. Amortization

- a. Appellant provided a copy of Zone M-2 provisions from the 1985 Title 22 (Attorney Briefing, pp.26-30) and the 1999 Title 22 (*ibid.*, pp.59-1017) as part of its administrative record. The Hearing Officer accepts that the copies provided are true and correct copies of Title 22 as it existed in 1999. Having no other reference between 1999 and the current 2025 version of Title 22, the Hearing Officer assumes that the 1999 ordinance was in effect upon the

zone change of the Parcels to M-1 in 2000. Appellant relies on the 1999 version of Title 22 for some of its arguments in the appeal.

- b. PP34442 was approved for a truck wash facility in 1985 (Staff Report Southern Parcel, p.52) when the zone was M-2. The truck wash was allowed under 1985 Title 22 provisions:
- “22.32.160 Permitted Uses. Premises in Zone M-2...may be used for any use, except that a use listed in Section 22.32.170 [Accessory Uses.], 22.32.180 [Uses Subject to Director’s Review and Approval.] and 22.32.190 [Uses Subject to Permits.] is permitted only as provided in such sections...” (*ibid.*, pp. 26-30).
- “Truck wash” is not specifically prohibited (*ibid.*, p.26, Section 22.32.160) and does not appear in any of the exception sections; therefore, it was allowed under PP34442 in 1985.
- c. Now to whether a truck wash was allowed on the Parcel upon the zone change. The 1999 Zone M-1 provisions in Sections 22.32.040 through 22.32.080 do not list truck washing as an allowed use. The M-1 provisions refer to Zone C-M Commercial Manufacturing provisions to determine which additional uses were permitted in Zone M-1 and the approval required for those uses (Attorney Briefing, pp.238-245).
- d. The 1999 Zone C-M provisions in Sections 22.28.230 through 22.28.260 also do not list truck washing as an allowed use (*ibid.*, pp.216-226); therefore, it was not allowed in Zone M-1 after the zone change in 2000.
- e. It is noted that the 1999 Zone M-2 provisions also do not list truck washing as an allowed use, but Section 22.32.160 Permitted uses states: “Premises in Zone M-2...may be used for any use, except that a use listed in Sections 22.32.170 [Accessory uses], 22.32.180 [Uses subject to director’s review and approval] and 22.32.190 [Uses subject to permits] is permitted only as provided in such sections...” (*ibid.*, p.250). “Truck wash” does not appear in any of the exception sections so was allowed in Zone M-2 after the zone change.
- f. Because of the downzoning to M-1, then, the use authorized by PP34442 would have become nonconforming at that time.
- g. The truck wash use lost its ability to claim a nonconforming status upon the zone change, however, when Appellant began the tank wash and wastewater treatment and disposal uses in 1992. Subsection A. of Section 22.172.020 (Nonconforming Uses, Buildings and Structures; Regulations Applicable; Continuation) states:
- “A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Title 22.”
- https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinance?s?nodeId=TIT22PLZO_DIV8PERELEAC_CH22.172NOUSBUST_22.172.020R_EAP
- h. Appellant altered the use approved by PP34442 by adding wastewater treatment and disposal, and by expanding the area devoted to the unauthorized use to Building A (approved for storage, used for wastewater treatment), to the employee and visitor parking spaces (used for treatment tanks), and to the adjoining Central and Northern Parcels (approved for trailer drop-off and pick-up, used additionally for sewage treatment, outside storage, and to serve the sewage treatment and disposal on the Southern Parcel). The

uses taking place on the Southern Parcel in 2000 were not the uses authorized in 1985 and were not accessory to those authorized uses because the uses taking place in 2000 would have required review by DRP (see Accessory Use discussion, ¶ 24).

