

MAYOR  
Valerie Amezcua  
MAYOR PRO TEM  
Thai Viet Phan  
COUNCILMEMBERS  
Phil Bacerra  
Johnathan Ryan Hernandez  
Jessie Lopez  
David Penaloza  
Benjamin Vazquez



CITY MANAGER  
Alvaro Nuñez  
CITY ATTORNEY  
Sonia R. Carvalho  
CITY CLERK  
Jennifer L. Hall

**CITY OF SANTA ANA**  
**PLANNING AND BUILDING AGENCY**  
20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
[www.santa-ana.org](http://www.santa-ana.org)

December 23, 2024

Bertilio Henriquez  
Money for Cans  
619 W. Bay Street  
Costa Mesa, CA 92627

**RE: NOTICE OF REVOCATION OF LAND USE CERTIFICATE - 2610 W. EDINGER AVENUE, SANTA ANA, CA 92704**

Dear Mr. Henriquez:

This letter will serve to inform you of the of the City of Santa Ana Planning and Building Agency's decision to **REVOKE LAND USE CERTIFICATE NO. 2003-03-RCY – 2610 W. EDINGER AVENUE , SANTA ANA, CA 92704** effective Tuesday, January 16, 2025 at 5:00 p.m.

Section 41-676 of the Santa Ana Municipal Code ("SAMC") provides that the director of planning and development services may revoke a land use certificate, after notice and opportunity to be heard by the grantee, upon his determination that the land use certificate is being exercised in a manner contrary to the regulations of the SAMC which are applicable to the use or activity permitted by the land use certificate.

An investigation into alleged violations of the SAMC was completed, and the investigation resulted in the determination that you were in violation of numerous sections of the SAMC, as detailed below.

**FACTS**

The SUSTAINED SAMC violations are based on the following facts:

You, Mr. Bertilio Henriquez ("Business Owner," or "you"), are the land use certificate holder for the business Money for Cans located at **2610 W. Edinger Avenue, Santa Ana, CA 92704 and identified with Assessor Parcel Number (APN) 408-041-04 ("Property")**.

The Property is designated by the City's adopted Zoning Map as Community Commercial ("C1").

**SANTA ANA CITY COUNCIL**

Valerie Amezcua  
Mayor  
[vamezcua@santa-ana.org](mailto:vamezcua@santa-ana.org)

Thai Viet Phan  
Mayor Pro Tem, Ward 1  
[tpphan@santa-ana.org](mailto:tpphan@santa-ana.org)

Benjamin Vazquez  
Ward 2  
[bvazquez@santa-ana.org](mailto:bvazquez@santa-ana.org)

Jessie Lopez  
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Ward 5  
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David Penaloza  
Ward 6  
[dpenaloza@santa-ana.org](mailto:dpenaloza@santa-ana.org)

On April 10, 2003, land use certificate no. 2003-03-RCY ("Land Use Certificate") was issued to the Property for the operation of a small collection facility to purchase aluminum, glass, and plastic recyclables (CRV only), a copy of the Land Use Certificate is attached hereto as Exhibit A. The standards for small collection facilities operating within the City are clearly outlined in SAMC Sec. 41-1253.

On May 16, 2024, an inspection of the subject property was conducted and the business, "Money for Cans" ("Facility"), was observed operating a small recycling collection facility in the parking lot. The following violations were observed and documented in a Compliance Inspection, attached hereto as Exhibit B:

1. Recycling operation exceeding the allowable 500 square feet in violation of SAMC Sec. 41-1253(2).
  - a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.
2. Facility located within 50 feet of the terminus of Stanford and King streets in violation of SAMC Sec. 41-1253(3).
3. Trash bins located along the East side of the property that were uncovered and unattended in violation of SAMC Sec. 41-1253(6)&(7).
4. Unmaintained and unsanitary asphalt/parking lot surface in violation of SAMC Sec. 41-1304(i); SAMC Sec. 41-1253(8); and International Property and Maintenance Code (IPMC) 302.1 & 302.3 adopted by reference in SAMC Sec. 8-2000.
  - a. The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter.
5. The recycling operation abutting a residential property & neighborhood within five feet (5') in violation of SAMC Sec. 41-1253(11).
6. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards in violation of SAMC Sec. 41-1253(11).
  - a. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.
7. Lack of clear display of notice stating that no materials shall be left outside the recycling enclosure/container in violation of SAMC Sec. 41-1253(12).
8. Use of an extension cord as permanent wiring in violation of IPMC 605.1 & 605.4 adopted by reference in SAMC Sec. 8-2000.

- a. There is an electrical wire that is attached to a pole in the neighboring residential property. That wire drapes over the wall and into the recycling facility, powering equipment. This type of wiring is not approved and poses a danger to anyone who might trip or get caught in it.

On October 1, 2024, a follow up inspection of the subject property was conducted and the Facility was observed operating a small recycling collection facility in the parking lot. The same following violations were observed and documented in a Compliance Inspection, attached hereto as Exhibit C:

1. Recycling operation exceeding the allowable 500 square feet in violation of SAMC Sec. 41-1253(2).
  - a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.
2. Facility located within 50 feet of the terminus of Stanford and King streets in violation of SAMC Sec. 41-1253(3).
3. Trash bins located along the East side of the property that were uncovered and unattended in violation of SAMC Sec. 41-1253(6)&(7).
4. Unmaintained and unsanitary asphalt/parking lot surface in violation of SAMC Sec. 41-1304(i); SAMC Sec. 41-1253(8); and IPMC 302.1 & 302.3 adopted by reference in SAMC Sec. 8-2000.
  - a. The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter.
5. The recycling operation abutting a residential property & neighborhood within five feet (5') in violation of SAMC Sec. 41-1253(11).
6. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards in violation of SAMC Sec. 41-1253(11).
  - a. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.
7. Lack of clear display of notice stating that no materials shall be left outside the recycling enclosure/container in violation of SAMC Sec. 41-1253(12).
8. Use of an extension cord as permanent wiring in violation of IPMC 605.1 & 605.4 adopted by reference in SAMC Sec. 8-2000.

- a. There is an electrical wire that is attached to a pole in the neighboring residential property. That wire drapes over the wall and into the recycling facility, powering equipment. This type of wiring is not approved and poses a danger to anyone who might trip or get caught in it.

On October 9, 2024, a follow up inspection of the subject property was conducted and the Facility was observed operating a small recycling collection facility in the parking lot. The same violations as above were observed and documented in a Compliance Inspection, attached hereto as Exhibit D.

On November 8, 2024, a Notice of Proposed Revocation of Land Use Certificate – 2610 W. Edinger Avenue, Santa Ana, CA 92704 was served on you via United States Postal Service certified mail, a copy of which is attached hereto as Exhibit E.

### **HEARING**

On December 12, 2024, at 10:30 a.m., a hearing regarding the Proposed Revocation of Land Use Certificate – 2610 W. Edinger Avenue, Santa Ana, CA 92704 (“Hearing”) was held at Santa Ana City Hall, 20 Civic Center Plaza, Santa Ana, CA 92701.

At the Hearing, you and Frances Racobs were present on your behalf.

The following City staff were present on behalf of the City:

- Minh Thai, Executive Director, Planning and Building Agency
- Yvette Portugal, Code Enforcement Division Manager
- Ali Pezeshkpour, Planning Division Manager
- Nuvia Ocampo, Recording Secretary
- Wendy Rodriguez, Customer Services Representative, providing translation services.

At the Hearing, you provided eight (8) images of the business and operations, including site photos and a copy of notice of modified hours of operation to CalRecycle, attached hereto as Exhibit F.

### **FINDINGS**

#### **A. THE FACILITY IS NOT OPERATING IN ACCORANCE WITH THE STANDARDS FOR SMALL COLLECTION FACILITES**

The City finds the Facility is not operating in accordance with the standards for small collection facilities outlined in SAMC Sec. 41-1253 of Chapter 41 of the City’s Zoning Code. SAMC Sec. 41-1253, states the following, in pertinent part:

Only one (1) small collection facility may occupy a convenience zone at any time; and, each small collection facility:



1. Shall be established in conjunction with an existing commercial use which is in a convenience zone and not host to another operating small collection facility and is in compliance with all applicable zoning, building and fire code requirements. SAMC Sec. 41-1253(1).
  - a. You must comply with all cited code violations.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
2. Shall be no larger than five hundred (500) square feet. SAMC Sec. 41-1253(2).
  - a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding indicating that the usage of the East side yard of the property for storage of trash bins and usage of an electrical wire that crosses from the neighboring residence to the recycling facility have ceased on a permanent basis.
3. Shall be set back at least fifty (50) feet from any street line and shall not obstruct pedestrian or vehicular circulation. SAMC Sec. 41-1253(3).
  - a. The recycling business is located within 50 feet of the terminus of Stanford and King Streets.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
4. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule. SAMC Sec. 41-1253(6).
  - a. The trash bins located along the East side of the property must be covered when attendant is not present.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding that trash bins located along the East Side of the property have been covered on a permanent basis when attendant is not present.

5. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers where attendant is not present. SAMC Sec. 41-1253(7).
  - a. The trash bins located along the East side of the property must be covered when attendant is not present.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding that trash bins located along the East side of the property have been covered on a permanent basis when attendant is not present.
6. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day. SAMC Sec. 41-1253(8)
  - a. Exterior property, parking areas and premises shall be maintained in a clean, safe and sanitary condition. Pressure wash and clean the exterior premises where needed.
  - b. **SUSTAINED**
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
7. Recycling facilities may not locate within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between 9:00 a.m. and 7:00 p.m. SAMC Sec. 41-1253(11).
  - a. The recycling operation abuts a residential property & neighborhood within 5ft. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.
  - b. **SUSTAINED** as to being located within one hundred (100) feet of a property zoned or occupied for residential use.
  - c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
  - d. **NOT SUSTAINED** as to the hours of operation.
  - e. Business Owner provided evidence of updated business hours within acceptable hours of operation.
8. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers. SAMC Sec. 41-1253(12).
  - a. The observed signs/markings are located on the inside of the container door. When the doors are closed, the signs are not visible. The recycling facility does

not have any signage/markings stating that no materials shall be left outside the recycling enclosure or containers.

b. **SUSTAINED**

- c. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.

**B. THE FACILITY IS OPERATING AS A PUBLIC NUISANCE**

The City finds the Facility is operating in violation of the following Code sections:

1. International Property Maintenance Code, Section 605.1 & 605.4, adopted by reference in SAMC Sec. 8-2000, state the following, in pertinent part:
  - a. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
    - i. The electrical wire that is attached to the pole in the neighboring residential property is not approved. That wire drapes over the wall and into the recycling facility. This type of wiring is unapproved and poses a danger to anyone who might trip or get caught in it.
    - ii. **SUSTAINED**
    - iii. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
  - b. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.
    - i. Extension cords/flexible cords shall not be used for permanent wiring. Remove the extension cord that goes from the neighboring residence, to the recycling facility.
    - ii. **SUSTAINED**
    - iii. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding that extension cords/flexible cords have not be used for permanent wiring and that they have been removed on a permanent basis.
2. International Property Maintenance Code, Section 302.1 & 302.3, adopted by reference in SAMC Sec. 8-2000, state the following, in pertinent part:
  - a. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
    - i. The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter. Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.
    - ii. **SUSTAINED**

- iii. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
  - b. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
    - i. The unmaintained, stained and cracked asphalt must be repaired and the unsanitary aspect poses a hazardous condition.
    - ii. **SUSTAINED**
    - iii. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
- 3. SAMC Sec. 41-1304(i) states the following, in pertinent part:
  - a. All parking areas required by this chapter are to be maintained in a safe, clean and repaired state with no potholes, solid paving, and legible striping.
    - i. Exterior property/parking areas and premises shall be maintained in a clean, safe and sanitary condition.
    - ii. Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.
    - iii. **SUSTAINED**
    - iv. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.
- 4. SAMC Sec. 41-190(a) states the following, in pertinent part:
  - a. No building shall be erected, reconstructed or structurally altered except in conformance to the provisions contained herein; nor shall any building or land be used for any purpose other than that which is permitted in the district or modified district in which such building or land is located.
    - i. Using your property for anything other than its intended/permitted use is not allowed without Planning & Building Agency review and/or approvals first.
    - ii. **SUSTAINED**
    - iii. No argument or evidence was produced during the December 12, 2024 hearing to the contrary of this finding.

Pursuant to SAMC Sec. 41-677, you have a right to appeal this revocation of your land use certificate to the Planning Commission. To appeal this revocation, you must request such an appeal, in writing and pay a required processing fee of \$135.00, no later than 5:00 p.m. on Tuesday, January 16, 2025. Such a written request for appeal must be submitted by any of the means listed below:

United States Postal Service (Mail):

City of Santa Ana Planning and Building Agency  
RE: Appeal of LUC Revocation  
20 Civic Center Plaza (M-20)  
P.O. Box 1988  
Santa Ana, CA 92702

In-person:

Complete and submit the Appeal Application (attached hereto as Exhibit G) and required \$135.00 processing fee. Submit both the Appeal Application and required processing fee by 5:00 p.m. on Tuesday, January 16, 2025 to the Santa Ana Planning Division public counter or the Santa Ana City Clerk's Office, 20 Civic Center Plaza, Santa Ana, CA 92701.

If you require a Spanish translator, please request such a translator from the Santa Ana Planning and Building Agency at the contact information provided above. If such a request is made, a qualified Spanish translator will be provided to you at no cost.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Minh Thai', with a stylized flourish at the end.

