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ATTACHMENT 4

**CITY OF COSTA MESA**

CALIFORNIA 92628-1200

P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

December 3, 1991

Dr. Russell Pang  
1831 Orange Avenue  
Suite E  
Costa Mesa, CA 92627

RE: **MINOR CONDITIONAL USE PERMIT ZA-89-25**  
**RECYCLING CENTER**  
**739 WEST 19TH STREET, COSTA MESA**

Dear Dr. Pang:

It has come to Staff's attention that the recycling center approved under ZA-89-25 is not being conducted as originally approved. It is my understanding that the business owner has expanded from the one truck originally approved (that would cover one parking space) to two truck trailers as well as the original truck. Additionally, the operations have been moved to the rear of the site, adjacent to residentially zoned and developed property.

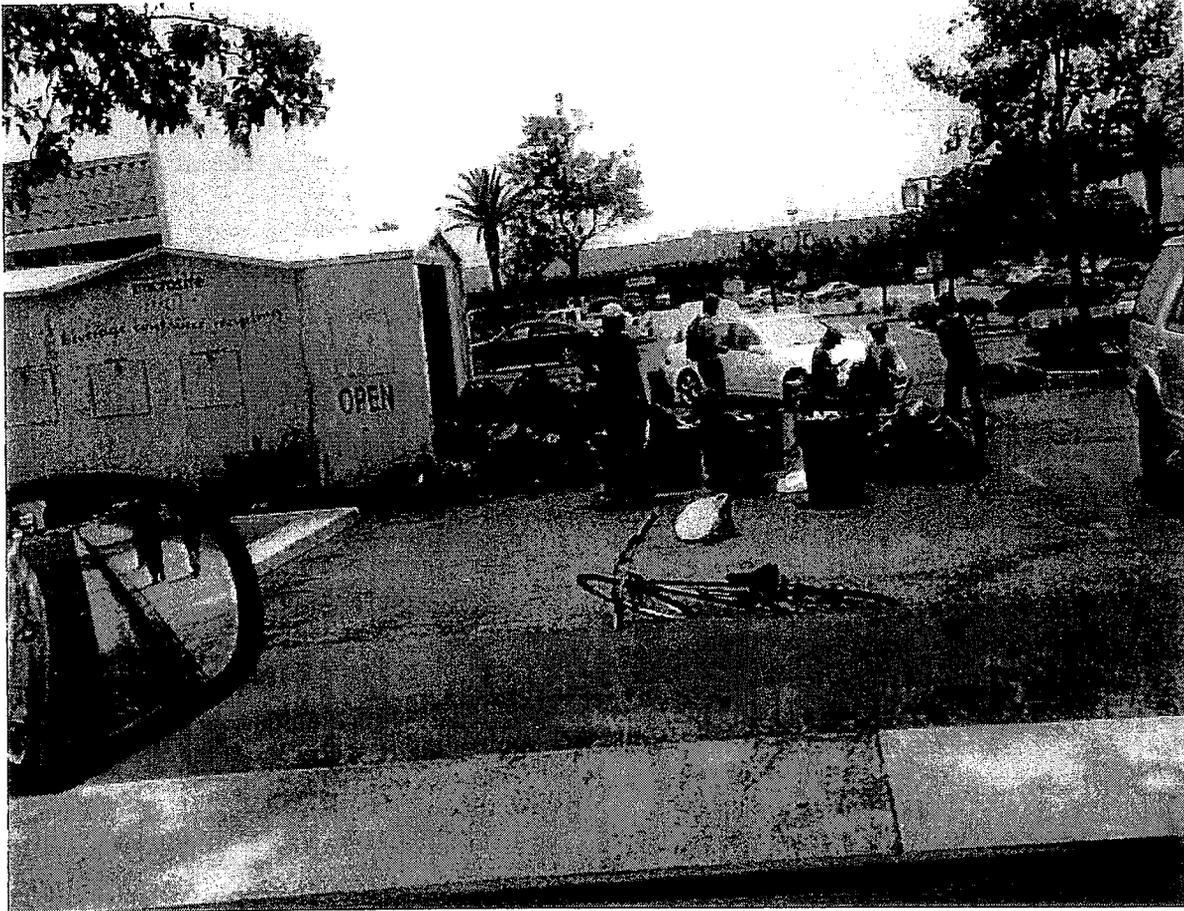
As this use - and any expansion or modification - needs a Minor Conditional Use Permit, a new Minor Conditional Use Permit must be applied for the business, as it is now being conducted, may be required to be discontinued.

I have enclosed the necessary paperwork. In order to allow the resolution of this matter as soon as possible, I ask that either the business be returned to the state originally approved by the Zoning Administrator or that a new application be filed by December 31, 1991.