- i. Therefore, an amortization period is not applicable to PP34442.
- j. Appellant claims that the operation approved by PP34442 “included pretreating and discharging the resulting wastewater to the sewer...” (Attorney Briefing, p.11, ¶ 20), and further claims that the Plot Plan (*ibid.*, p.24) approved “an ‘industrial facility’ which, as shown in Exhibit 3, included...associated facilities that included tanks for wastewater holding and pretreatment...” (*ibid.*, p.10, ¶ 13).
- k. In fact, the Plot Plan does not clearly indicate that truck tank washing or wastewater treatment or disposal was approved – there are no tanks, nothing labeled “wastewater holding” or “wastewater treatment,” and its references to “OUTSIDE WASH” and “INSIDE WASH” could mean any number of things, including simply outside and inside the building – and nothing else on the Plot Plan indicates that wastewater holding, treatment or disposal would take place at the facility. (Staff Report Southern Parcel, p.52.)
- l. Building A on PP34442, which Appellant states, “currently houses Avalon’s pre-treatment processes” (Attorney Briefing, p.10, ¶ 13), is designated on PP34442 only as “Storage.” In Appellant’s slide presentation to the Hearing Officer on 3 June 2025 (and again on 1 July 2025), Appellant showed PP34442 with features within the “Outside Wash” area labeled by Appellant to indicate drainage channels and a sump, and a square adjoining the “Inside Wash” area now labeled by Appellant as a sewer discharge point. Appellant drew in a line near the street/curb line and labeled it “County Sewer,” and drew in a line from the now-labeled sewer discharge point to the added County Sewer line. (Appeal Presentation—Day_2_20250603, p.7.)
- m. It may be that a plot plan does not necessarily need to depict accessory uses (Appellant letter, 16 May 2025, p.10), however it does need to describe and depict the proposed use in sufficient detail to allow “an assessment as to whether the use, structure, development of land, or application of development standards is in compliance with all applicable provisions of this Title 22.” (Section 22.226.040 B.) https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV9AD_CH22.226TYIREIN_22.226.040DEhttps://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV9AD_CH22.226TYIREIN_22.226.040DE
- n. Appellant’s statement that, “Pretreatment equipment on the site was not housed in a structure at the time of the 1985 plot plan” (*ibid.*), and Appellant’s adding items and notations to the Plot Plan 40 years after its approval to indicate their presence and use only prove the point that without a structure depicted and accurately labeled on the Plot Plan (e.g., a sewer line, a sump), and without a comprehensive description on the Plot Plan of the intended activity, that PP34442 does not provide sufficient detail to lead a reasonable person to conclude that sewage treatment and sewage disposal could be the intended uses of the property.
- o. In addition to there being no indication PP34442 was approved in 1985 for a waste treatment and disposal facility, Appellant has stated that the truck tank washing and wastewater treatment use began in 1992 (Testimony of Reid Lathan at the 3 Mar 2025 hearing; Attorney Briefing, p.7, ¶ 3, Reid Lathan Declaration). Based on the evidence

presented and Appellant's testimony, then, PP34442 could not have been approved in 1985 for a waste treatment and disposal facility.

It is noted that Appellant has also stated that the truck wash operation began "at least" in 1985 and, as previously mentioned, "included pretreating and discharging the resulting wastewater to the sewer..." (*ibid.*, p.11, ¶ 20). This conflicts with other statements made by Appellant as to when the wastewater treatment and disposal began. These contradictory statements are not germane for the purpose of determining which, if any, uses became nonconforming upon the 2000 zone change and thus subject to an amortization period.

p. Amortization for the Waste/Sewage Treatment Facility

- i. Appellant asserts that "wastewater pretreatment facilities" were allowed in Zone M-2 in 1985 as they were not prohibited (*ibid.*, p.11, ¶ 19). This does appear to be the case, as they are not included in the list of prohibited uses under Section 22.32.160 (*ibid.*, p.26). "Sewage treatment plants" were allowed in Zone M-1 in 1999 with a CUP (*ibid.*, p.226, C-M zone Section 22.28.260 A.). DRP Staff in their 10 June memo to the Hearing Officer stated that DRP would have wanted to review this use in 1992, so sewage treatment would not have been considered an accessory use at that time.
- ii. However, the sewage treatment use was never lawfully established as a principal use through a review by DRP. Therefore, it cannot qualify as a nonconforming use and no amortization period applies. A CUP is required for such use in Zone M-1, and Appellant must obtain a valid CUP now to continue the use.