Minh Thai, Executive Director  
Planning & Building Agency

MT/

cc: Alvaro Nunez, City Manager, *via e-mail only*  
Ali Pezeshkpour, AICP, Planning Manager, Planning & Building Agency, *via e-mail only*  
Brandon Salvatierra, Deputy City Attorney, *via e-mail only*  
Santa Ana Stater Shops, LLC, c/o Tran T. Nguyen

Exhibits:

- A. Copy of LUC-2003-3-RCY
- B. May 16, 2024 Compliance Inspection
- C. October 1, 2024 Compliance Inspection
- D. October 9, 2024 Compliance Inspection
- E. Notice of Proposed Revocation of Land Use Certificate
- F. Images Provided During Notice of Proposed Revocation of Land Use Certificate Hearing on December 12, 2024
- G. Appeal Application

# EXHIBIT A





Planning and Building Agency  
Planning Division  
20 Civic Center Plaza  
P.O. Box 1988 (M-20)  
Santa Ana, CA 92702  
(714) 647-5804  
www.santa-ana.org

## APPLICATION FOR LAND USE CERTIFICATE

Business Name: HONEY FOR CAJIS  
Business Address: 1610 W. ENDINGER SANTA ANA Zone: C1  
Applicant's Name (Print): BERTILLO HENRIQUEZ Phone No.: (949) 650-4209  
Mailing Address: 619 W. BAY ST. COSTA MESA CA Fax: \_\_\_\_\_  
Present Use of Property: COMMERCIAL STREET FRONT SHOPS  
Type of Project/Event: PURCHASING ALUMINUM/GLASS/PLASTIC BENCHES  
Responsible Party On-Site: BERTILLO HENRIQUEZ (CRV only)  
Date of Event: 7 DAYS  
Hours of Operation: 9:00 AM - 5:00 PM  
Live Music (Describe): \_\_\_\_\_  
ABC License: \_\_\_\_\_  
Video Games/Game Booths: \_\_\_\_\_  
Additional Information: # of trucks or bins at site, including employee vehicles  
(# of parking stalls utilized)

TEN (10) BUSINESS DAYS ARE REQUIRED FOR PROCESSING A LAND USE CERTIFICATE.  
SEE REVERSE SIDE FOR SUBMITTAL REQUIREMENTS.

### Understanding and Affidavit

I understand and agree that my application can be processed for final approvals only when the following steps are completed:

1. My plans have been reviewed by the appropriate City agencies and comments received; and,
2. Comments and conditions placed upon the project have been incorporated into the design and agreed to by both staff and myself.

I CERTIFY under penalty of perjury that the foregoing statements and answers herein contained and any other information herewith submitted as part of this application are in all respects true and correct to the best of my knowledge and belief.

Legal Owner's Name: MORSE - SANTA ANA BY: LAWRENCE MORSE Phone No.: 714-967-4220  
Mailing Address: 292 S. LA CIENEGA BL #400A Fax: 312-967-6233  
Signature: [Signature] Title: Manager Date: 1-2-03

Note: An agent may sign for the property owner if a notarized power of attorney is filed with this application.

Contact Person:  
Bertilto Henriquez

LAND USE CERTIFICATE NO. LUC-2003-3-PC4  
Master ID# 2003-45652  
☒ APPROVE ☐ DENY

## SUBMITTAL REQUIREMENTS

Three (3) sets of plans with the following information:

- Site Plan: Fully dimensioned site plan with parking spaces indicated; landscaped areas; setbacks; entries and exits; north arrow; streets; driveways; building structures; and game/ride locations.
- Floor Plan: Exact dimensions of the proposed area; the area devoted to alcohol sales, storage, and display; kitchen area; entries and exits; and electronic and/or video games.
- Surrounding land uses of properties immediately adjacent to the project site (land uses within 300 feet for alcoholic beverage control licenses).

### CITY APPROVALS (if applicable)

Fire Department: \_\_\_\_\_  
Name \_\_\_\_\_ Phone No. \_\_\_\_\_  
Conditions/Comments: \_\_\_\_\_

☐ APPROVE ☐ DENY Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Police Department: \_\_\_\_\_  
Name \_\_\_\_\_ Phone No. \_\_\_\_\_  
Conditions/Comments: \_\_\_\_\_

POLICE STAMP REQUIRED

☐ APPROVE ☐ DENY Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Electrical Permit Required? ☐ Yes \* ☐ No

Planning Division: B. B. B. B. 667-2780  
Name \_\_\_\_\_ Phone No. \_\_\_\_\_  
Conditions/Comments: Site to remain at existing site

☒ APPROVE ☐ DENY Date: 4/10/03 Signature: B. B. B. B.

\* An electrical permit will not be issued without verification that a City Business License and Certificate of Occupancy have been obtained.

Code Enforcement: B. Aldicea

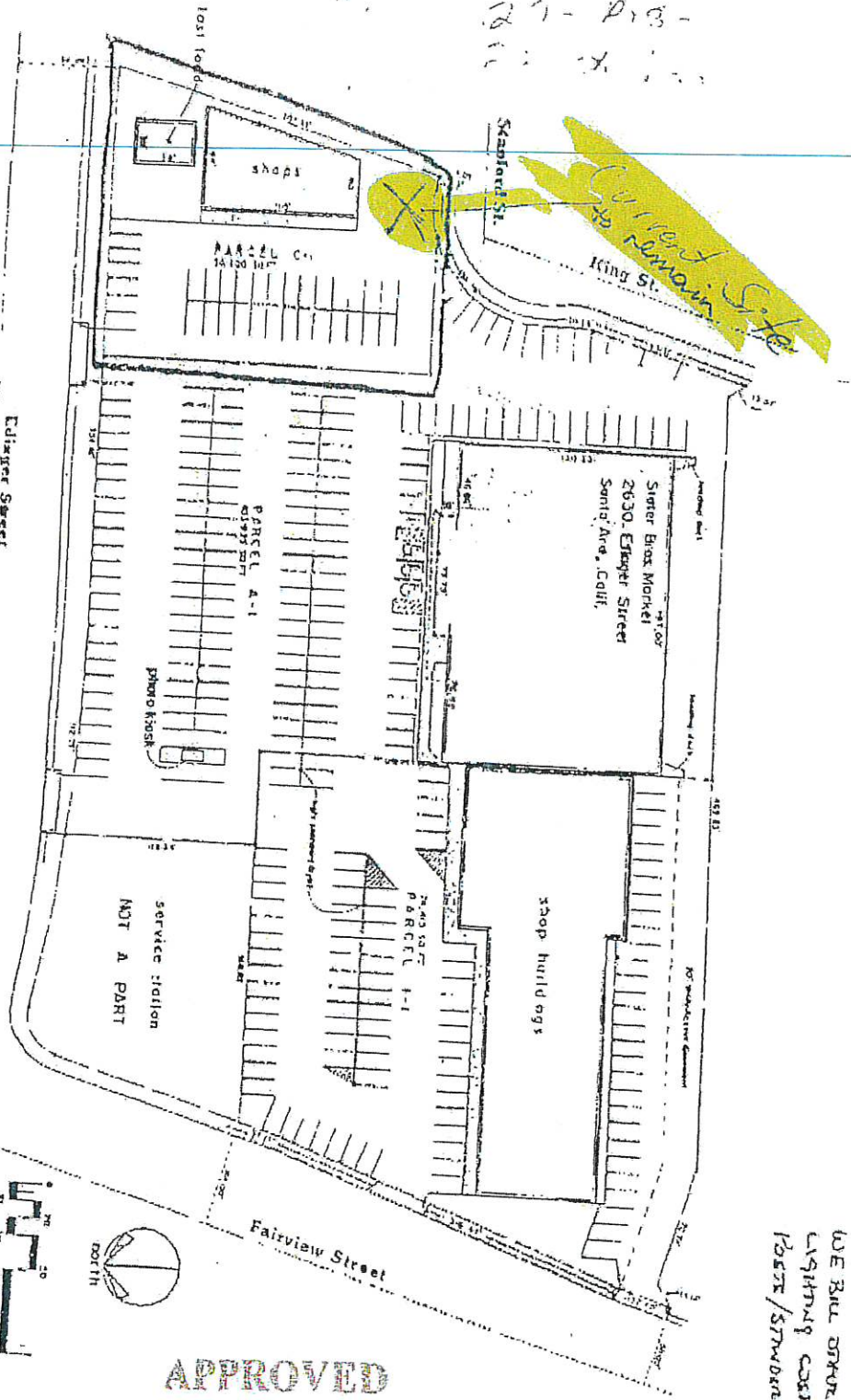
667-2789

I would like facility relocated to the east side of the Stater Bros. Building, at the N/E corner of structure. This would move it about 100' from the two residential structures that abut the area. Water would need to be provided at new location.

foreman  
notes  
4/10/03

21-013-

This is the area (parcel C-1)  
your parcel includes  
the fast food and the side area of your



USE BUILT ORIGIN ORIGIN  
LIGHTING COSTS FOR  
POST/STANDARDS - SAME LOT

APPROVED  
PLANNING DIVISION

MASTER I.D.: 2003-95852

GC Zone: C1

Stanley Brook Market

DISC ACTION TYPE  
SITE PLAN

Landscape Plan Required

714 783 2165

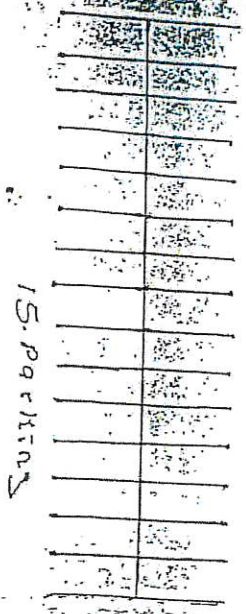
PLANNING







DLKUV



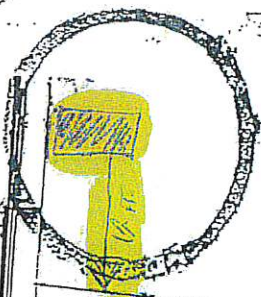
15. Parkin

Bikes

18-PARRIN

File-Head-

Side walk  
of 10 feet



5-foot  
of alley  
Pavement

HOUS

Blank fence

Dr. M. C. K.

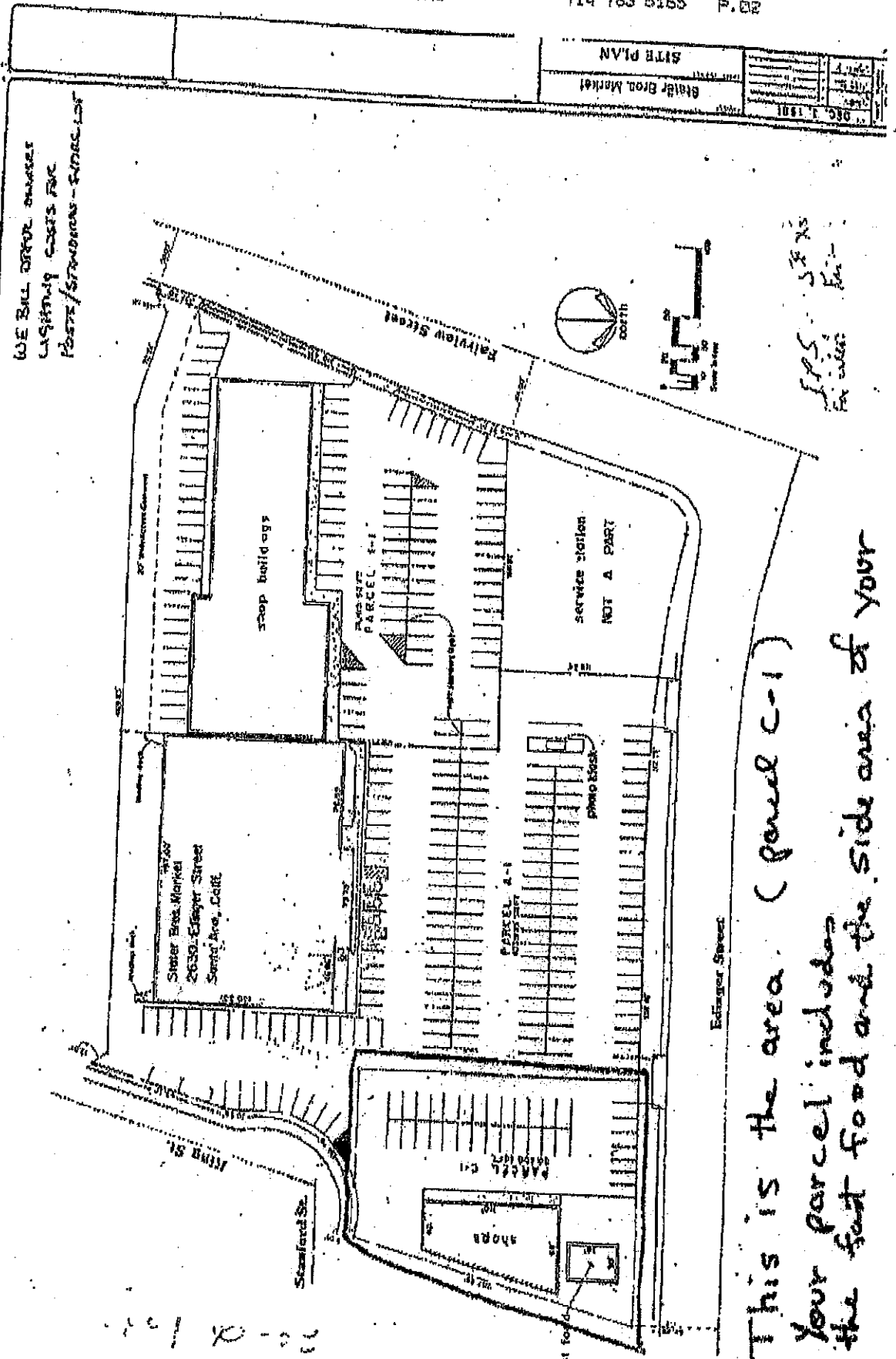
fence

N <sup>o</sup> . Feet	M/- LC bam mi thinguan 2010 45-Feet W
N <sup>o</sup> . Feet	45-Feet center 210-C Mccong Bee-wane
N <sup>o</sup> . Feet	45-Feet 210-B Papua spaghettilid Luigs.
N <sup>o</sup> . Feet	45-Feet A Resistant chinese vina mixed Pho clang

50 Esc.  
Laguera  
Serrano

TRANSFERRED BY: ALLEY-PAYMENT  
DATE: \_\_\_\_\_  
PLANNING FUND REQUIRED - YES  
COMMENTS: \_\_\_\_\_

CONTACT PHONE (714) 667-2700  
SUBJECT TO CONDITIONS BELOW:  
Center to remain at  
existing site. Site to  
remain clean at all  
times



WE BULL OTHER CHARGES  
LIGHTING COSTS FOR  
POSTS/STANDARDS - STATER BROS.