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ATTACHMENT 5

ATTACHMENT 5  
OTHER SIMILAR FACILITIES

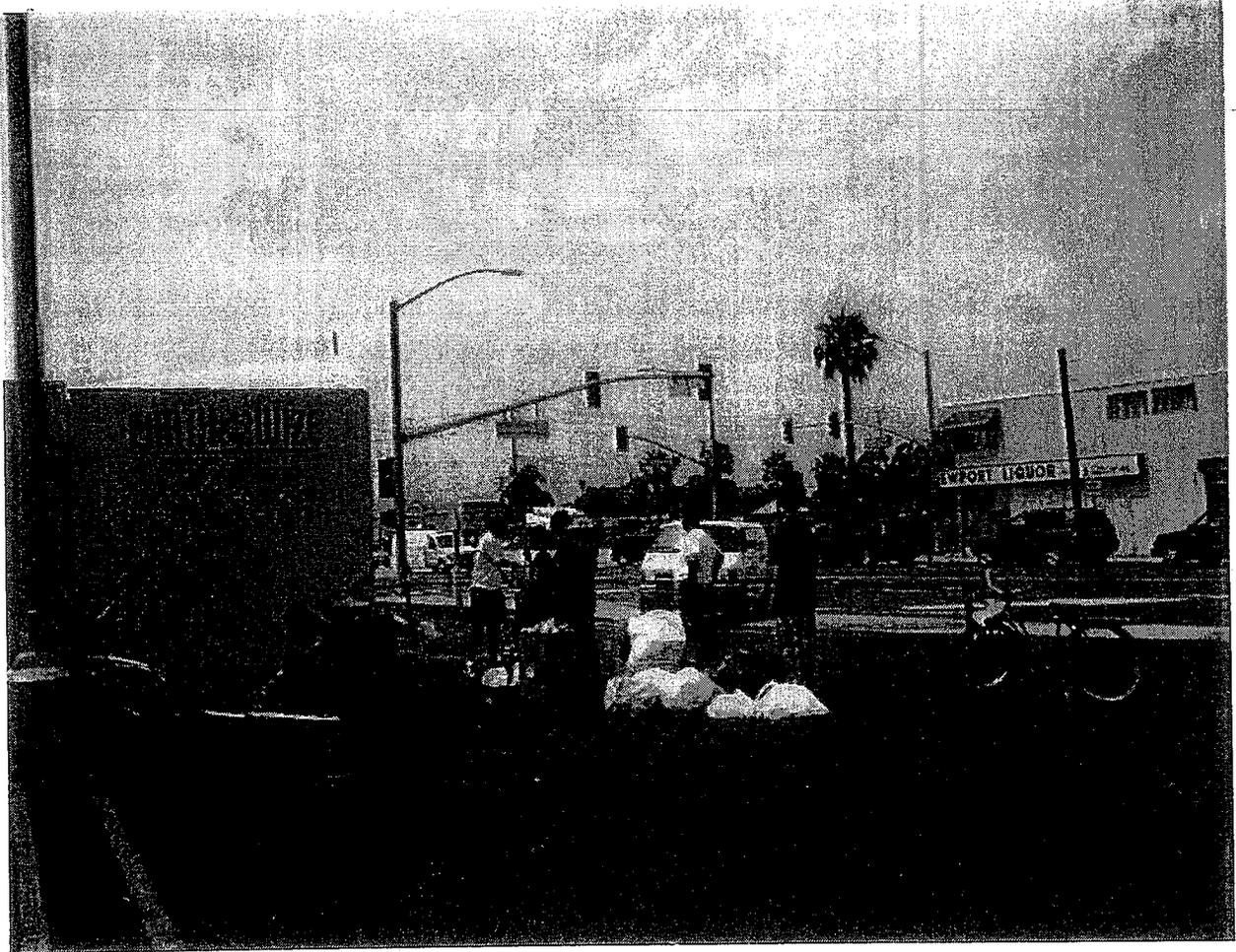


NexCycle  
185 E. 17<sup>th</sup> Street

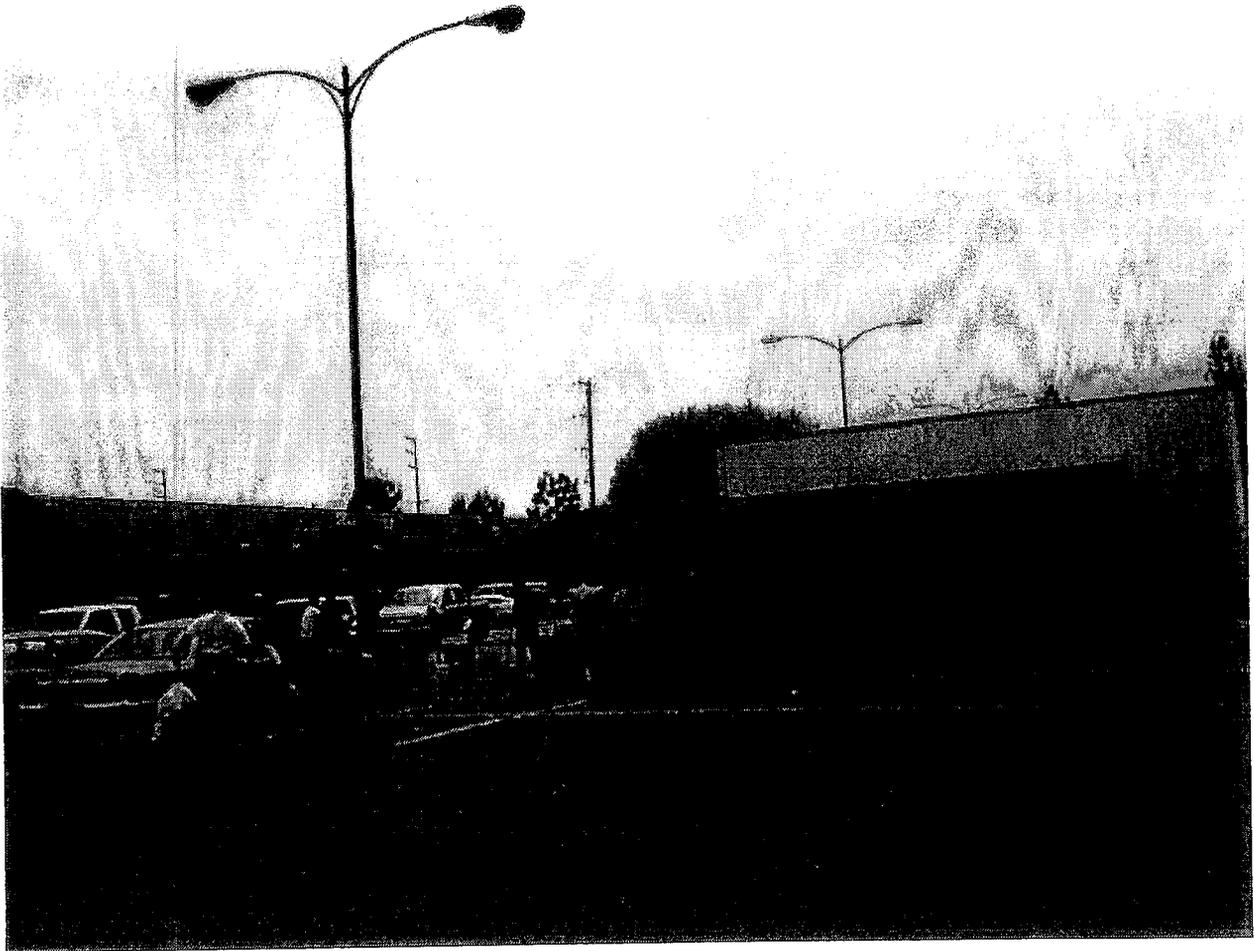


NexCycle  
185 E. 17<sup>th</sup> Street

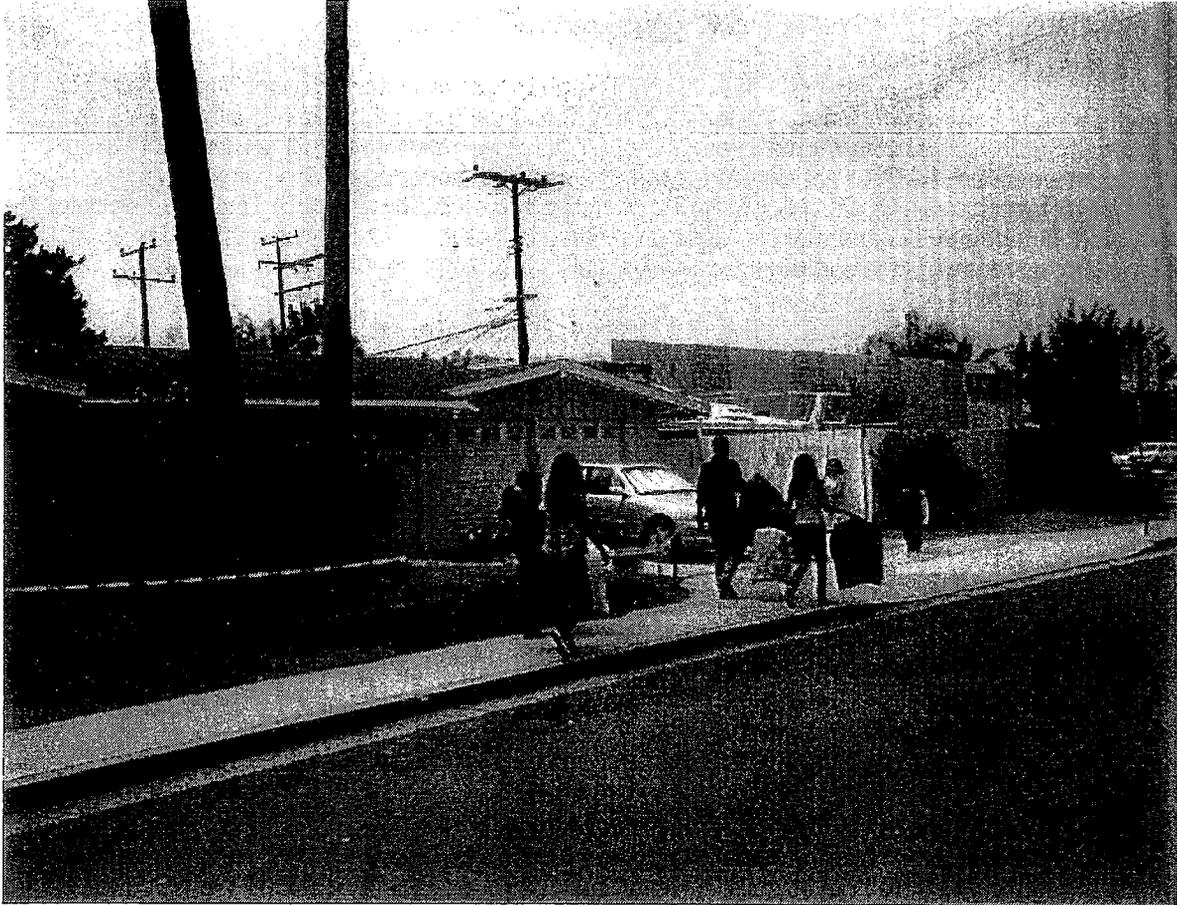
121'



Earthwise Recycling  
2180 Newport Blvd.