q. Amortization for the Waste/Sewage Disposal Facility

- i. A waste disposal facility in Zone M-2 in 1985 required a CUP; Subsection A.4. of Section 22.32.190 Uses Subject to Permits includes the use "Waste disposal facilities" (*ibid.*, p.30). A CUP was also required for "Waste disposal facilities" in Zone M-2 in 1999, under the same Title 22 subsection (*ibid.*, p.253). No evidence has been presented to indicate Appellant obtained a CUP to establish a waste disposal facility.
 - ii. The 1999 Zone M-1 provisions in Sections 22.32.040 through 22.32.080 do not list "waste disposal facility" or "sewage disposal facility" as an allowed or a prohibited use. The provisions refer to the Zone C-M provisions to determine which additional uses were permitted in Zone M-1 and the approval required for those uses (*ibid.*, pp. 238-245). The 1999 Zone C-M provisions in Sections 22.28.230 through 22.28.260 do not list waste or sewage disposal facility as an allowed use (*ibid.*, pp.216-226).
 - iii. As a CUP was never obtained for a waste or sewage disposal facility on the Parcels under Zone M-2, the use was not lawfully established and the nonconforming provisions of Title 22 do not apply. No amortization period may be applied to the use and no approval would now authorize its use in Zone M-1.
- r. No evidence has been presented that the **buildings** authorized by PP34442 became nonconforming after the zone change; the development standards for Zone M-2 in 1985 and Zone M-1 in 1999 only address outside storage, vehicle storage, and signs (*ibid.*, pp.30 and 245), and references by the Parties to the building construction types (i.e., Type V) have no bearing on whether the **uses** amortized upon the zone change.

24. **Accessory use**

- a. Appellant claims its primary business is a truck washing operation and that wastewater treatment is accessory to the truck washing activity (Staff Report Southern Parcel, p.16, ¶ 10; Appellant 2025-03-03 Response Re FZEO, p.5, § II; MHinks May 16 to Hearing Officer, p.4, ¶ B.1). DRP Staff assert that the sewage treatment use is not accessory, comparing the volume and constituents of wastewater accepted and discarded from a truck washing facility located near Appellant (Staff Report Southern Parcel, pp.162-186) to the volume and constituents of wastewater accepted, treated and discarded by Appellant (*ibid.*, pp.16-17, ¶ 10-13; pp.112-161, 223-255). Neither argument is material, as the sewage treatment use on the Southern and Central Parcels cannot be considered either an accessory or a principal use.
- b. Title 22 defines “Accessory use” as: “A use customarily incidental to, related, and clearly subordinate to a principal use established on the same lot, which accessory use does not alter said principal use nor serve property other than the lot on which the principal use is located. ‘Appurtenant use’ means the same as accessory use.” https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.010A
- c. Title 22 defines “Principal use” as: “A primary or dominant use established, or proposed to be established, on a lot.” https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT22PLZO_DIV2DE_CH22.14DE_22.14.160P
- d. Considering the sewage treatment as an accessory use:
 - i. The principal use established on the Southern Parcel by PP34442 in 1985 is a truck washing facility (Staff Report Southern Parcel, p.52). No evidence has been presented that a subsequent grant for another use was sought and approved. As explained in Paragraph 23 (Amortization) of these Findings and Order, the truck washing facility is not a permitted use in Zone M-1 and became nonconforming when the Parcel’s zoning was changed in 2000. The zone change initiated a 20-year amortization period for the truck wash (though this use forfeited its nonconforming status, as explained in the Amortization discussion), which expired in December 2020 (*ibid.*, p.18, ¶ 28).
 - ii. Given the definitions in Title 22, as there is no lawfully established principal use on the Southern Parcel, there cannot be an accessory use. The wastewater storage tanks on the Central Parcel do not serve the established principal use on the Central Parcel (i.e., trailer drop-off and pick-up via PP44080) (Staff Report Central Parcel, p.45) and instead serve the unpermitted use on a different parcel – the Southern Parcel – and therefore, the storage tanks on the Central Parcel cannot be considered an accessory use.
 - iii. Even if DRP had reviewed the sewage treatment use in 1992 when it began and issued some sort of approval, sewage treatment has required a CUP since the zone changed to M-1 in 2000 (Attorney Briefing, p.226, C-M zone Section 22.28.260 A.). In addition, sewage treatment could not be considered an accessory use as the truck wash use Appellant claims it was originally subordinate to is no longer allowed on the Parcel.
- e. Considering the sewage treatment as a principal use:
 - No evidence has been presented that sewage treatment was lawfully established through a review by DRP. Therefore, it cannot be considered a principal use. Even

without DRP review in 1992, the use has required a CUP since the zone changed to M-1 in 2000 (*ibid.*, p.226, C-M zone Section 22.28.260 A.); Appellant has maintained this use since at least 2000 without the necessary approval from DRP.