This is the area (parcel c-1)  
Your parcel includes  
the fast food and the side area of your

SPS  
5x5  
For info

20-118-  
-11-11





# EXHIBIT B



## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 5/16/2024 about 2:20 PM

### Standards for small collection facilities. SAMC 41-1253

- Shall be established in conjunction with an existing commercial use which is in a convenience zone and not host to another operating small collection facility and is in compliance with all applicable zoning, building and fire code requirements.
  - \* *You must comply with all cited code violations.*
- Shall be no larger than five hundred (500) square feet.
  - \* *The recycling facility is currently using the east side yard of the property for storage of trash bins and the use of an electrical wire that crosses the property, exceeding the allowable 500 sq. ft.*
- Shall be set back at least fifty (50) feet from any street line and shall not obstruct pedestrian or vehicular circulation.
  - \* *Facility located within 50 feet of the terminus of Stanford and King streets.*
- Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
  - \* *The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers where attendant is not present.
  - \* *The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- Recycling facilities may not locate within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between 9:00 a.m. and 7:00 p.m.
  - \* *The recycling operation abuts a residential property & neighborhood within 5ft. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.*
- Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.
  - \* *The observed signs/markings are located on the inside of the container door. When the doors are closed, the signs are not visible.*
  - \* *The recycling facility does not have any signage/markings stating that no materials shall be left outside the recycling enclosure or containers.*

**\*See Attached Photo Log\***





## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 5/16/2024 about 2:20 PM

**Use of extension cords/temporary electrical wiring. SAMC 8-2000/IPMC 605**

- Extension cords/flexible cords shall not be used for permanent wiring.
- Remove the extension cord that goes from the neighboring residence, to the recycling facility.
- Remove all extension cords that are being used for permanent wiring.

**Maintenance of exterior property and parking areas. SAMC 41-1304; SAMC 8-2000/IPMC 302.1; SAMC 8-2000/IPMC 302.3**

- Exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- All parking areas required to be maintained in a safe, clean and repaired state.
- Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.

**Prohibition against use of required parking area for other purpose. SAMC 41-1302(a); SAMC 41-190(a)**

- Using your parking lot for anything other than its intended use is not permitted without Planning & Building Agency review and/or approvals.

**Revocation of Land Use Certificates. SAMC 41-676**

- The director of planning and development services may revoke a land use certificate, after notice and opportunity to be heard by the grantee, upon his determination that the land use certificate is being exercised in a manner contrary to the regulations of this chapter which are applicable to the use or activity permitted by the land use certificate.
- Please be advised that operating in violation of the SAMC, Operational Standards for a Small Collection Recycling Facility may result in revocation of the approved land use certificate (LUC-2003-3-RCY).

**\*See Attached Photo Log\***



## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 5/16/2024 about 2:20 PM

### **Suspension and/or Revocation of Land Use Entitlement. SAMC 41-650.5 and 41-651**

Article V of Chapter 41 of the of the SAMC, the Executive Director of the City's Planning and Building Agency ("Executive Director") may immediately suspend a conditional use permit, variance, minor exception, or other land use entitlement on any one (1) or more of the following grounds:

- (a) Failure to comply with conditions of approval, if granted subject to conditions.
- (b) Evidence available at the time of review that was not available when the permit was granted that could not have been obtained with reasonable diligence prior to the hearing, resulting in the findings made pursuant to Section 41-638(a) (1) no longer being valid.
- (c) Violations of this Code or conditions of approval observed by a City official that are not corrected and abated to the satisfaction of the Executive Director of the Planning and Building Agency within (10) days of written notice by mail to the recorded owner of the property and to the tenant of said property if any.
- (d) The holder of the conditional use permit, variance, minor exception, or other land use entitlement is exercising the entitlement in a manner that is inconsistent with the original approval and its scope.

**\*See Attached Photo Log\***



PHOTOLOG



Exhibit 1

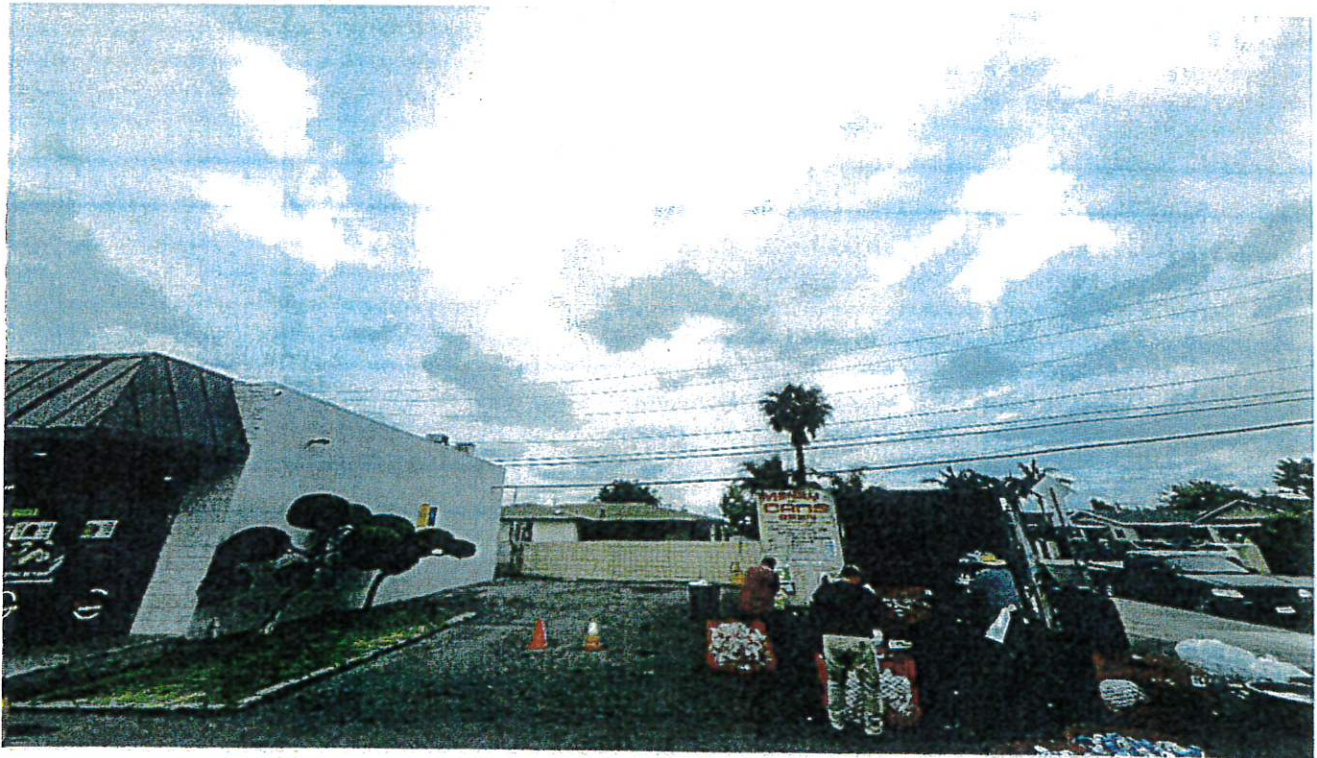


Exhibit 2

Date: 5-16-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Date: 5-16-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