Garcia Recycling  
739 W. 19<sup>th</sup> Street



Residents in the community walking to Garcia Recycling

VI.4  
ZA-89-25 & ZA-92-10

**From:** Dee Ann Catlin  
**Sent:** Thu 7/8/2010 12:37 PM  
**To:** Jim Fitzpatrick  
**Cc:** 'FLYNN, CLAIRE'; 'NGUYEN, KHANH'; cc389 Costa Mesa; Laura Jimenez  
**Subject:** RE: #389 - Costa Mesa - Recycling

Thank you! Typically in those areas where a Smart & Final is in an unserved zone, we will take in the recycling at the store. However, having said that, the amount of recycling that those stores actually see is next to nothing. In those few cases where the amount of recycling is overwhelming (like Store #377 in San Luis Obispo) we use TOMRA. This would always be our first option for a certified company. TOMRA always follows through with any complaints or problems associated with their centers. They man their centers during certain hours and make sure the area is maintained. The other issue that we find to be a problem is the location of the center in the parking lot. Placing it in an area such as it is here in Costa Mesa is a problem.

Although these centers if they are not run properly can cause problems such as those we have here in Costa Mesa, it is obvious that a center at this location is an absolute necessity. Removing the center will create an "unserved zone" for retails in this area and based on the amount of recycling that this center generates, it would create a huge labor intense burden on all retails in this zone.

These are my recommendations: (Based on the application I can not tell if the applicant is the property owner or the recycling company) However, I suggest that additional conditions be imposed on both, requiring that the center be manned during certain hours of each day (as required by statute) and that the area be maintained daily, removing all trash. I would also include a condition advising that if the conditions are not met the city will require that the property owner find another recycling company to take over the center. If possible I would also move the center from the front of the lot to the back.

Please let me know if you have any other questions.  
Thanks!

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VI.4

ZA-89-25KZA-92-1C

**Attachments:** Recycling center 001.jpg; Recycling center 002.jpg; Recycling center pic 3.jpg

**From:** Dee Ann Catlin [mailto:Dee.Catlin@smartandfinal.com]  
**Sent:** Monday, July 12, 2010 9:51 AM  
**To:** Jim Fitzpatrick  
**Cc:** NGUYEN, KHANH; LEE, MEL  
**Subject:** FW: #389 - Costa Mesa Recycling

Hi Jim, Here are some pictures of the recycling area that our manager took this morning. As you can see, it is a very busy center and removing would not be good for local businesses. However, moving it to a different area would probably be a better solution.

Let me know if you have any questions.

Thanks!

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**From:** cc389 Costa Mesa  
**Sent:** Monday, July 12, 2010 8:06 AM  
**To:** cc389 Costa Mesa; Dee Ann Catlin; Rosie Squieri  
**Cc:** Donald Alvarado; Monika Harmon; Laura Jimenez  
**Subject:** FW: #389 - Costa Mesa Recycling

Hello,  
I added picture #3

The guys just opened 7:55 am and there is about 25 to 30 people waiting for to start recycling.

Thanks again  
Tim

**SMART & FINAL**  
**CC389**

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**From:** cc389 Costa Mesa  
**Sent:** Monday, July 12, 2010 7:56 AM  
**To:** cc389 Costa Mesa; Dee Ann Catlin; Ron Graves; Rosie Squieri  
**Cc:** Donald Alvarado; Monika Harmon; Laura Jimenez  
**Subject:** RE: #389 - Costa Mesa Recycling

Hello,  
I wanted to take some pictures and send in to show the amount of recycling this center does on a daily basis. These pictures were taken at about 7:30 this morning and every morning we have the same amount of people waiting for it to open. It would be next to impossible for us to take in this amount of recycling. This center is usually this busy from open to close and they usually have 4 to 5 employees manning this bin, and have a Full truck switched out half way through the business day. I will be going

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07/12/2010

on vacation next week and wanted to give everyone a clear picture of how busy this bin is.

Picture 001 shows the line of recyclers and a bicyclist coming up with his recycling to get in line.  
Picture 002 shows the line of people and a car waiting to unload when center opens.

Thanks,  
Tim

**SMART & FINAL**  
**CC389**

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**From:** cc389 Costa Mesa  
**Sent:** Wednesday, July 07, 2010 10:54 AM  
**To:** Dee Ann Catlin; Ron Graves; Rosie Squieri  
**Cc:** Donald Alvarado; Monika Harmon; Laura Jimenez  
**Subject:** RE: #389 - Costa Mesa Recycling

Hello, Dee Ann

I would agree with the bullet points in this letter 100%. The foreseeable issues we will have is way to much recycling for our store to handle this recycling center does so much business I am amazed that there is that much to recycle in Costa Mesa. We have cars, truck wagons, wheel barrels you name it full everyday heading to this center for recycling. The last thing I would want is all of the transients walking through our store with recycling leaking and causing a mess, and security issues.

I had this issue at CC418 years ago and it was a hassle. We would recycle at store level give customers cash back on recycling when you have someone come in with 5 to 6 bags full and you would have to hand count each can and bottle. We would then have to give them cash back through credit key, and then we would have to re bag all recycling and then load all recycling into my car and drive it to a recycling center. I would have to separate and recycle at center, and get receipt from center go into store (Ralph's and get money from clerk at register) I then would return to store put money back into register, and closer would enter moneys into check out so store would balance out on check out.

I feel this would be a huge issue for our store if we had to recycle in store it would be a night mare.

Thanks,  
Tim

**SMART & FINAL**  
**CC389**

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**From:** Dee Ann Catlin  
**Sent:** Wednesday, July 07, 2010 10:23 AM  
**To:** Ron Graves; cc389 Costa Mesa; Rosie Squieri