- f. Conversely, Appellant in part attempts to make the case that the sewage treatment and disposal activities are not accessory but an integral part of Appellant's business (MHinks May 16 to Hearing Officer, p.5, ¶ 2-3), claiming that, "Without truck and tank washing, there would be no pretreatment process. And without pretreatment, there would be no truck and tank washing;" and, "The function of wastewater pretreatment is directly tied to, functionally integrated with, and subordinate to Avalon's cleaning operations." (MHinks May 16 to Hearing Officer, p.5, ¶ 2-3.)
- g. Appellant uses the example of a drug store held to be accessory to a medical clinic, asserting that "the case is stronger [with Avalon Clean] since the truck and tank wash cannot exist without the wastewater pretreatment system, but the same cannot be said about a medical clinic without a drug store." (MHinks May 16 to Hearing Officer, p.6, ¶ 3.)
- h. Exactly: medical clinics are not required to have drug stores, or vice versa. If, as Appellant asserts, sewage treatment and then disposal must accompany the truck tank washing and are functionally integrated with the cleaning component of the business, then while treatment and disposal might be related to tank washing and might not alter tank washing, they are not incidental and clearly subordinate to tank washing. Therefore, they cannot be accessory uses.

Determining if the Activities Cited in the FZEOs Took Place on the Parcels

25. With respect to Violation Unpermitted Use – "*A sewage disposal and sewage treatment facility is being maintained on the premises*", cited for the Southern and Central Parcels (Staff Report Southern Parcel, p.31; Staff Report Central Parcel, p.29):

Evidence presented and testimony given by Appellant and DRP Staff substantiate that a sewage disposal and sewage treatment facility was maintained on the Southern and Central Parcels in violation of Title 22 when the FZEOs for these parcels were issued. The evidence includes in part:

- a. Explanations of Appellant's activities given to DRP Staff during site inspections (Staff Report Southern Parcel, pp.7-8, 14 December 2023 entry and p.11, 30 July 2024 entry; Staff Report Central Parcel, pp.6-7, 14 December 2023 entry and pp.9-10, 30 July 2024 entry).
- b. Photographs submitted by DRP Staff (Staff Report Southern Parcel, pp.42-43, 47-50; Staff Report Central Parcel, p.40).
- c. Various briefings and letters submitted by Appellant. In these citations, which are not a complete compilation of applicable documents, Appellant states:
 - i. "All water Avalon receives from any source...is pretreated at the properties and discharged legally to the County sewer..." (Attorney Briefing, Declaration of Matthew D. Hinks, p.1, ¶ 3).
 - ii. "For over 30 years, Avalon has operated at the Facility a truck wash and tank cleaning service station with associated wastewater pretreatment discharging to the...LACSD...sewer system under appropriate permits..." (*ibid.*, p.7, ¶ 4, Declaration of Reid Lathan).