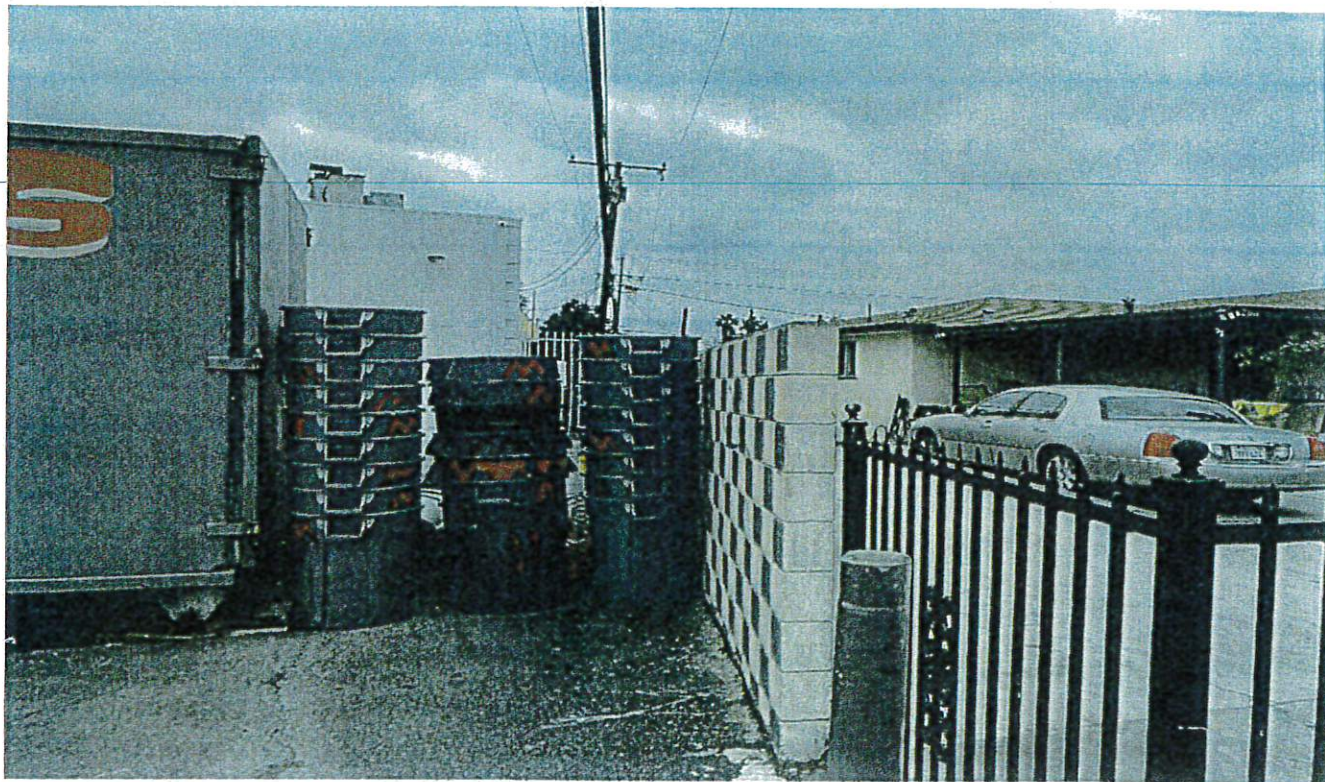


Exhibit 5



Exhibit 6

Date: 5-16-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 7

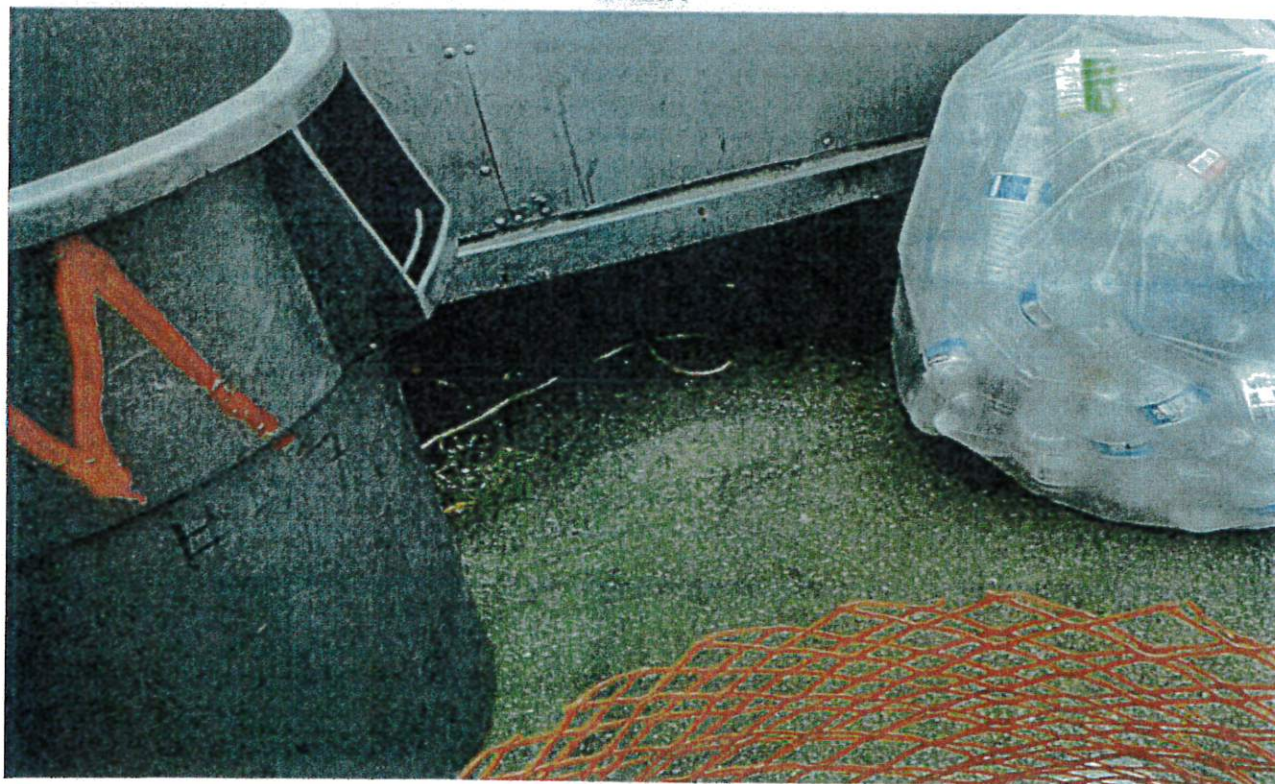


Exhibit 8

Date: 5-16-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 9



Exhibit 10

Date: 5-16-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50

# EXHIBIT C





## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 10/1/2024 about 2:30 PM

### Standards for small collection facilities. SAMC 41-1253

- Shall be established in conjunction with an existing commercial use which is in a convenience zone and not host to another operating small collection facility and is in compliance with all applicable zoning, building and fire code requirements.  
*\* You must comply with all cited code violations.*
- Shall be no larger than five hundred (500) square feet.  
*\* The recycling facility is currently using the east side yard of the of the property for storage of trash bins and the use of an electrical wire that crosses the property, exceeding the allowable 500 sq. ft.*
- Shall be set back at least fifty (50) feet from any street line and shall not obstruct pedestrian or vehicular circulation.  
*\* Facility located within 50 feet of the terminus of Stanford and King streets.*
- Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule.  
*\*The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers where attendant is not present.  
*\*The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- Recycling facilities may not locate within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between 9:00 a.m. and 7:00 p.m.  
*\*The recycling operation abuts a residential property & neighborhood within 5ft. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.*
- Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.  
*\*The observed signs/markings are located on the inside of the container door. When the doors are closed, the signs are not visible.*  
*\* The recycling facility does not have any signage/markings stating that no materials shall be left outside the recycling enclosure or containers.*

**\*See Attached Photo Log\***





## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 10/1/2024 about 2:30 PM

**Use of extension cords/temporary electrical wiring. SAMC 8-2000/IPMC 605**

- Extension cords/flexible cords shall not be used for permanent wiring.
- Remove the extension cord that goes from the neighboring residence, to the recycling facility.
- Remove all extension cords that are being used for permanent wiring.

**Maintenance of exterior property and parking areas. SAMC 41-1304; SAMC 8-2000/IPMC 302.1; SAMC 8-2000/IPMC 302.3**

- Exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- All parking areas required to be maintained in a safe, clean and repaired state.
- Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.

**Prohibition against use of required parking area for other purpose. SAMC 41-1302(a); SAMC 41-190(a)**

- Using your parking lot for anything other than its intended use is not permitted without Planning & Building Agency review and/or approvals.

**Revocation of Land Use Certificates. SAMC 41-676**

- The director of planning and development services may revoke a land use certificate, after notice and opportunity to be heard by the grantee, upon his determination that the land use certificate is being exercised in a manner contrary to the regulations of this chapter which are applicable to the use or activity permitted by the land use certificate.
- Please be advised that operating in violation of the SAMC, Operational Standards for a Small Collection Recycling Facility may result in revocation of the approved land use certificate (LUC-2003-3-RCY).

**\*See Attached Photo Log\***



City of Santa Ana  
Planning & Building Agency  
Code Enforcement Division  
20 Civic Center Plaza M19  
Santa Ana, CA 92701

Page 3 of 3

## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 10/1/2024 about 2:30 PM

### Suspension and/or Revocation of Land Use Entitlement. SAMC 41-650.5 and 41-651

Article V of Chapter 41 of the of the SAMC, the Executive Director of the City's Planning and Building Agency ("Executive Director") may immediately suspend a conditional use permit, variance, minor exception, or other land use entitlement on any one (1) or more of the following grounds:

- (a) Failure to comply with conditions of approval, if granted subject to conditions.
- (b) Evidence available at the time of review that was not available when the permit was granted that could not have been obtained with reasonable diligence prior to the hearing, resulting in the findings made pursuant to Section 41-638(a) (1) no longer being valid.
- (c) Violations of this Code or conditions of approval observed by a City official that are not corrected and abated to the satisfaction of the Executive Director of the Planning and Building Agency within (10) days of written notice by mail to the recorded owner of the property and to the tenant of said property if any.
- (d) The holder of the conditional use permit, variance, minor exception, or other land use entitlement is exercising the entitlement in a manner that is inconsistent with the original approval and its scope.

**\*See Attached Photo Log\***

CODE ENFORCEMENT OFFICER: DAVID GARCIA #50 PHONE #: (714) 667-2772 Monday through Friday