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07/12/2010

**Cc:** Donald Alvarado; Monika Harmon  
**Subject:** FW: #389 - Costa Mesa Recycling

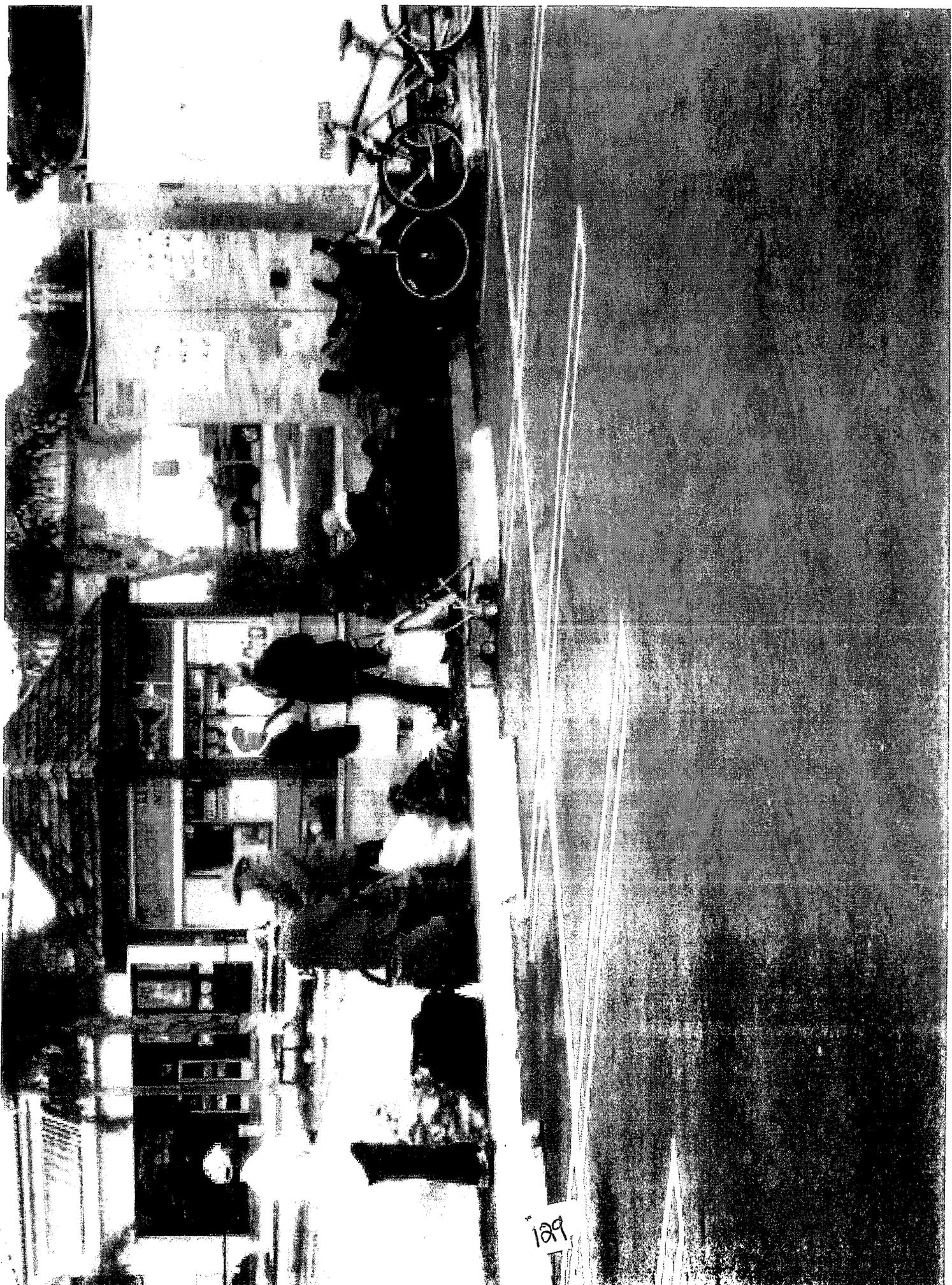
This morning I received a call from Jim Fitzpatrick. Mr. Fitzpatrick is a planner at the City of Costa Mesa. He wanted to advise us that a public hearing is set for Monday July 12, 2010 at 6:00 p.m. for a review of the recycling center CUP that is issued to the lot adjacent to store #389 Costa Mesa. Apparently Smart & Final wrote a complaint letter to the city regarding this issue (see attached) and therefore they wanted to give us an opportunity to appear at the hearing with our concerns. Although I do understand the many issues and concerns that these types of centers create, it is important to understand that if this center is removed from the location, this will put store #389 in an "Unserved Zone" and each retailer in this zone will than be required to take in recycling.

Please let me know what your position is regarding this center and also let me know if any of you would like to attend this hearing so that I can let the planner know.

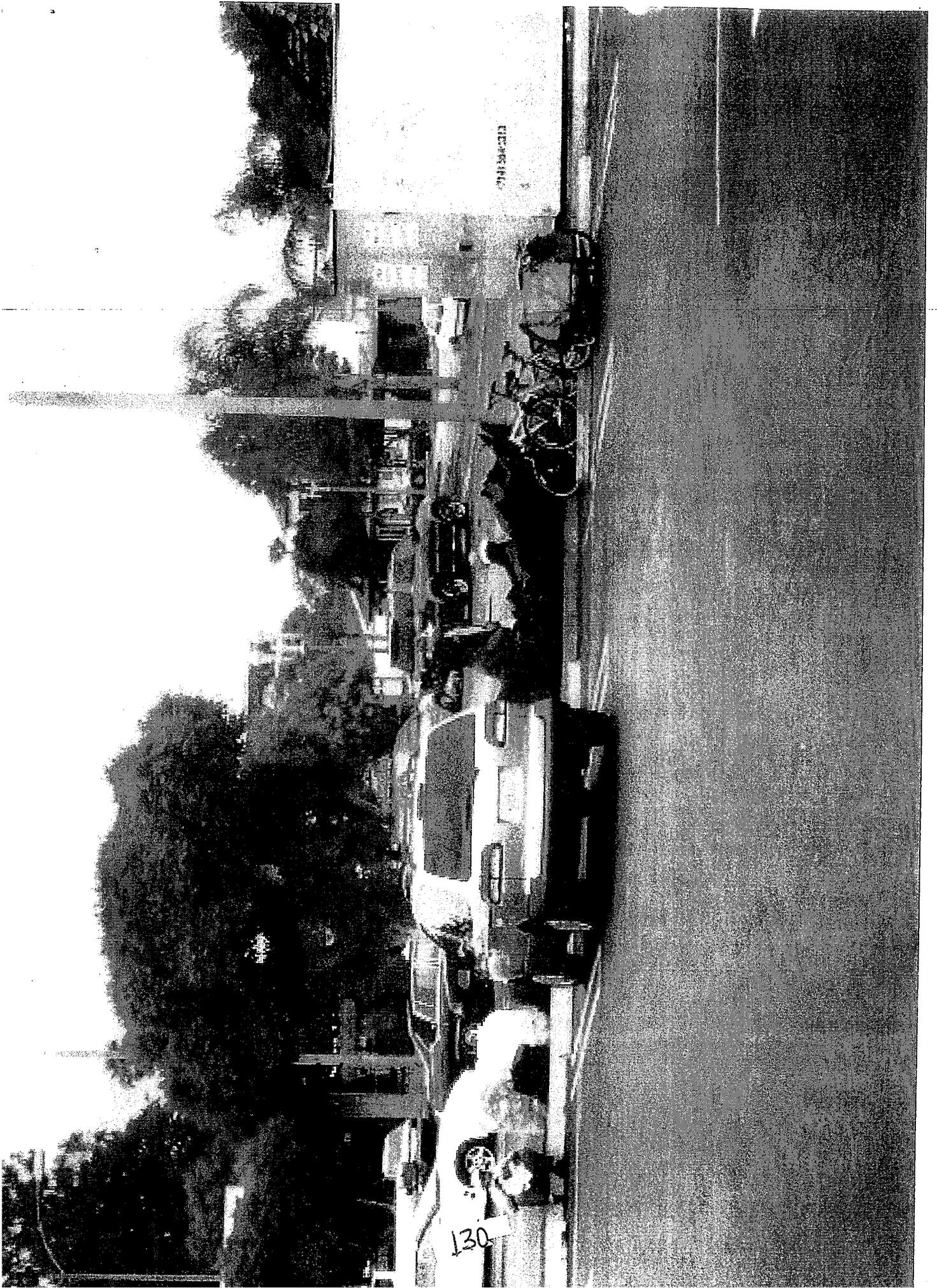
Thanks!