- iii. "Avalon has tanks onsite to receive various types of incoming wastewater." (*ibid.*, p.8, ¶ 6, Declaration of Reid Lathan).
 - iv. "Since 1991, the Facility continued to accept trucks and tanks from the County and local businesses for cleaning consistent with its operations in compliance with its Wastewater Permit. This included pre-treatment of the resulting wastewater and discharge to the sewer." (*ibid.*, p.12, lines 1-3, Declaration of Reid Lathan.)
 - v. "Since [around 1992], and as part of the truck and tank washing business, Avalon has pretreated the wastewater generated from the truck and tank wash and the residual waste in the tanks in line with County-issued pretreatment permits, prior to discharge to the sewer." (March 3, 2025, Response to FZEOs, p.3, ¶ 1.)
 - vi. Mr. Lathan stated during the 30 July 2024 inspection that the containers with green and white liquids observed by DRP Staff on the Central Parcel were used to treat wastewater, and the tan/beige containers were used to store wastewater which could not be disposed of that day (Staff Report Central Parcel, p.10).
 - vii. Mr. Lathan in his Second Declaration stated, "All treatment activities occur on 14612 [Central Parcel] and 14700 Avalon [Southern Parcel]." (Lathan 2nd Decl ISO FZOE [sic] Appeal, p.3, Item 11.)
- d. A "treatment facility" includes the storage of industrial waste. Section 20.20.170 of the County Utilities Code defines "industrial waste treatment facility" as: "any works or device for the treatment, storage or control of industrial waste within a site prior to disposal." https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.170INWATRFA
 - e. Direct testimony given at the 4 March, 3 June, and 1 July 2025 hearings by DRP Staff and Appellant.
 - f. Industrial Wastewater Disposal Permits and operational requirements issued by the Los Angeles County Sanitation Districts (e.g., Attorney Briefing, pp.1467-1503; Staff Report Southern Parcel, pp.112-158).
 - g. A sewage disposal facility is not allowed in Zone M-1 and a sewage treatment facility requires a valid CUP in Zone M-1, and no evidence has been presented that an entitlement was approved for either use at any time since the uses began around 1992.
26. With respect to Violation Unpermitted Storage – *Outside storage (cargo containers and semi-trucks) are being maintained within a Buffer (B-1-IP-GZ) [sic] Zone,* cited for the Southern Parcel (Staff Report Southern Parcel., p.31):
- Evidence presented and testimony given by Appellant and DRP Staff substantiate that outdoor storage was maintained within Zone B-1 on the Southern Parcel in violation of Title 22 when the FZEO was issued. The evidence included:
- a. Direct observations of the Parcel by DRP Staff (*ibid.*, pp.8, 11; Testimony by Mr. Herrera on 3 June 2025).
 - b. Photographs submitted by DRP Staff (Staff Report Southern Parcel, pp.43-44).
27. With respect to Violation Outdoor Storage – *"Beige colored waste storage tanks, tank trailers that contain waste, recreational vehicles, trailers, forklifts, semi-trucks and cargo containers associated with Avalon Clean are being maintained on the premises,"* cited for all three parcels

(Staff Report Southern Parcel, p.32; Staff Report Central Parcel, p.29; Staff Report Northern Parcel, p.23):

Evidence presented and testimony given by Appellant and DRP Staff substantiate that outdoor storage was maintained without an established principal use on the Parcels and/or while serving a use on another parcel, in violation of Title 22 when the FZEOs were issued. The evidence included:

- a. Direct observations of the Parcels by DRP Staff (Staff Report Southern Parcel, pp.8, 11; Staff Report Central Parcel, pp.7, 9-10; Staff Report Northern Parcel, pp.6, 8).
- b. Photographs submitted by DRP Staff (Staff Report Southern Parcel, pp.42-45, 48-50; Staff Report Central Parcel, pp.40-42; Staff Report Northern Parcel, pp.36-37).
- c. Plot Plans 34442 (Staff Report Southern Parcel, p.52) and 44080 (Staff Report Central Parcel, p.44 and Staff Report Northern Parcel, p.39), which established uses on the parcels that are not consistent with the existing uses.

Additionally, Section 22.364.110 C.4.b.i.1 of the West Rancho Dominguez-Victoria CSD requires a CUP for outdoor storage (except for accessory uses) on Industrially zoned lots within 500 feet of a residential lot. The Parcels are within 500 feet of such lots, and no evidence has been presented that Appellant obtained a CUP for outdoor storage on the Parcels.

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ADDITIONAL ISSUES RAISED BY APPELLANT

28. Mr. Hinks in his 3 June 2025 testimony argued that industrial waste is not sewage and only becomes sewage when industrial waste is combined with “sewage” in the public sewer system. Mr. Hinks based his argument on his interpretation of the definition of sewage from Section 20.20.340:

“Sewage” means any waterborne or liquid wastes, including domestic sewage and industrial waste, but does not include or mean stormwater, groundwater, roof or yard drainage.