PHOTOLOG

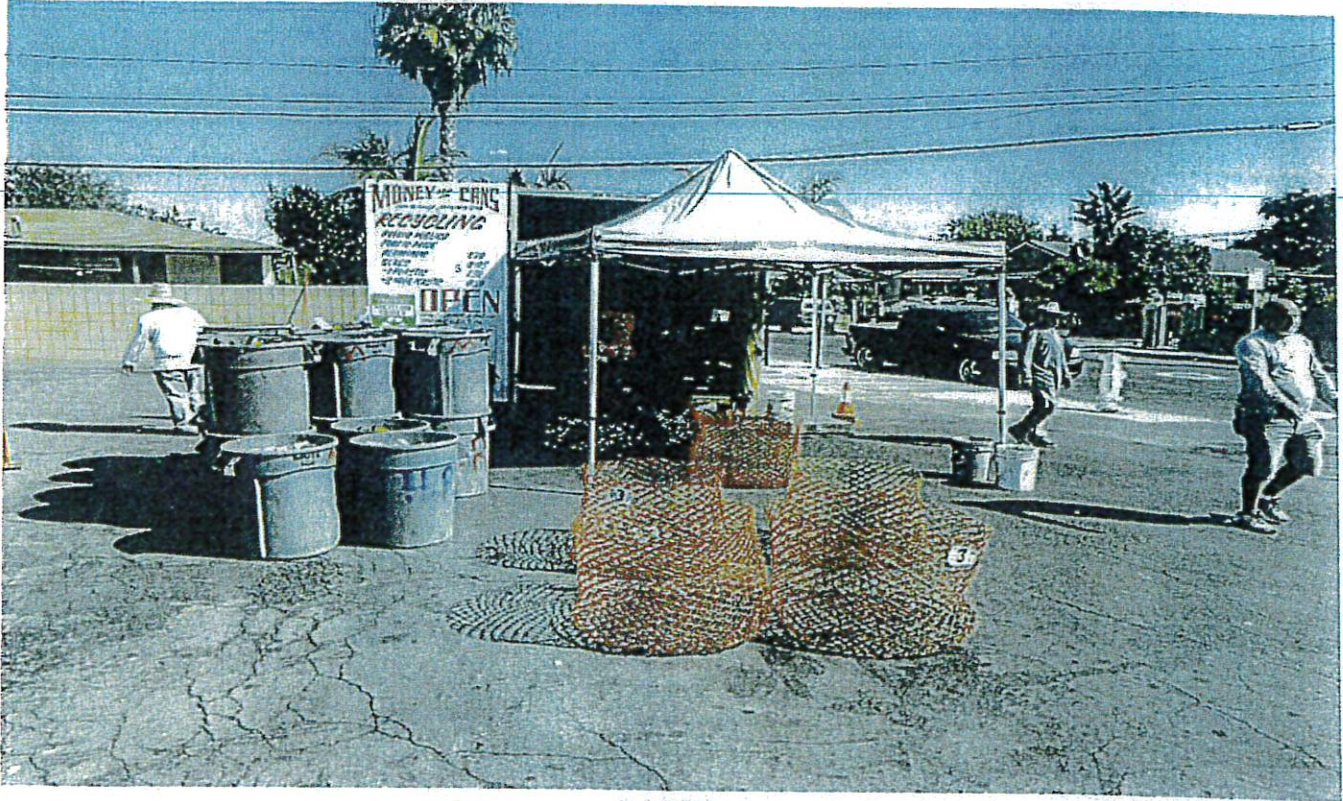


Exhibit 1

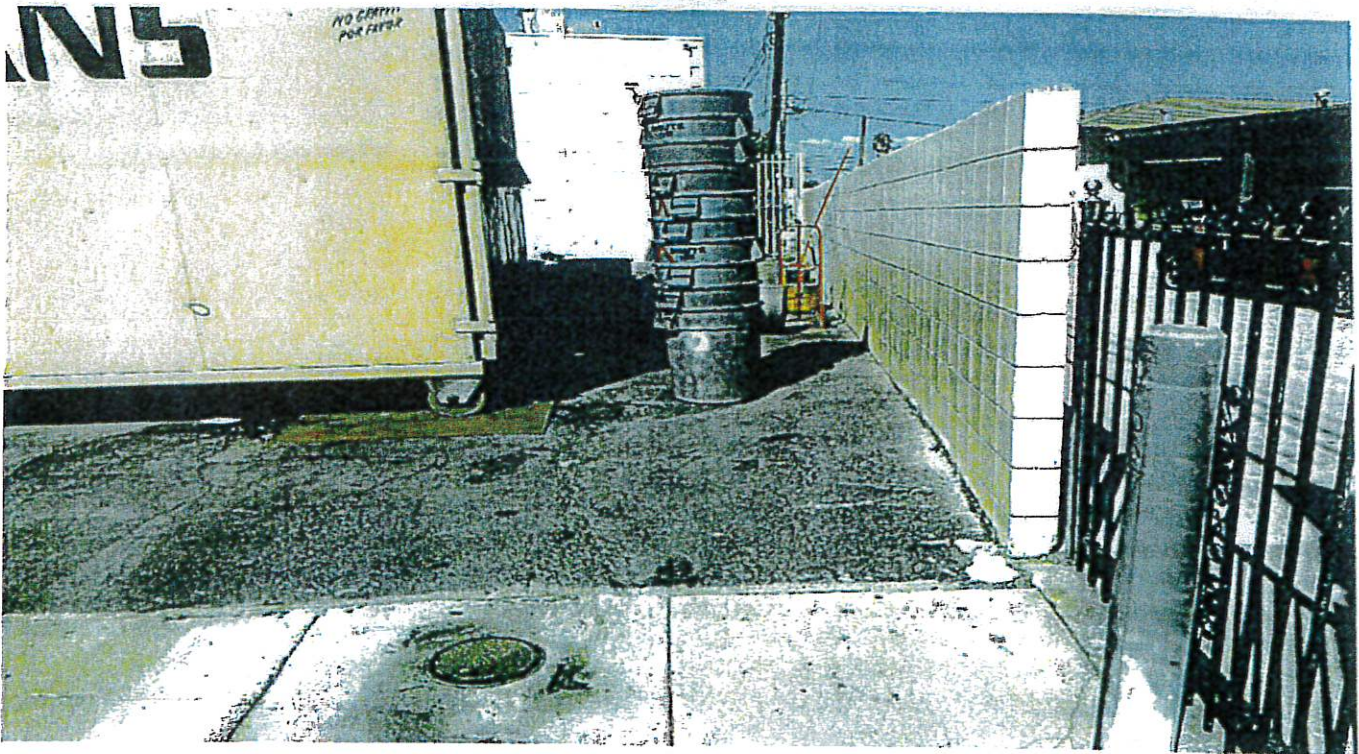


Exhibit 2

Date: 10-1-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 3

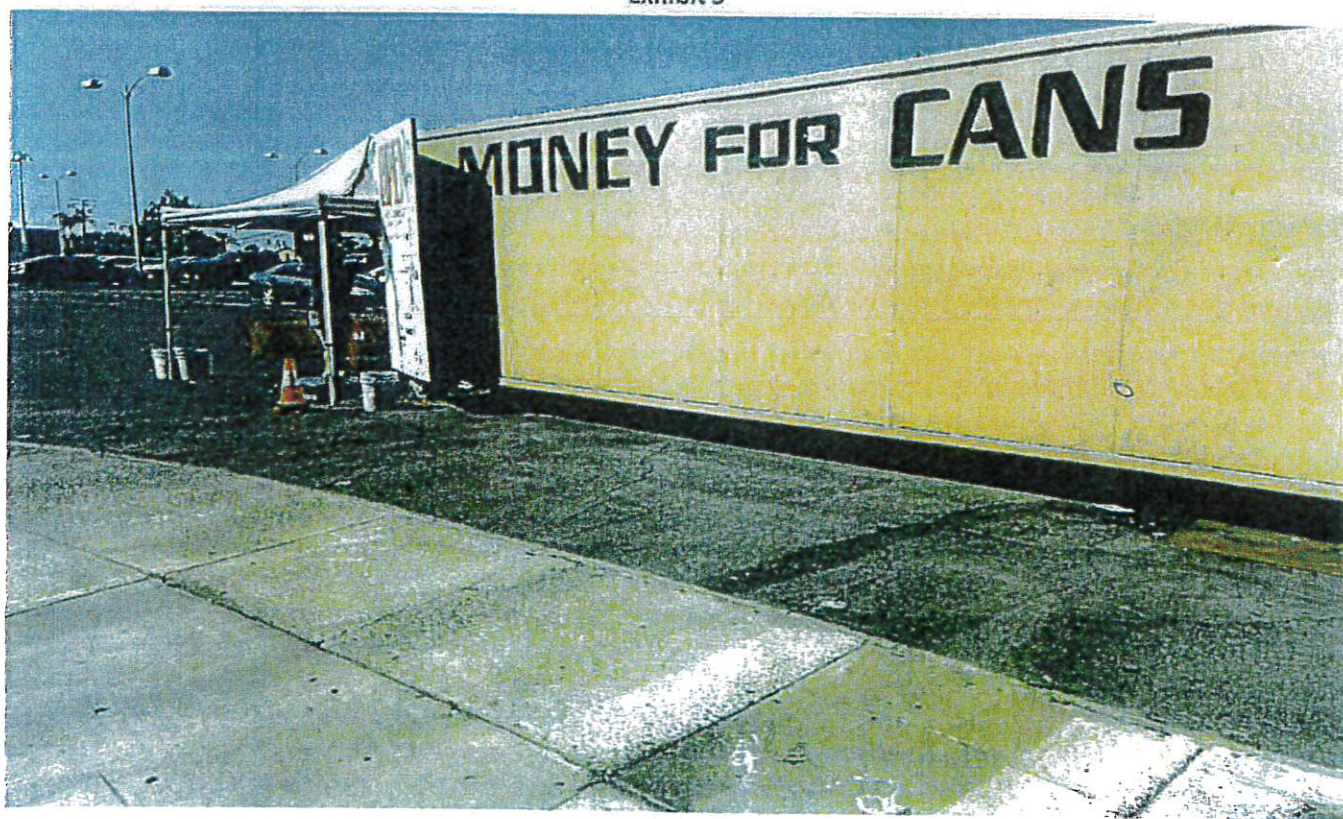


Exhibit 4

Date: 10-1-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

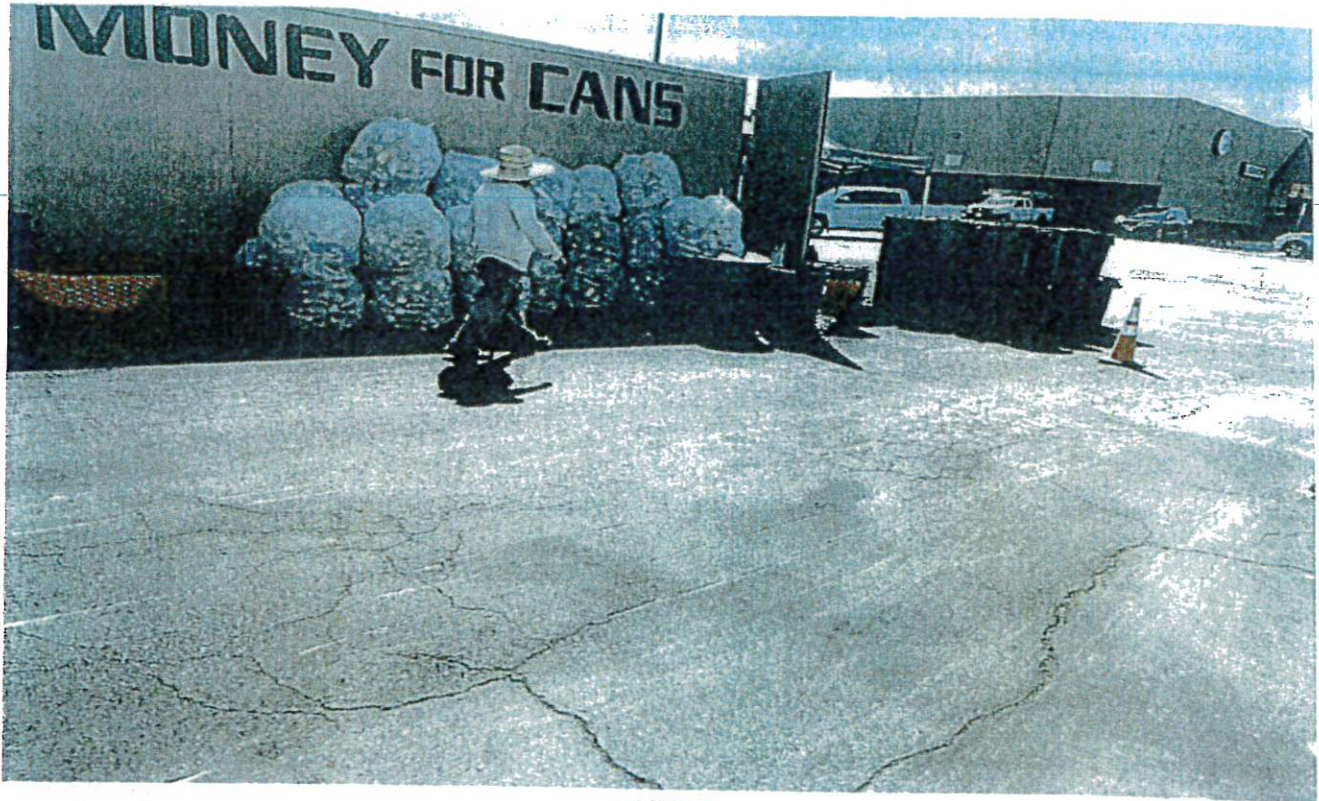


Exhibit 5



Exhibit 6

Date: 10-1-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 7

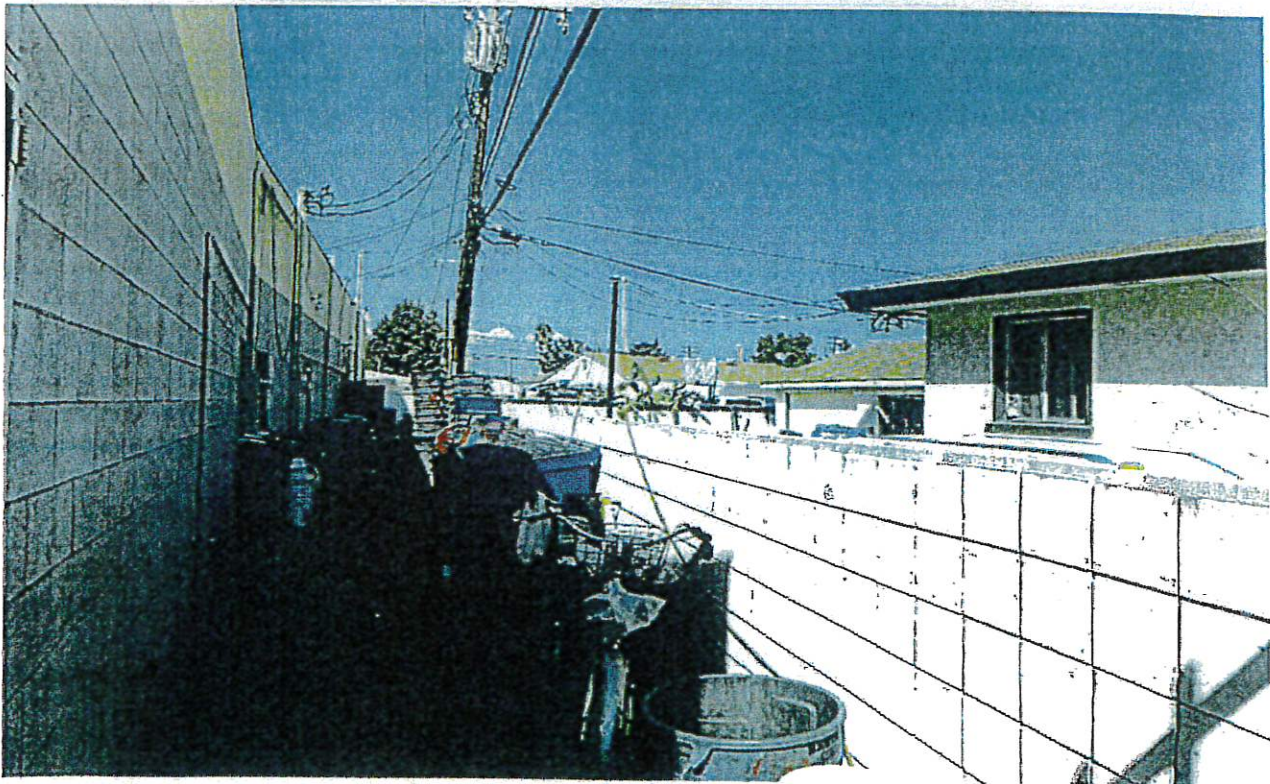


Exhibit 8

Date: 10-1-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50

# EXHIBIT D





## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704

An inspection of the above premises revealed the following code violations:

As of 10/9/2024 about 2:56 PM

### Standards for small collection facilities. SAMC 41-1253

- Shall be established in conjunction with an existing commercial use which is in a convenience zone and not host to another operating small collection facility and is in compliance with all applicable zoning, building and fire code requirements.  
*\* You must comply with all cited code violations.*
- Shall be no larger than five hundred (500) square feet.  
*\* The recycling facility is currently using the east side yard of the of the property for storage of trash bins and the use of an electrical wire that crosses the property, exceeding the allowable 500 sq. ft.*
- Shall be set back at least fifty (50) feet from any street line and shall not obstruct pedestrian or vehicular circulation.  
*\* Facility located within 50 feet of the terminus of Stanford and King streets.*
- Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule.  
*\*The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers where attendant is not present.  
*\*The trash bins located along the East side of the property must be covered when attendant is not present.*
- Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
- Recycling facilities may not locate within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between 9:00 a.m. and 7:00 p.m.  
*\*The recycling operation abuts a residential property & neighborhood within 5ft. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.*
- Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.  
*\*The observed signs/markings are located on the inside of the container door. When the doors are closed, the signs are not visible.*  
*\* The recycling facility does not have any signage/markings stating that no materials shall be left outside the recycling enclosure or containers.*

**\*See Attached Photo Log\***





## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 10/9/2024 about 2:56 PM

**Use of extension cords/temporary electrical wiring. SAMC 8-2000/IPMC 605**

- Extension cords/flexible cords shall not be used for permanent wiring.
- Remove the extension cord that goes from the neighboring residence, to the recycling facility.
- Remove all extension cords that are being used for permanent wiring.

**Maintenance of exterior property and parking areas. SAMC 41-1304; SAMC 8-2000/IPMC 302.1; SAMC 8-2000/IPMC 302.3**

- Exterior property and premises shall be maintained in a clean, safe and sanitary condition.
- All parking areas required to be maintained in a safe, clean and repaired state.
- Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.

**Prohibition against use of required parking area for other purpose. SAMC 41-1302(a); SAMC 41-190(a)**

- Using your parking lot for anything other than its intended use is not permitted without Planning & Building Agency review and/or approvals.

**Revocation of Land Use Certificates. SAMC 41-676**

- The director of planning and development services may revoke a land use certificate, after notice and opportunity to be heard by the grantee, upon his determination that the land use certificate is being exercised in a manner contrary to the regulations of this chapter which are applicable to the use or activity permitted by the land use certificate.
- Please be advised that operating in violation of the SAMC, Operational Standards for a Small Collection Recycling Facility may result in revocation of the approved land use certificate (LUC-2003-3-RCY).

**\*See Attached Photo Log\***



City of Santa Ana  
Planning & Building Agency  
Code Enforcement Division  
20 Civic Center Plaza M19  
Santa Ana, CA 92701

Page 3 of 3

## COMPLIANCE INSPECTION

Address/Location: 2610 W. Edinger Ave. Santa Ana, CA, Zip 92704.

An inspection of the above premises revealed the following code violations:

As of 10/9/2024 about 2:56 PM

### Suspension and/or Revocation of Land Use Entitlement. SAMC 41-650.5 and 41-651

Article V of Chapter 41 of the of the SAMC, the Executive Director of the City's Planning and Building Agency ("Executive Director") may immediately suspend a conditional use permit, variance, minor exception, or other land use entitlement on any one (1) or more of the following grounds:

- (a) Failure to comply with conditions of approval, if granted subject to conditions.
- (b) Evidence available at the time of review that was not available when the permit was granted that could not have been obtained with reasonable diligence prior to the hearing, resulting in the findings made pursuant to Section 41-638(a) (1) no longer being valid.
- (c) Violations of this Code or conditions of approval observed by a City official that are not corrected and abated to the satisfaction of the Executive Director of the Planning and Building Agency within (10) days of written notice by mail to the recorded owner of the property and to the tenant of said property if any.
- (d) The holder of the conditional use permit, variance, minor exception, or other land use entitlement is exercising the entitlement in a manner that is inconsistent with the original approval and its scope.