Dee Ann

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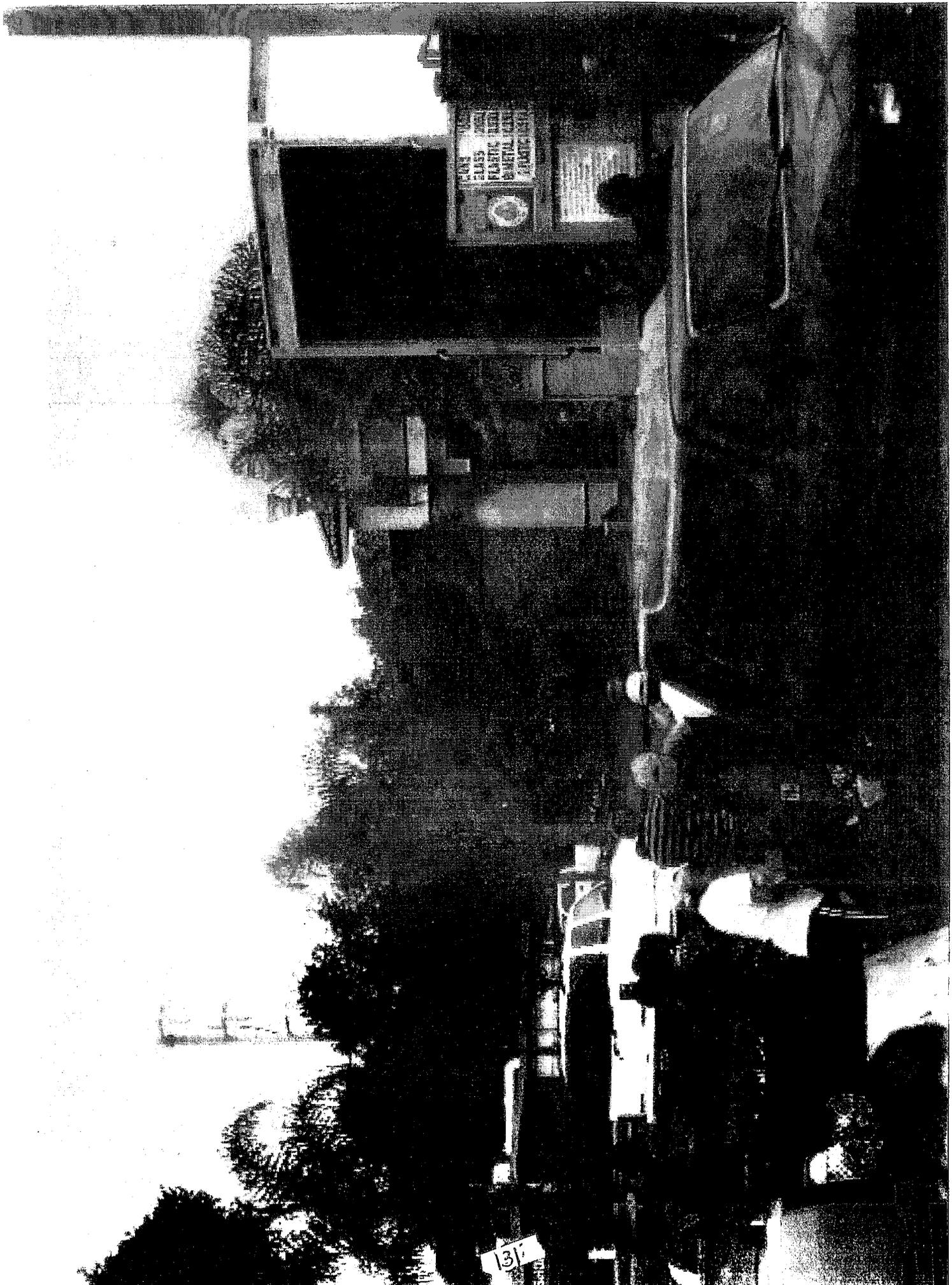


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DECKING

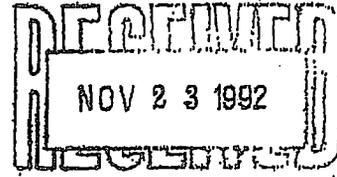


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Received  
City of Costa Mesa  
Development Services Department

VI. 4  
ZA-89-25 & ZA-92-10

JUL 1 2 2010



NOVEMBER 17, 1992

COSTA MESA ZONING ADMINISTRATOR  
CITY OF COSTA MESA  
P.O. BOX 1200  
COSTA MESA, CA 92628-1200

RE: ZONING ACTION ZA-92-10 FOR JESUS GARCIA

TO WHOM IT MAY CONCERN:

WE ARE SUBMITTING WRITTEN COMMENTS REGARDING THE ABOVE APPLICATION:

\*IT WILL FURTHER DEPRECIATE OUR HOME AND THE EXISTING HOMES IN THE AREA. THIS AREA IS ALREADY STRUGGLING WITH A NUMBER OF PROBLEMS. THIS WILL CAUSE US TO RECONSIDER HOME IMPROVEMENTS!

\*IT WILL BRING IN TRANSIENTS BRINGING THEIR COLLECTED GOODS FOR MONEY. (DRUNKARDS SLEEP, URINATE, AND LEAVE TRASH HIDING BESIDE THE TRASH CENTERS.)

\*THERE ARE A NUMBER OF ALREADY ESTABLISHED RECYCLING CENTERS IN THE CITY. (EX: ORANGE COAST COLLEGE, STATER BROS. MARKET)

\*WITH RECYCLED TRASH COMES ODORS, UNKEPT AREAS, AND UNNECESSARY NOISE AND TRASH. (WITH THE PRESENT PLACEMENT OF THE RECYCLING CENTER NOISE OF THE RECYCLING CENTER CAN BE HEARD ON BOTH SIDES OF THE 700 CENTER ST. WHAT WOULD THE MOVING THE CENTER 100 YRDS. DO?)

WE ARE ANGRY! THIS WILL NOT BE TOLLERATED IN OUR NEIGHBORHOOD.

- 735 Center Jennifer H. Webster - Jennifer H. Webster
- " " Edward Webster - Edward Webster
- 735 Center Chris Frembling - Chris Frembling
- 734 Center Patsy Latscha - Patsy Latscha
- 739 Center Jose Morales - Jose Morales
- 738 Center Carol Helecey - CAROL HELECEY
- 729 Center Carol Wynn - Carol Wynn

Costa Mesa Zoning Administrator  
City of Costa Mesa

Re: Zoning Action reference ZA-89-25 & ZA-89-25

It has been 18 years since the City of Costa Mesa ignored our 1992 messages imploring the city to deny or get rid of the Jesus Garcia Recycling center in the parking lot of the Lion's Den/Smart and Final.

In the 1992, letter, these complaints and concerns were voiced in opposition to the operation's presence:

Bring in transients; drunkard asleep all around, urinating, trash:

There are alternative recycling destinations available that produce less impact in their locale;

Odors, unkept areas, unnecessary noise, trash.

This nuisance's presence needs to be terminated. 18 years of problems is onerous and oppressive. None of these conditions are less now than in 1992. Please do not let history repeat itself. WE urge the facility's operational permissions be permanently revoked as an 18 year period without cure is not excusable, and continued permission constitutes undue prejudice against those most impacted by the negative effects of this operation.

City of Costa Mesa Planning commission , please revoke their use permit immediately. Thank you for your time.

Maria Martinez

713 Center st Costa mesa CA 92627

Fred Soutter for Soutter Family Trust

703 Center St.

COSTA MESA CA 92627

makayla Knalson <sup>133</sup> 711 Wierle Dr. C.A 92627

Costa Mesa Zoning Administrator  
City of Costa Mesa

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Alexandra Sanson

732 Apple, Costa Mesa CA 92627

Franklin Kyle 7290

James W. E. 702 Center ST Costa Mesa CA 92627

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City of Costa Mesa

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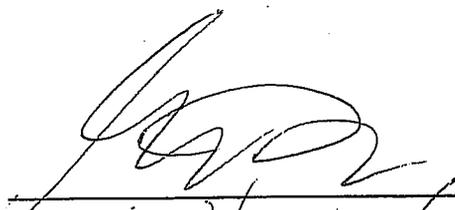
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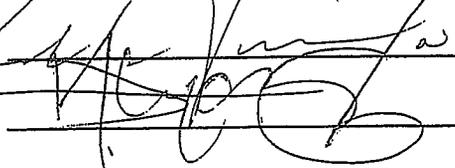
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712 CENTER ST. COSTA MESA

  
724 CENTER ST. COSTA MESA

411 N. Cedar St. Orange CA

Costa Mesa Zoning Administrator  
City of Costa Mesa

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City of Costa Mesa Planning commission, please revoke their use permit immediately. Thank you for your time.

Domingo M. Cruz 724 Center St. Costa Mesa 92627  
Maria Cruz 724 Center St. Costa Mesa 92627  
Jesus Cervantes 724 Center St. Costa Mesa 92627  
Francisco Cruz 724 Center St. Costa Mesa 92627

Costa Mesa Zoning Administrator  
City of Costa Mesa

Re: Zoning Action reference ZA-89-25 & ZA-89-25

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City of Costa Mesa Planning commission , please revoke their use permit immediately. Thank you for your time.

*Steven A. Chu 720 Center St. Costa Mesa 92627*

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Costa Mesa Zoning Administrator  
City of Costa Mesa

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City of Costa Mesa Planning commission , please revoke their use permit immediately. Thank you for your time.