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeld=TIT20UT_DIV2SASEINWA_CH20.20DE_20.20.340SE

Dr. Alon Lebel, Appellant’s wastewater pretreatment design engineer and regulatory/permitting consultant for operations, also argues that “to contend that ‘industrial wastewater’ is a form of ‘sewage’...is flatly incorrect.” (Dr Lebel Declaration, p.3, ¶ B.8.)

- a. Mr. Hinks asserts that because there is no comma between the terms “domestic sewage and industrial waste” in the definition, the intent of the provision is the two materials must be combined to be considered sewage. (3 June Testimony of Matthew Hinks.) Dr. Lebel also asserts this in his Declaration, stating, “Industrial waste becomes a component of sewage only when it enters the sewer system and mixes with domestic sewage.” (Dr Lebel Declaration, p.3, ¶ B.11.)
- b. The Hearing Officer does not agree. This is not an “Oxford comma” question. The clause in the definition of sewage clearly lists the two separate materials as examples of sewage, indicated by the qualifiers “including” and “and.” Further, the definition starts with “...any

waterborne or liquid wastes...”, the “or” implying the materials may be considered separately. In addition, domestic sewage and industrial waste have separate definitions in Chapter 20.20 so within that code are not considered to be the same thing.

- c. Finally, no evidence has been presented to indicate Title 20 assumes industrial waste does not become “sewage” until it reaches the County sewer. Appellant writes that Chapter 20.20 “defines ‘sewage,’ in part, as the combination of domestic sewage and industrial waste in a public sewer line.” (M Hinks to hearing officer July 8, 2025, p.3, ¶ 3.) As shown above, Section 20.20.340’s definition of sewage does not include the word “combination” or any similar term (or even require that it be discarded into a public sewer line).

Appellant asserts that there is an accepted, common industry understanding about what constitutes sewage and it does not include industrial wastewater (Testimony of Matthew D. Hinks, 3 June 2025 and 1 July 2025; M Hinks to hearing Officer July 8, 2025, p.3 ¶ 3 and p.4 ¶ 2; Dr. Lebel Declaration p.3, ¶ 10-11). A straight reading of the definition, however, does not support Appellant’s position. Evidence presented demonstrates that industrial waste is a type of sewage.

29. Appellant asserts that under the Green Zone provisions, “vehicle-related uses on the subject properties are given seven years to come into full compliance with new CUP requirements...the properties have until July 14, 2029, to obtain a CUP.” (M Hinks to hearing officer July 8, 2025, p.6, ¶ 2.) Appellant’s assertion is incorrect.

- a. The Green Zone Combining Zone provisions were applicable to the Parcels on 14 July 2022
(https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV4COZOSUDI_CH22.84GRZO_22.84.050SCCOEXLETAUS).

- b. The Green Zone provisions apply “to parcels that are zoned ()-GZ and contain a new or legally-established [*sic*] existing use that is one of the following...Listed under the Vehicle-related Uses, with the exception of uses under the Vehicle Sales and Rentals subcategory, in Table 22.22.030-B (Principal Use Regulations for Industrial Zones).” (Section 22.84.020 A, subsection 3.)
https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV4COZOSUDI_CH22.84GRZO_22.84.020AP

- c. None of the Vehicle-Related Uses listed in Table 22.22.030-B apply to any of the uses on the Parcels. The Vehicle-Related Uses listed in Table 22.22.030-B (other than those included in the Vehicle Sales and Rentals subcategory) are:

- i. Automobile washing – Automatic car wash and Coin-operated or hand wash.
- ii. Vehicle services – Automobile battery services, Automobile body and fender repair shops, Automobile brake repair shops, Automobile impound yards, Automobile muffler shops, Automobile painting and upholstery shops, Automobile radiator shops, Automobile repair garages, Automobile service stations, Automobile supply stores, Boat repair, CNG fueling stations, Truck and bus repair.

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV3ZO_CH22.22INZO_22.22.030LAUSREZO55

- d. The Southern Parcel does not contain a legally established existing use, neither the sewage treatment and sewage disposal activities nor the drayage operation. The trailer drop-off and pick-up activities on the Central and Northern Parcels were a legally

established principal use under PP44080, however, that plot plan was violated when the use began to serve the unpermitted sewage treatment and disposal activities on the Southern and Central Parcels. As none of the Parcels have a legally established existing use, no amortization period applies under the Green Zone provisions. In addition, the vehicle-related uses listed in Table 22.22.030-B apply to automobiles, which Appellant does not wash or service, and to boat, truck, and bus repair, which Appellant does not provide.