**\*See Attached Photo Log\***

CODE ENFORCEMENT OFFICER: DAVID GARCIA #50 PHONE #: (714) 667-2772 Monday through Friday

7-1-13/ER



PHOTOLOG

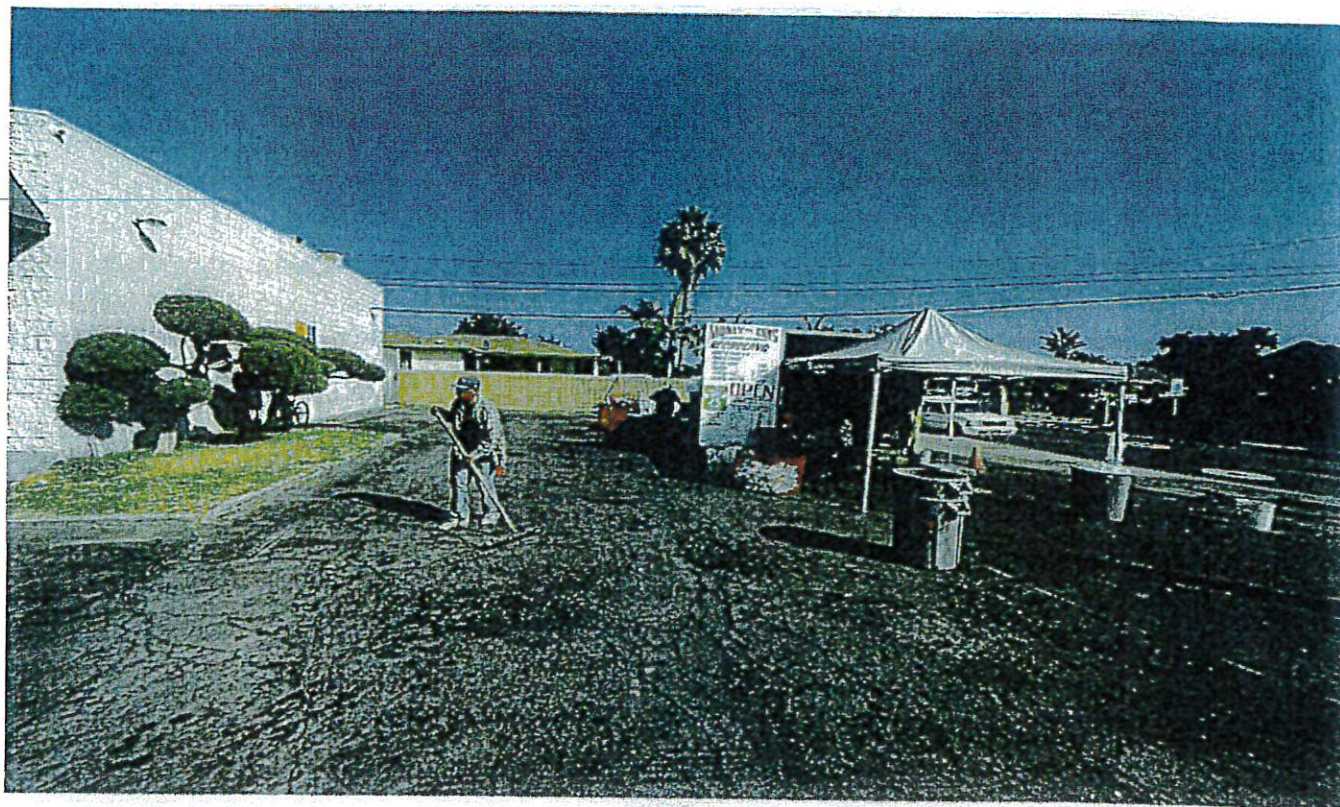


Exhibit 1



Exhibit 2

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 3



Exhibit 4

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

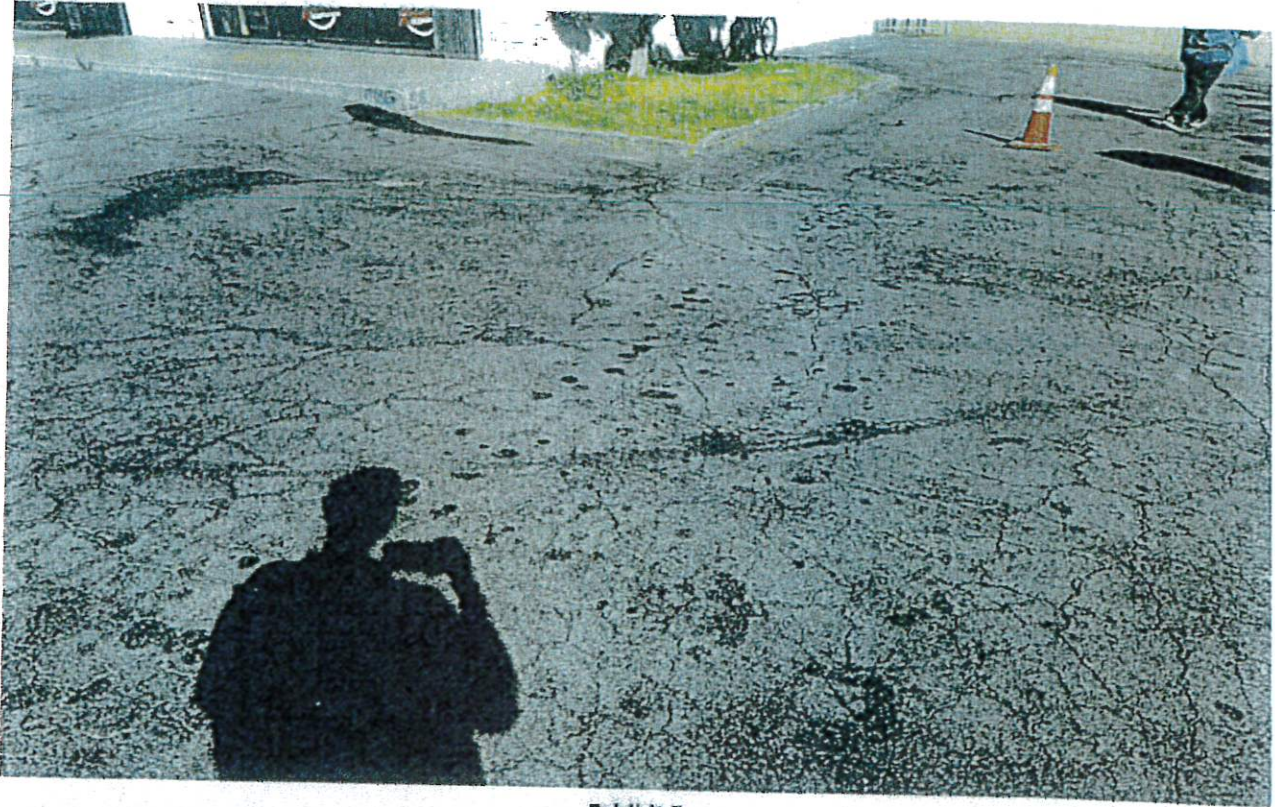


Exhibit 5



Exhibit 6

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

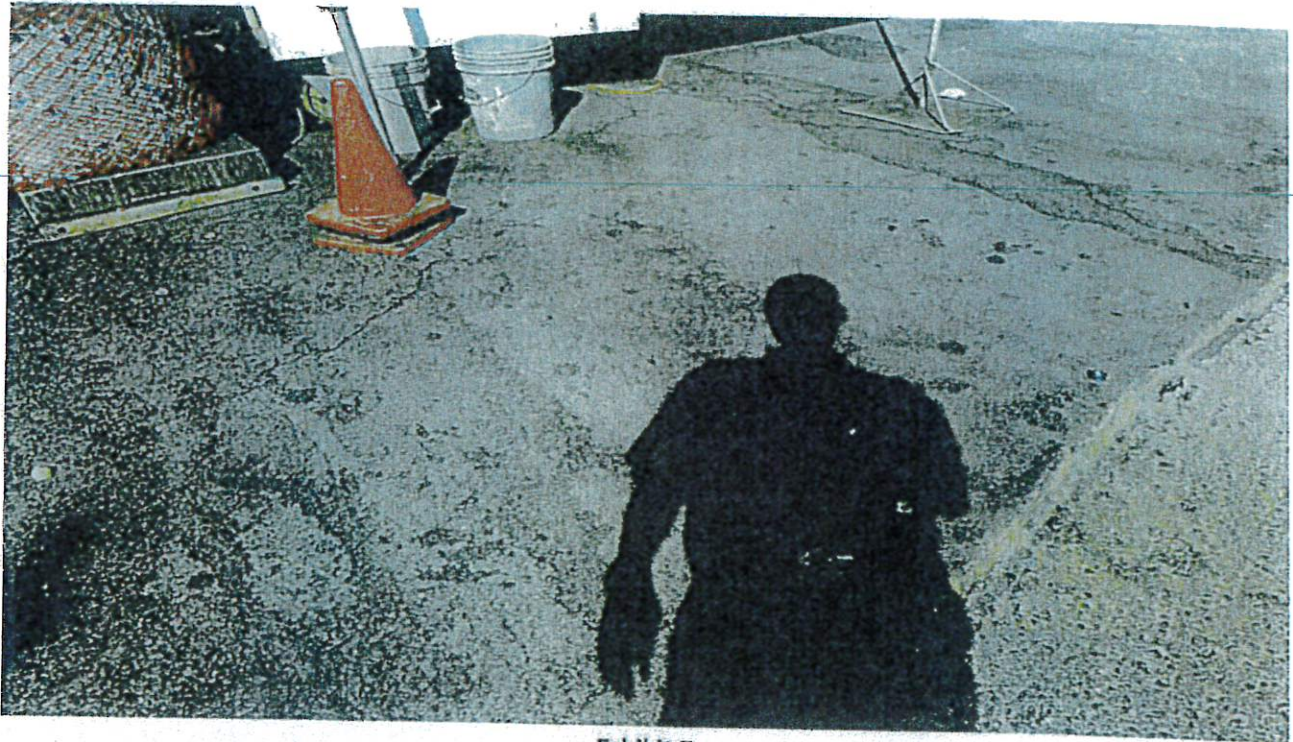


Exhibit 7



Exhibit 8

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 9



Exhibit 10

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG



Exhibit 11



Exhibit 12

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

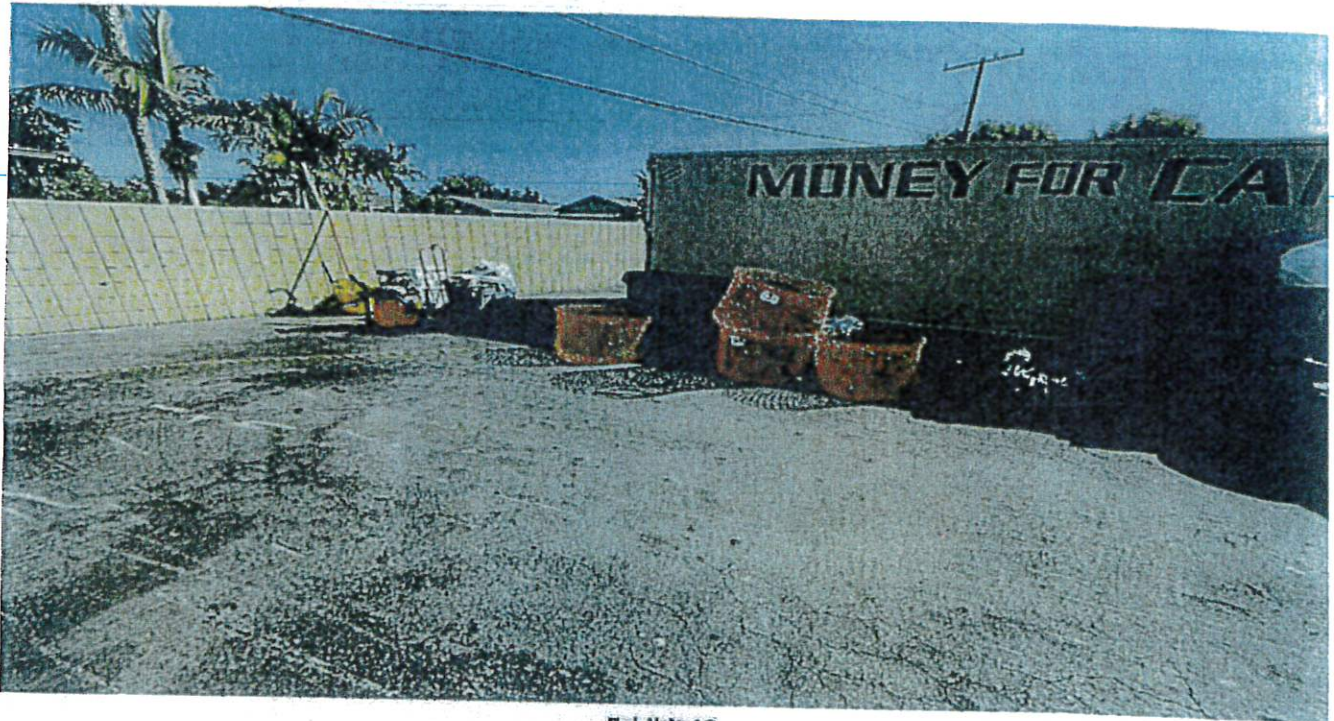


Exhibit 13



Exhibit 14

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

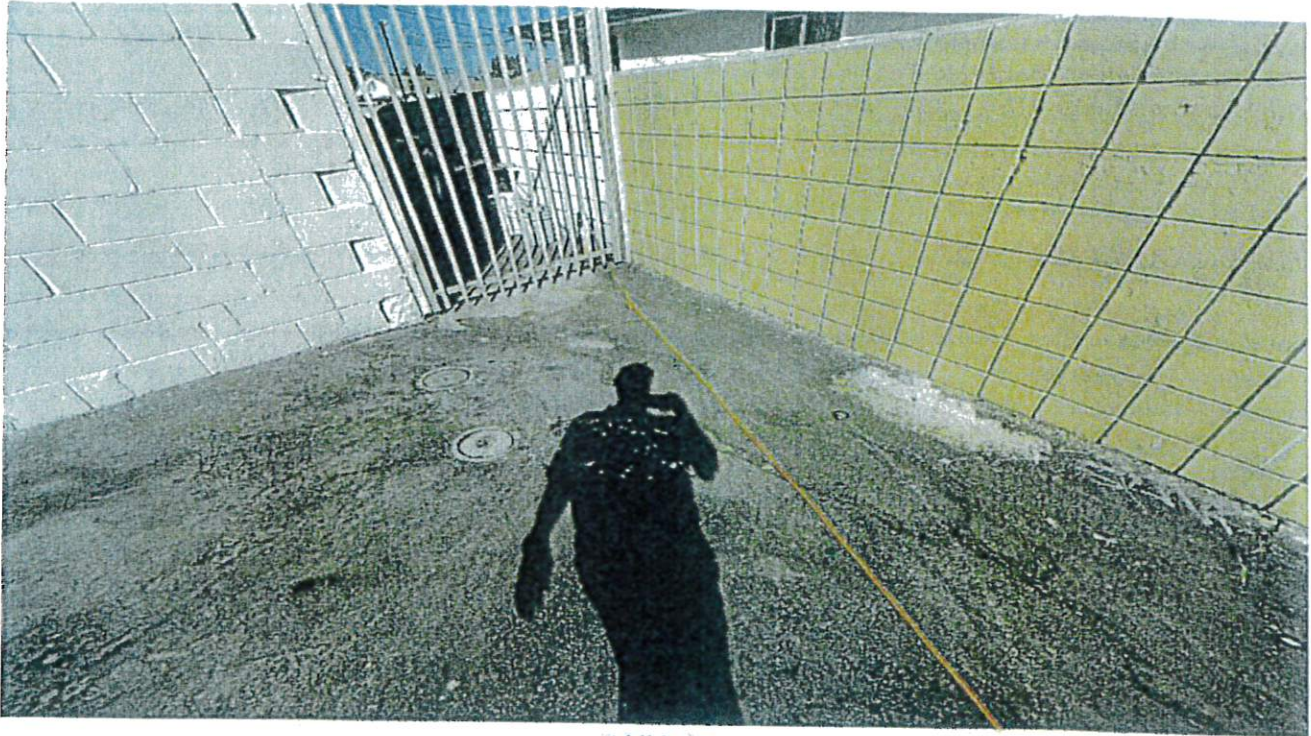


Exhibit 15

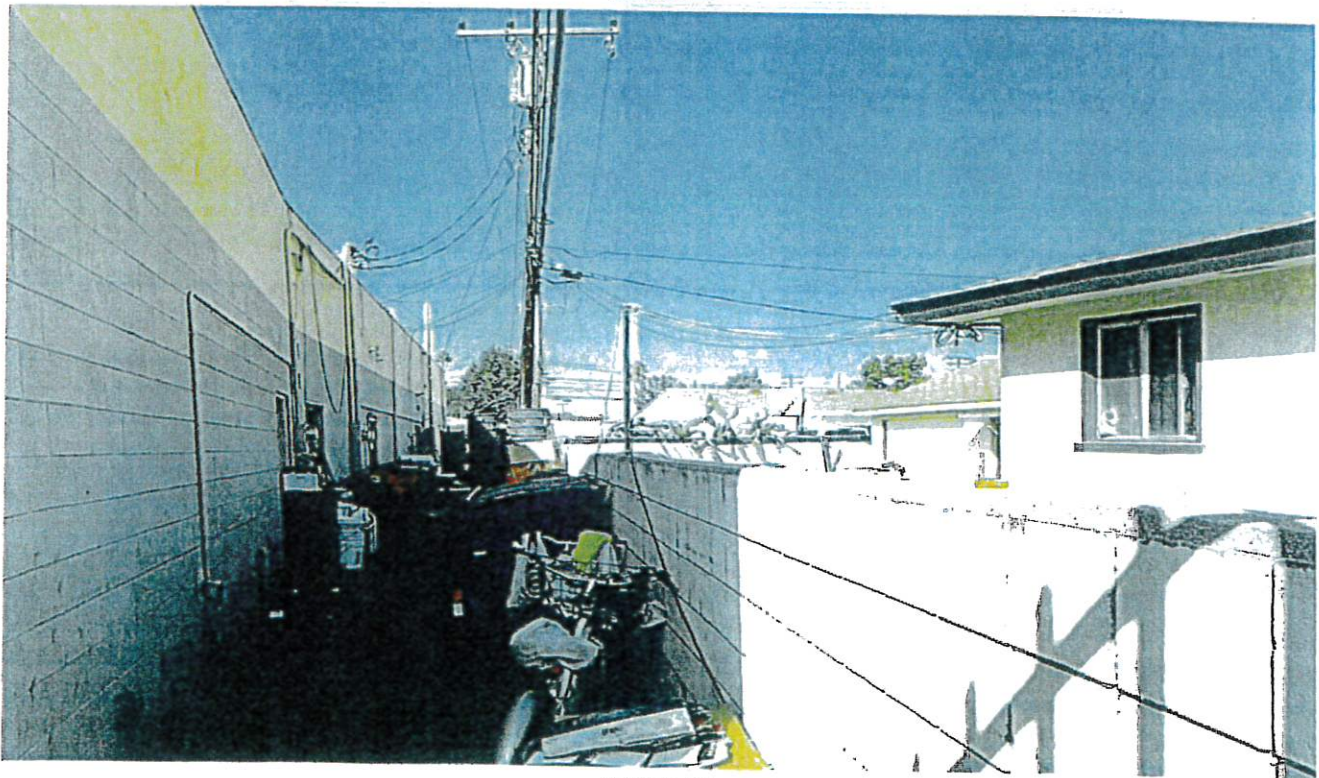


Exhibit 16

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50



PHOTOLOG

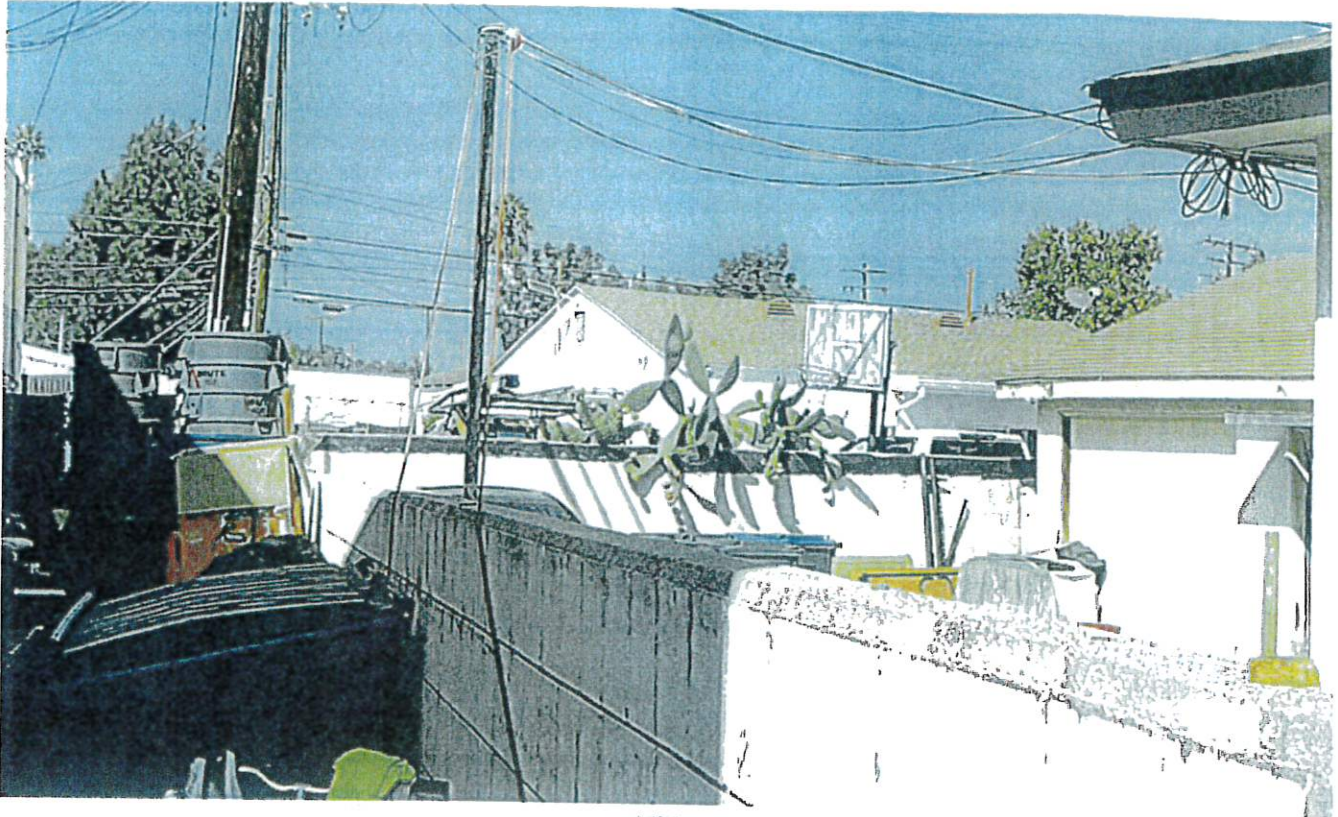


Exhibit 17

Date: 10-9-2024

Location: 2610 W. Edinger Ave.

Code Enforcement Officer: D. Garcia #50

# EXHIBIT E



Hearing Exhibit 1  
12/12/24

MAYOR  
Valerie Amezcua  
MAYOR PRO TEM  
Thai Viet Phan  
COUNCILMEMBERS  
Phil Bacerra  
Johnathan Ryan Hernandez  
Jessie Lopez  
David Penaloza  
Benjamin Vazquez



CITY MANAGER  
Alvaro Nunez  
CITY ATTORNEY  