Carole Wilton 729 Center St Costa Mesa Ca 92621

Frank Calmon 752 Center St Costa Mesa Ca 92627

Joe Calmon 752 Center St, Costa Mesa Ca 92627

James P Thomas 762 Center St Costa Mesa Ca 92627

Sara Barayan 7510 Center St C.M. CA 92627

Monica VanDeusen, Mark Hansen

757 Center St, Costa Mesa Ca. 92627

Steven Chan 720 Center St Costa Mesa 92627

~~Annun... 763 center st costame~~

Ashley Barr 769 Center St COSTA MESA

Alvaro Salazar 777 Center St Costa Mesa

Olivia Paris 785 W. Center St CM 92627

Juan Mariana Medina 788 center

Holroyd. Watten 756 W. 19th St C.M., CA.

Lee Myrdell " "

Peggy Kruger 758 W 19th St CM, CA

Stephen Kent 973 OAK ST CA CA 92021

Mark Gutierrez 789 W. 19th st.

Ed Tamara 742. WEELO. DR CM 92627

Yoshiko Tanaka 1846 WALLACE AVE CM 92627

~~Walter...~~ 735 CENTER ST. CM 92627

~~Walter...~~ 1837 W Wallace CM 92627

~~Signature~~

9-9-10

VI.3

ZA-89-25 and ZA-92-10

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**Attachments:** Notice re neighborhood meeting.pdf; Spanish Notice of Meeting.pdf; Letter from Victor Bonilla re Garcia Recycling 072110.pdf; Letter from Businesses re Garcia Recycling 072110.pdf; Signed petition.pdf

**From:** Patricia J. Chen [mailto:pchen@miles-chen.com]

**Sent:** Tuesday, July 27, 2010 2:40 PM

**To:** LEE, MEL

**Cc:** 'Garcia Recycling'; FREDCANLAS@aol.com; 'Stephen Miles'

**Subject:** Update on Garcia Recycling

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Mel,

Per your request, we would like to update you on our progress to date with respect to Garcia Recycling. We held a neighborhood meeting yesterday at the Costa Brava Restaurant in the shopping center after having the business pass out flyers during the preceding week (the two flyers are attached (Spanish and English)). More than 20 individuals attended. We explained to the attendees that the City had received complaints about Garcia Recycling and was debating whether to modify or revoke Garcia Recycling's conditional use permit. The attendees expressed overwhelming support of Garcia Recycling. They raised the following points:

- Garcia Recycling is the best recycling facility in the area because the employees are nice, work really hard, go out of their way to assist customers, and are fast so the wait time is much less than other facilities, its operation is the cleanest around, and Garcia Recycling is honest and not swindlers (in paying for the recyclables).
- The City is using Garcia Recycling as a scapegoat for the homeless who loiter in the area. Removal of Garcia Recycling would not solve the homeless problem. There is a liquor store and soup kitchen across the street which attract the homeless. The City should address the homeless problem.
- Many people rely on Garcia Recycling for their income. One homeless man said if it weren't for Garcia Recycling, he did not know what he would do. Another woman said that she had lost her job a few years ago and is dependent on Garcia Recycling for her income.
- Many people walk to the facility and would not be able to recycle at the other facilities if Garcia is shut down because they are too far
- One woman said she specifically drives from Newport Beach to Garcia Recycling because she thinks so highly of the service and she brings her kids to teach them about recycling
- Another person indicated that because of Garcia Recycling, trash is being picked up in the neighborhood and being recycled and that the trash would otherwise be going to landfills
- Another person noted that he spends all his cash that he earns at Garcia within a 2-3 block radius of Garcia Recycling and so Garcia Recycling is good for the City.

We asked how Garcia Recycling could better improve its operations, particularly visually since that was the predominant concern raised at the last Planning Commission meeting. The responses were as follows:

- One person said the operations really can't be improved visually and that he can't see the operation from the street. Others agreed.
- Another person suggested using synthetic grass so that the grass doesn't die (we responded that Garcia Recycling used to have synthetic grass but the City asked to have it removed)
- Another person suggested painting a mural on the side of the container (we responded that the City would not allow this)
- Some individuals expressed the sentiment that the City just doesn't like having to look at homeless people and that it isn't Garcia Recycling's fault

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07/28/2010

- One person raised the fact that the City does not like the look of the shopping center because it caters to the Latino community. Costa Mesa used to be known as "Goat Hill" and it was where the Latino community gathered. This shopping center serves as the same kind of gathering place for the Latino community today.

Because we had expected more people to attend, including those who oppose Garcia Recycling's operations, we decided that we should specifically reach out to those parties who signed the petition submitted to the City. We are sending out a letter to those parties today to give them an opportunity to voice their concerns to us so that we can address their issues. The letter is attached.

Furthermore, we received a letter of support from Victor Bonilla, the part owner of the shopping center and owner of several businesses in the center including the El Toro Market, and a letter of support from the businesses in the shopping center, both are attached. Finally, I have also attached a petition in support of Garcia Recycling which is growing by the day. I will send you an updated petition closer to the meeting.

We have been in touch with CalRecycle as well, specifically Walt Simmons, who has given us some guidance on an alternative site which I will discuss in our submittal. However, from speaking to community members and businesses in the area, it seems clear that Garcia Recycling should not be relocated. The community depends on the facility. We do not believe that the complaints that the City has received warrants relocating Garcia Recycling.

I am in the process of preparing an additional submittal on behalf of Garcia Recycling. I had hoped to get it to you today for you to include in your agenda package, but I have been sidetracked by other matters and will get it to you as soon as I can.

If you have any questions, please feel free to contact me.

Pat

Patricia J. Chen, Esq., LEED AP  
9911 Irvine Center Drive, Suite 150 | Irvine, CA 92618 | (213) 804-8000

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**TO THE NEIGHBORS AND BUSINESS OWNERS  
SURROUNDING GARCIA RECYCLING LOCATED AT  
739 WEST 19<sup>TH</sup> STREET, COSTA MESA, CA:**

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On July 9<sup>th</sup>, 2010, the Costa Mesa Planning Commission called for review of Garcia Recycling's conditional use permit due to purported complaints about its operations from the community. The Planning Commission is contemplating either modifying or revoking Garcia Recycling's permit, and the hearing on this issue is scheduled on August 9, 2010 at 6:00 p.m. We believe that revoking the permit is unduly harsh since we are providing a much needed service to the community, and in the process we are helping to divert trash from landfills.

Nevertheless, Garcia Recycling is very concerned about these complaints and would like to invite you to voice your opinion about our recycling facility so that we can better improve our service to the community.

Please join us on **Monday, July 26, 2010 at 9:30 a.m.** at **Costa Brava Restaurant** located at **727 West 19<sup>th</sup> Street, Costa Mesa**. Refreshments and snacks will be provided.

## **A los vecinos y dueños comerciales alrededor de Garcia Recycling en 739 W. 7th Street, Costa Mesa, CA :**

El 9 de Julio de 2010, la Comisión de Planificación de la ciudad de Costa Mesa pidió una revisión al uso condicional del permiso de Garcia Recycling debido a quejas pretendidas sobre sus operaciones de la comunidad. La comisión de planificación contempla a modificar o a revocar el permiso de Garcia Recycling. La audiencia en esta cuestión está programada el 9 de Agosto de 2010 a las 6:00pm. Creemos que se revocan el permiso es excesivamente contrario ya que proporcionamos un servicio muy necesario a la comunidad, y en el proceso ayudamos a desviar la basura del basurero.

Garcia Recycling está preocupada por estas quejas y a la compañía le gustaría invitarles a decir su opinión sobre nuestra instalación de reciclaje de modo que podamos mejorar nuestro servicio a la comunidad.

Por favor acompañenos el lunes, 26 de Julio de 2010 a las 9:30am en el Restaurante La Costa Brava en 727 West 19<sup>th</sup> Street, Costa Mesa.

Bebidas y antojitos estarán dispuestas.