30. Appellant questions whether Avalon Clean is “being singled out for disparate treatment” over their designation as a sewage disposal facility (Attorney Briefing, p.3, ¶ 13), claiming that approximately 3,000 facilities in the County have Industrial Wastewater Disposal Permits (“IWDP”), but none has a CUP for such activity (*ibid.*, p.5, ¶ 21).
 - a. Appellant argues that the 3,000 other facilities in the County with IWDPs “...could not be disposing of [wastewater] onsite because that use is not allowed in their zones...” (*ibid.*, p.4, ¶ 18). The Avalon Clean example shows this is not necessarily the case; Avalon Clean has been operating a sewage disposal facility for over 30 years, most of those with the required permits and oversight from the Los Angeles County Sanitation Districts, without ever obtaining approval from DRP. Therefore, it is possible to be an unpermitted sewage disposal facility in the wrong zone in unincorporated territory.
 - b. The matters before the Hearing Officer are the appeals of three FZEOs for three parcels in West Rancho Dominguez-Victoria. The Hearing Officer’s authority, deliberations, and rulings are limited to questions regarding Title 22. Questions of disparate treatment are not within the Hearing Officer’s purview.

THEREFORE, THE HEARING OFFICER:

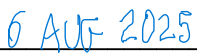
31. FINDS the uses alleged in the three 25 September 2024 FZEOs to be violations of Title 22 are violations of the Zoning Ordinance.
32. FINDS the evidence presented substantiates that:
 - a. Violations 1 through 3 of the FZEO for the Southern parcel were active when the FZEO was issued, though recognizes that outside storage in Zone B-1 (Violation 2) may have been abated;
 - b. Violations 1 and 2 of the FZEO for the Central Parcel were active when the FZEO was issued; and,
 - c. Violation 1 of the FZEO for the Northern Parcel was active when the FZEO was issued.
33. FINDS the violations listed in the FZEOs occurred on the Parcels when the FZEOs were issued and most, if not all, continue to occur.
34. SUSTAINS the three Final Zoning Enforcement Orders for the three enforcement cases, Numbers RPCE2023003086, RPCE2024000146, and RPCE2024000145.
35. DIRECTS Appellant, Avalon Clean, to Comply with Title 22 by ceasing all unpermitted activity on the Parcels cited in the FZEOs within these time frames:

- a. Unpermitted Use – sewage treatment facility and sewage disposal facility on the Southern and Central Parcels: within 12 months from the date of the Hearing Officer’s written decision. If Appellant chooses to continue the sewage treatment use, complete within 12 months from the date of the Hearing Officer’s written decision an application for a CUP to continue the sewage treatment use. This would allow retention of necessary waste treatment facilities and storage tanks during the application period.
 - b. Unpermitted Storage – storage of cargo containers and semi-trucks within Zone B-1, on the Southern Parcel: within 15 days from the date of the Hearing Officer’s written decision.
 - c. Outdoor Storage - waste storage tanks, tank trailers that contain waste, recreational vehicles, trailers, forklifts, semi-trucks and cargo containers, on all Parcels: within 12 months from the date of the Hearing Officer’s written decision. If Appellant and Premier Drayage choose to continue Premier’s activity on the Southern Parcel, Premier must complete within six months from the date of the Hearing Officer’s written decision an application for a site plan review to lawfully establish the use.
36. IMPOSES upon Appellant the non-compliance fees totaling \$4,971.00 (3 FZEOs x \$1,657.00 per FZEO) as stipulated by Title 22 of the Los Angeles County Code, Section 22.242.070, and Item 87 of the DRP Revised Filing Fees Effective March 1, 2025. The fees are now due and payable.

ACTION DATE: 5 August 2025



Gina M. Natoli, Hearing Officer
County of Los Angeles
Department of Regional Planning



Date

GMN:gmn

- c: Zoning Enforcement West Section
County Counsel
Radford Alexander Corporation (“Avalon Clean”)
Matthew D. Hinks, Neill E. Brower, Lara R. Letiner, Attorneys for Appellant