Sonia R. Carvalho  
CITY CLERK  
Jennifer L. Hall

**CITY OF SANTA ANA**  
**PLANNING AND BUILDING AGENCY**  
20 Civic Center Plaza • P.O. Box 1988  
Santa Ana, California 92702  
[www.santa-ana.org](http://www.santa-ana.org)

November 7, 2024

Bertilio Henriquez  
Money for Cans  
619 W. Bay Street  
Costa Mesa, CA 92627

**RE: NOTICE OF PROPOSED REVOCATION OF LAND USE CERTIFICATE -  
2610 W. EDINGER AVENUE, SANTA ANA, CA 92704**

Dear Mr. Henriquez:

As the land use certificate holder for the business Money for Cans located at 2610 W. Edinger Avenue, Santa Ana, CA 92704 and identified with Assessor Parcel Number (APN) 408-041-04 (the "Property") you are hereby notified that, the undersigned, pursuant to Santa Ana Municipal Code ("SAMC") Section 41-676, following this notice and an opportunity to respond and be heard, is proposing to revoke Land Use Certificate No. 2003-03-RCY ("Land Use Certificate"), attached hereto as Exhibit A, that exists for said premises based on the following:

**UNDERLYING HISTORY AND FACTS**

The Property is designated by the City's adopted Zoning Map as Community Commercial ("C1").

On April 10, 2003, said Land Use Certificate was issued to the Property for the operation of a small collection facility to purchase aluminum, glass, and plastic recyclables (CRV only). The standards for small collection facilities operating within the City are clearly outlined in SAMC Sec. 41-1253.