VI.3  
ZA-89-25 and ZA-92-10

Victor M. Bonilla  
El Toro Bravo Market  
739 W. 19<sup>th</sup> Street  
Costa Mesa, California 92627  
(949)646-4266

**Received**  
City of Costa Mesa  
Development Services Department

JUL 27 2010

July 21, 2010

Planning Commission  
City of Costa Mesa  
c/o Mr. Mel Lee  
Senior Planner  
P.O. Box 1200  
77 Fair Drive  
California, CA 92626-1200

Re: Garcia Recycling

Dear Commissioners:

I am the owner of El Toro Market, El Toro Bravo Tortilla Factory, and Costa Brava Restaurant in the shopping center located at 738 W. 19<sup>th</sup> Street in Costa Mesa. I am also a part owner of the shopping center and the property manager. I have been a part owner and the property manager for over 30 years. For the last 20 years, Garcia Recycling Center has been a tenant and has operated its mobile recycling facility in our parking lot. During the 20 years, I have not received any complaints about Garcia Recycling's operations. As such, I was very surprised to learn that the Planning Commission decided to review Garcia Recycling's conditional use permit with the intent of potentially revoking its permit.

As both the owner of El Toro Bravo Market and the shopping center, I consider Garcia Recycling an integral part of our community. I know all the tenants and neighbors and we all view Garcia Recycling as providing a very necessary service to the community. Many of my customers use Garcia Recycling and depend on its services for extra income, particularly in this tough economic climate. It is no wonder that Garcia Recycling is so busy.

I have observed Garcia Recycling's activities and I have determined that it currently is in the optimum spot in our parking lot. Garcia Recycling does not disrupt any of the businesses in the center. Moreover, the operation is not visible from the street. I attended the Planning Commission meeting on July 12, 2010 and heard an individual complain about seeing Garcia Recycling's "ugly" operations as he drives by, but I respectfully disagree. All that is visible from the street is the front of the truck and the back of an unmarked container, and there is even a tree blocking this view.

It is clear to me that there are residents in Costa Mesa who simply do not like the look of this shopping center because it primarily serves the Hispanic community.

As the owner of El Toro Bravo Market, I need Garcia Recycling because it is the only recycling facility in our convenience zone. As such, if it is shut down, we would be required to redeem beverage containers (which we cannot do due to the high volume) or pay \$100 per day to the State. ***We simply cannot afford to pay \$100 per day – this would cause my business severe financial hardship.***

I understand that from reading the complaint letters received by the City (which was given to me at the July 12, 2010 meeting) that some residents are saying that Garcia Recycling bring in homeless people who are drunk and urinate everywhere, trash, odors, unkempt areas, and unnecessary noise. As the property manager who monitors the shopping center every day, I strongly disagree. While there is an occasional homeless person in the shopping center, these individuals are not necessarily brought in by Garcia Recycling. There is a homeless soup kitchen across the street, Someone Cares Kitchen, which serves the homeless. I (or my employees) usually ask them to move along if they have no business in our shopping center. However, we do not turn away such individuals if they are customers, including if they are selling beverage containers to Garcia Recycling. To do so, would be wrong.

As for trash, odors, and unkempt areas, Garcia Recycling keeps its facility clean and its employees are constantly sweeping the area and picking up any litter. If Garcia Recycling did not maintain the area, I would certainly have stepped in. I have not had to do so. As for the noise, the operation is fairly noisy if you are near the facility because of the glass containers; however, I and my tenants have not found it to be offensively noisy given the location of the operation in the parking lot. Garcia Recycling is located in front of Lion's Den which is a bar that is only open at night. As such, the business is not disrupted by Garcia Recycling's operations. Next to Lion's Den is my restaurant, Costa Brava restaurant. My customers have not complained about the noise. It is clear to me that Garcia Recycling does its best to contain its operations to its designated area and minimizes its impact to the surroundings.

Once again, as a part owner of the shopping center, owner of the El Toro Bravo Market and other businesses in the shopping center, and the property manager, I wholeheartedly support Garcia Recycling's continued operations at its current location, and I strongly urge the Planning Commission not to revoke Garcia Recycling's permit.

Should you have any questions, please feel free to contact me.

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Sincerely,



Victor M. Bonilla

VI.3

ZA-89-25 and ZA-92-10

**Received**  
City of Costa Mesa  
Development Services Department

JUL 27 2010

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July 21, 2010

Planning Commission  
City of Costa Mesa  
c/o Mr. Mel Lee  
Senior Planner  
P.O. Box 1200  
77 Fair Drive  
California, CA 92626-1200

Re: Garcia Recycling

Dear Commissioners:

We are the businesses in the shopping center at 739 West 19<sup>th</sup> Street, Costa Mesa, California. It has come to our attention that the Planning Commission is considering revoking Garcia Recycling Center's permit due to complaints about the appearance of the facility, litter, noise, and homeless people resulting from Garcia Recycling's operations. Garcia Recycling has been operating at this location as long as we have been here and our businesses have never been disrupted by its operations. Garcia Recycling runs a clean facility and provides a service which our community very much needs. Our customers regularly bring their beverage containers to Garcia Recycling, and we consider Garcia Recycling part of our community. We are not offended by the appearance of Garcia Recycling's operations, nor have we complained about any noise, litter, or homeless individuals resulting from Garcia Recycling.

It seems that the homeless individuals in the area come from Someone Cares Kitchen across the street, where they are provided free or subsidized food. It is unfair to blame Garcia Recycling for their presence in the area. Nevertheless, we believe that Garcia Recycling helps the underprivileged in our community by allowing them to cash in the beverage containers they collect from city streets. By doing so, Garcia Recycling is

helping to keep our streets clean as well as helping divert trash from our landfills which benefits the environment as a whole.

We strongly urge the Planning Commission to allow Garcia Recycling to continue its operations in our shopping center.

By: Sam Murillo

Company: El Toro Bros Holdings

Date: 7-23-10

By: [Signature]

Company: Costa Mesa Medical Clinic

Date: 7-23-10

By: Juan ACZP Miguel Arredondo

Company: Juan Arredondo

Date: 07-23-10

By: James H. Juarez

Company: FLORIAN'S Mex food

Date: 7/23/2010

By: Yanela Bernal

Company: Eva's Beauty Salon

Date: 7-23-10

By: Fabiola Tillos

Company: Lacowee Anyo Corp

Date: 07/23/2010

By: Brenda Quintero

Company: BFS Wireless

Date: 07-23-10

By: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_

Left Blank

---

Telephone or email

Name

Address

|                    |   |
|--------------------|---|
| <i>[Signature]</i> | 724 1/2 W. 19th Colma                         |
| Carl Kociencki     | 412 Olive Ave #340 H.B 926678                 |
| <i>[Signature]</i> | 1976 Anabren ave                              |
| <i>[Signature]</i> | <del>1414 1/2 Ave</del>                       |
| <i>[Signature]</i> | 940 W. 18 st Apt "D" 6.605                    |
| <i>[Signature]</i> | 940 W. 18 st Apt # D-6<br>Costa Mesa          |
| <i>[Signature]</i> | 396 E-21st <del>St</del> Costa Mesa, CA 92622 |
| <i>[Signature]</i> | 588 W. 1st St - Castro Mesa                   |
| <i>[Signature]</i> | 2105 waller Ave. Costa Mesa Ca                |
| <i>[Signature]</i> | 116 Lomas St #A                               |
| <i>[Signature]</i> | 3118 Himalayan Ave Costa Mesa CA              |
| <i>[Signature]</i> | 3118 Gibraltar Ave Costa Mesa Ca              |
| <i>[Signature]</i> | 7000 2. Bacon Blvd. CA                        |
| <i>[Signature]</i> | 863 center st. Apt 15                         |
| Regue Pizana       | 2193 Maple St. A Costa Mesa Ca                |