On May 16, 2024, an inspection of the subject property was conducted and the business, "Money for Cans" ("Facility"), was observed operating a small recycling collection facility in the parking lot. The following violations were observed and documented in a Compliance Inspection, attached hereto as Exhibit B:

1. Recycling operation exceeding the allowable 500 square feet in violation of SAMC Sec. 41-1253(2).

**SANTA ANA CITY COUNCIL**

Valerie Amezcua  
Mayor  
[vamezcua@santa-ana.org](mailto:vamezcua@santa-ana.org)

Thai Viet Phan  
Mayor Pro Tem, Ward 1  
[thphan@santa-ana.org](mailto:thphan@santa-ana.org)

Benjamin Vazquez  
Ward 2  
[bvazquez@santa-ana.org](mailto:bvazquez@santa-ana.org)

Jessie Lopez  
Ward 3  
[jessielopez@santa-ana.org](mailto:jessielopez@santa-ana.org)

Phil Bacerra  
Ward 4  
[pbacerra@santa-ana.org](mailto:pbacerra@santa-ana.org)

Johnathan Ryan Hernandez  
Ward 5  
[jryanhernandez@santa-ana.org](mailto:jryanhernandez@santa-ana.org)

David Penaloza  
Ward 6  
[dpenaloza@santa-ana.org](mailto:dpenaloza@santa-ana.org)

- a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.
2. Facility located within 50 feet of the terminus of Stanford and King streets in violation of SAMC Sec. 41-1253(3).
3. Trash bins located along the East side of the property that were uncovered and unattended in violation of SAMC Sec. 41-1253(6)&(7).
4. Unmaintained and unsanitary asphalt/parking lot surface in violation of SAMC Sec. 41-1304(i); SAMC Sec. 41-1253(8); and International Property and Maintenance Code (IPMC) 302.1 & 302.3 adopted by reference in SAMC Sec. 8-2000.
  - a. The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter.
5. The recycling operation abutting a residential property & neighborhood within five feet (5') in violation of SAMC Sec. 41-1253(11).
6. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards in violation of SAMC Sec. 41-1253(11).
  - a. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.
7. Lack of clear display of notice stating that no materials shall be left outside the recycling enclosure/container in violation of SAMC Sec. 41-1253(12).
8. Use of an extension cord as permanent wiring in violation of IPMC 605.1 & 605.4 adopted by reference in SAMC Sec. 8-2000.
  - a. There is an electrical wire that is attached to a pole in the neighboring residential property. That wire drapes over the wall and into the recycling facility, powering equipment. This type of wiring is not approved and poses a danger to anyone who might trip or get caught in it.

On October 1, 2024, a follow up inspection of the subject property was conducted and the Facility was observed operating a small recycling collection facility in the parking lot. The same following violations were observed and documented in a Compliance Inspection, attached hereto as Exhibit C:

1. Recycling operation exceeding the allowable 500 square feet in violation of SAMC Sec. 41-1253(2).
  - a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the



neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.

2. Facility located within 50 feet of the terminus of Stanford and King streets in violation of SAMC Sec. 41-1253(3).
3. Trash bins located along the East side of the property that were uncovered and unattended in violation of SAMC Sec. 41-1253(6)&(7).
4. Unmaintained and unsanitary asphalt/parking lot surface in violation of SAMC Sec. 41-1304(i); SAMC Sec. 41-1253(8); and IPMC 302.1 & 302.3 adopted by reference in SAMC Sec. 8-2000.
  - a. The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter.
5. The recycling operation abutting a residential property & neighborhood within five feet (5') in violation of SAMC Sec. 41-1253(11).
6. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards in violation of SAMC Sec. 41-1253(11).
  - a. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.
7. Lack of clear display of notice stating that no materials shall be left outside the recycling enclosure/container in violation of SAMC Sec. 41-1253(12).
8. Use of an extension cord as permanent wiring in violation of IPMC 605.1 & 605.4 adopted by reference in SAMC Sec. 8-2000.
  - a. There is an electrical wire that is attached to a pole in the neighboring residential property. That wire drapes over the wall and into the recycling facility, powering equipment. This type of wiring is not approved and poses a danger to anyone who might trip or get caught in it.

---

On October 9, 2024, a follow up inspection of the subject property was conducted and the Facility was observed operating a small recycling collection facility in the parking lot. The same violations as above were observed and documented in a Compliance Inspection, attached hereto as Exhibit D.

#### **PROPOSED FINDINGS**

#### **A. THE FACILITY IS NOT OPERATING IN ACCORANCE WITH THE STANDARDS FOR SMALL COLLECTION FACILITES**

The City finds the Facility is not operating in accordance with the standards for small collection facilities outlined in SAMC Sec. 41-1253 of Chapter 41 of the City's Zoning Code. SAMC Sec. 41-1253, states the following, in pertinent part:

Only one (1) small collection facility may occupy a convenience zone at any time; and, each small collection facility:

1. Shall be established in conjunction with an existing commercial use which is in a convenience zone and not host to another operating small collection facility and is in compliance with all applicable zoning, building and fire code requirements. SAMC Sec. 41-1253(1).

*a. You must comply with all cited code violations.*

2. Shall be no larger than five hundred (500) square feet. SAMC Sec. 41-1253(2).

*a. The recycling business is using the East side yard of the property for storage of trash bins and is also using an electrical wire that crosses from the neighboring residence to the recycling facility, therefore exceeding the allowable 500 square feet.*

3. Shall be set back at least fifty (50) feet from any street line and shall not obstruct pedestrian or vehicular circulation. SAMC Sec. 41-1253(3).

*a. The recycling business is located within 50 feet of the terminus of Stanford and King Streets*

4. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule. SAMC Sec. 41-1253(6).

*a. The trash bins located along the East side of the property must be covered when attendant is not present.*

5. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers where attendant is not present. SAMC Sec. 41-1253(7).

*a. The trash bins located along the East side of the property must be covered when attendant is not present.*

6. Shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day. SAMC Sec. 41-1253(8)



- a. *Exterior property, parking areas and premises shall be maintained in a clean, safe and sanitary condition. Pressure wash and clean the exterior premises where needed.*
- 7. Recycling facilities may not locate within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between 9:00 a.m. and 7:00 p.m. SAMC Sec. 41-1253(11).
  - a. *The recycling operation abuts a residential property & neighborhood within 5ft. Signage portraying hours of operation beginning at 8AM, which is outside the scope of standards. Recycling facilities are only allowed to operate from the hours of 9AM-7PM.*
- 8. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers. SAMC Sec. 41-1253(12).
  - a. *The observed signs/markings are located on the inside of the container door. When the doors are closed, the signs are not visible. The recycling facility does not have any signage/markings stating that no materials shall be left outside the recycling enclosure or containers.*

#### **B. THE FACILITY IS OPERATING AS A PUBLIC NUISANCE**

The City finds the Facility is operating in violation of the following Code sections:

- 1. International Property Maintenance Code, Section 605.1 & 605.4, adopted by reference in SAMC Sec. 8-2000, state the following, in pertinent part:
  - a. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
    - i. *The electrical wire that is attached to the pole in the neighboring residential property is not approved. That wire drapes over the wall and into the recycling facility. This type of wiring is unapproved and poses a danger to anyone who might trip or get caught in it*
  - b. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.
    - i. *Extension cords/flexible cords shall not be used for permanent wiring. Remove the extension cord that goes from the neighboring residence, to the recycling facility.*

2. International Property Maintenance Code, Section 302.1 & 302.3, adopted by reference in SAMC Sec. 8-2000, state the following, in pertinent part:

a. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

i. *The surrounding asphalt surface is covered with sticky stains, markings, cracks and splatter. Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.*

b. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

i. *The unmaintained, stained and cracked asphalt must be repaired and the unsanitary aspect poses a hazardous condition.*

3. SAMC Sec. 41-1304(i) states the following, in pertinent part:

a. All parking areas required by this chapter are to be maintained in a safe, clean and repaired state with no potholes, solid paving, and legible striping.

i. *Exterior property/parking areas and premises shall be maintained in a clean, safe and sanitary condition.*

ii. *Pressure wash and clean the exterior premises where needed. Premises must be clean at all times.*

4. SAMC Sec. 41-190(a) states the following, in pertinent part:

a. No building shall be erected, reconstructed or structurally altered except in conformance to the provisions contained herein; nor shall any building or land be used for any purpose other than that which is permitted in the district or modified district in which such building or land is located.

i. Using your property for anything other than its intended/permitted use is not allowed without Planning & Building Agency review and/or approvals first.

Pursuant to SAMC Sec. 41-676, you have a right to be heard on the foregoing. A hearing before the Director of Planning and Building will be held on Thursday, December 12, 2024 at 10:30 AM at 20 Civic Center Plaza, Santa Ana 92702 to consider this matter. You have the right to attend this hearing and present your case. If you wish to participate, please contact Nuvia Ocampo with the City of Santa Ana Planning and Building Agency at (714)667-2732 or [Nocampo@SantaAna.org](mailto:Nocampo@SantaAna.org) to provide your name and contact information.



Bertilio Henriquez  
November 7, 2024  
Page 7 of 7

If you require a Spanish translator for the above hearing, please request such a translator from the Santa Ana Planning and Building Agency at the contact information provided above. If such a request is made, a qualified Spanish translator will be provided to you at no cost.

Si usted requiere un traductor en español para la junta propuesta arriba, favor de solicitar un traductor por medio de la agencia de Planning and Building de la ciudad de Santa Ana. Si esta solicitud es hecha, un traductor calificado será proporcionado sin ningún costo.

Sincerely,

A handwritten signature in black ink, appearing to read 'Minh Thai', with a stylized flourish at the end.

Minh Thai, Executive Director  
Planning & Building Agency

MT/

cc: Alvaro Nunez, City Manager, *via e-mail only*  
Ali Pezeshkpour, AICP, Planning Manager, Planning & Building Agency, *via e-mail only*  
Brandon Salvatierra, Deputy City Attorney, *via e-mail only*

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## **EXHIBIT A**

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# EXHIBIT F





## Change of Operational Hours

This is to notify CalRecycle of the operational hours of the recycling center listed below.

Certification Number RC11423  
 Recycling Center Name Money for Cans  
 Facility Address 2610 E W Edinger Ave Santa Ana 92704  
Street City Zip Code  
 Effective Date of Hours 12/4/2024  
**\*\*You must notify CalRecycle at least 10 days prior to the effective date.\*\***

Please indicate the times your center will open, close, and break for lunch for each day of the week. On a day you are not open, write "Closed" in the row.

Note: Circle am or pm	Operational Hours			
	Open	Close	Lunch Begins	Lunch Ends
Sunday	9:00 am / pm	3:00 am / pm	am / pm	am / pm
Monday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm
Tuesday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm
Wednesday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm
Thursday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm
Friday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm
Saturday	9:00 am / pm	5:00 am / pm	12:00 am / pm	12:30 am / pm

**\*\*If you do not write in lunch hours, your recycling center will not be expected to close for a lunch break.\*\***

BENJAMIN A  
 Signature

BENJAMIN HENDRIZ  
 Printed Name

12-4-24  
 Date

Send this form to us via one of the following ways:

E-mail: DORCertFileRoom@Calrecycle.ca.gov

Mail: CalRecycle/Division of Recycling/Cert Unit  
 1001 I St, MS 10C, Sacramento, CA 95814



Hearing Exhibit 3 12/12/24





Hearing Exhibit 4 12/12/24





Hearing Exhibit 5 12/12/24





Hearing Exhibit 6 12/12/24





Hearing Exhibit 7 12/12/24





# OPEN

LUNES A SABADO DE  
9 A.M. A 5 P.M.

DOMINGOS DE 9 A 3 P.M.

REFUND IS NOT PAINT FOR PACKAGING CONTAMINATION  
SUCH AS DIRT OR MOISTURE, NOR BEVERAGE  
CONTAINERS, NOT PROPERLY LABELED WITH THE  
"CA REDEMPTION VALUE"  
"CA CASH REFUND" MESSAGE.

THIS RECYCLER WILL DISCOUNT THE REFUND VALUE  
AND MAY DISCOUNT SCRAP VALUE FOR LOADS OF  
CONTAINERS WHICH INCLUDE NONREDEMPTION  
MATERIAL.

THE CONSUMER HAS THE RIGHT TO:

- a)... ACCEPT A DISCOUNTED REFUND AND/OR SCRAP PRICE
- b)... SEPARATE REFUND FROM NONREFUN MATERIAL
- c)... TAKE MATERIAL BACK.

TRANSACCIONES DE CRV  
MAS DE \$100 REQUIERE  
TARJETA DE  
IDENTIFICACION DE  
CALIFORNIA

CRV TRANSACTIONS  
OVER \$100 REQUIRES A  
**CALIFORNIA**  
IDENTIFICATION CARD





*POR FAVOR*  
NO DEJAR BASURA Y  
NINGUN MATERIAL DE  
RECICLAJE, FUERA DEL  
CONTENEDOR.

*gracias...*

**MIERCOLES**  
**ALUMINIO**  
**\$ 2.00**



# EXHIBIT G





Planning and Building Agency  
Planning Division  
20 Civic Center Plaza  
P.O. Box 1988 (M-20)  
Santa Ana, CA 92702  
(714) 647-5804

## APPEAL APPLICATION

### I. OWNER/APPLICANT

Applicant \_\_\_\_\_  
Full name of Person, Firm, or Corporation

Mailing Address \_\_\_\_\_ ( ) \_\_\_\_\_  
Legal Owner Name: \_\_\_\_\_ Area Code Phone No.

Legal Owner Address: \_\_\_\_\_

Phone No.: ( ) \_\_\_\_\_ ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

### II. PROPERTY INFORMATION

Land Use \_\_\_\_\_  
Existing Land Use of Property and/or Building Zoning District General Plan Designation

Location \_\_\_\_\_  
Street Address Name of Nearest Intersecting Street

SEE REVERSE SIDE FOR SUBMITTAL REQUIREMENTS

### III. REASON FOR REQUEST

In the following provided space, please clearly specify and explain the error(s) of decision or requirement upon which you are basing this appeal. (If additional space is needed, please attach additional comments to the back of this application.)

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Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

APPEAL APPLICATION NO. \_\_\_\_\_

## **SUBMITTAL REQUIREMENTS**

1. An appeal application form (Exhibit 1).
2. A letter stating the nature of the appeal (in lieu of the space provided on the appeal form).
3. The application fee.
4. Any other pertinent information that the application warrants.