Telephone or email

| Name               | Address  |
|--------------------|--|
| Dwan               | 2700 Peterson PL apt-510                               |
| Manuel Briones     | 989 Victoria ST Apt H-3                                |
| Charles Kickingor  | 1684 Whittier Ave Spc 2 <sup>cm</sup> 92627            |
| SPRIT Stallions    | 786 W 17 <sup>th</sup> ST CM 92627                     |
| Lymhia Valenzuela  | 661 sea / st 17 Costa mesa ca                          |
| Michelle Vega      | 661 SEAL ST COSTA MESA CA                              |
| B Anderson         | 2010 Ruyt Blvd   |
| Wyny Roman         | 271 Camellia Ln. Costa. c                              |
| Emily Rosales      | 271 camellia lane COSTA MESA                           |
| ERIC ROSALES       | 277 Camellia LN COSTA MESA                             |
| JAN AR MASER       | 1816 Roman St <sup>APT. 102</sup> Costa                |
| Jose Lara          | 634 Shalimar DR  |
| Jenonica Costaneda | 585 St. Victoria AP 62 CM                              |
| STEPHEN PAMPARO    | 2520 SANTA CATALINA DR LG<br>APT. 507 COSTA MESA 92628 |
| Robert Calvert     | 635 Parker St: CM CALIF.                               |

Name

Antaun Williams

Jaime Smecc

Cesar E. Flores

George Devine

\_\_\_\_\_

Jim [unclear]

Martín Rodríguez

Santos Quans

Juan Rodriguez

José Desmas

Claudia Zavala

Pod Sheppard

Julie Abbi

Mary Johnson

Gen. Gueyoguo

Address

0777 Harbor Blvd. Costa Mesa, CA

615 Victoria St. #1

2032 Wallace Av. #9

344 Walnut

Costa Mesa, Calif

610 MARCOO COLUMBIA DR

709 Shalimar Dr. B Costa Mesa Ca

125 LAVOR ST. COSTA MESA

Pomona 1955- H.W. COSTA MESA

2016 W WALLACE

710 W 18 St. 23. Costa Mesa.

1955 Pomona Apt C Costa Mesa

2045 Shipway Lane, NB

178. 219th St. M 92627

17291 Harbor Apt. 3 C.M.

Name

Address

Telephone or email

Andy Alvarez

9717 Bickley Dr H.B CA

Pedro Cuahutle

688 W Wilson St Costa Mesa, CA

Tom Wankling

1975 POMONA #2 C.M

José Luis Garp

1965 WALLACE APT B2

Richard G. Johnson

1885 Anaheim Ave C.M.

Frank (F) ...

390 Feed Rd. C.M.

Marcelo ...

920 College Ave.

Juan Garcia

566 Hamilton St. Costa M

Rogelio Jones

1921 Anaheim Apt 9 costmesa

Kelley Gabriel

21342 GREENSPRAY #7

OS & BS 1 G.

1550 SUPERKE COSTA MESA

Naura Kell

Nick Cannoll

1525 Superior Ave Ste 114 NB

133 E 16th St UNIT 3

Anna Lily ...

Peter Allison

2401 1/2 East 16th St.

903 W 17th Costa Mesa CA

Name

Agustina A

Ernie I. Morales

Vicente Ramirez

MING WILKS

JOSE Hernandez Antonio

Eugenio Hernandez

María M. Mejía

TONY VARGAS

Evangelina Acosta

Kathy Moren

Shannon Gibson

Sally Ruiz A

JOSEFINA CORONADO

JOHN SOR

MARION GARCIA

Address

940 W 185th St -

2245 Raleigh Ave CA

790 W. NIKSON APT 8 COSTA MESA

2725 WALTER CE AVE

8515 Victoria APT #10

2270 Miner St #A Costa Mesa ca 92627

471 E BROADWAY APT #471

592 - Est. Hanam

1732 7th St Apt 7 Justin

11912 37th Street Newport Beach

373 Palomar Pl COSTA MESA CA 92627

707 S. HALIMAR. APT. 5. COSTA MESA

C. 14214 Raleigh Pl. Justin Ca. 92780

5550 W. WAYMAN ST RIVERSIDE CA 92501

Name

Address

Steven Wilson

3913 parkus av NB

Maria Sanchez

149 E. Bay St.

Laura Moscote

140 E. Bay St.

BRIAN GOWDY

301 SYDNEY LANE

James Pi

7039 Charles St. C.M

Filberto Gonzalez

1251 Baker st Apt C.

Roberto Rosala

765 STALCUM DR C

Steve Hillard

2407 MARGARET, NB

Gebrida Garcia

2910 Peppertree Ln 9P A.G.N

MARK STRICKLER

2528 DUKE PL. COSTA MESA CA 92626

JGonzalez

1041 Pomona #11.

Cira Garcia

2052 Pomona Ave Apt. "A" Com

Francisco Aguila

2715 JENSEN HWY C.M.C.

Elaine Hernandez

1450 DENVILLE PL. C.M.

David M

1107 Ridge Crest Ct Ca

Telephone or email

| <u>Name</u>              | <u>Address</u>                    |
|--------------------------|-----------------------------------|
| EVANGELINA <del>BA</del> | 1843 WALLACE COSTAMESA            |
| KEVIN PAUMM              | 4208 HICARIA WAY NEWPORT SPAN     |
| Banca Perez              | 2414 Santa Ana w. apt A.          |
| Alicia Lopez             | 955 W 19TH AP. E333/CN            |
| Maura Bahena             | 631 victoria FD                   |
| MICHAEL MANF             | 575 MEDUNOS AVE, NP PUA           |
| Antonio Perez            | 956 JOANA ST C.M.C.               |
| Antonio Costaneda        | 963 Victoria st.                  |
| Angel Sonia              | <del>2500 HARBOR BL 1206</del>    |
| <del>Elaine</del>        |                                   |
| George Detiz             | 605 Victoria ST B107              |
| ANTHONY AUBEN            | 914 W. 19TH ST COSTAMESA CA 94627 |
| MANUEL A                 | 1780 PLACENTIA M - C              |
| STEVE BOUTON             | 2200 Newport Blvd N.B. 94623      |
| MARCO KOVALCZAK          | 4609 PAMONA AVE C.M.              |

| Name                 | Address                                    |
|----------------------|--|
| <del>Donald</del>    | 841 Lomas Dr.                              |
| Fernando Torres      | 1931 Panama Ave C                          |
| Samy Hernandez       | 2668 N.P. Blvd                             |
| <del>Samuel</del>    | 3140 Somatin Pl Costa Mesa, CA             |
| <del>Samuel</del>    | 1801 VIA QUITO NB                          |
| Sally Silvera        | 1959 Continental Av.                       |
| Jennifer Sorenson    | 21032 Shackelford Cir HB 92086             |
| Rodrigo Blumhardt    | 657 plumer st # A Com. CA 92262            |
| Celia Galindo        | 1819 Monrovia Ave # 2 C. M. 92262          |
| Hermisio Ploeg       | 6th Ave. S 18th St CM                      |
| Benito Gonzalez      | 26772 Morena Drive Mission Viejo CA 92694  |
| Mendez Miranda       | 2265 Canyon Dr Apt E Costa Mesa            |
| Candy Moroy          | 1965 Panama Ave Apt #718 Costa Mesa        |
| Maria Hernandez      | 897 Center St. apt. 23 Costa Mesa CA 92626 |
| <del>Esperanza</del> | 835 Center St apt C-2-17 Costa Mesa        |

Name

Address

~~Eric Peterson~~  
Gabrielle McAllister

~~1530 Superior~~  
376 E. 18th Costa Mesa

Miguel Masera

939 Bismar SA Carlsbad

Grace Bandet

678 W. 19th St CM

JUAN CEDA

387 W St BAY C. M.

BILL MILLS

1684 WHITTIER AVE #41 C.M. 92627

Juan Orozco

~~1000~~ 732 Sycamore #A

Salvador Gonzalez

2029-E Pomona Av. Costa Mesa Ca. 92627

EDDY NOEDQUIST

2330 VANGUARD WAY E-104 CM 92626

~~Dan Smith~~

304 Latta Cm 92627

VINCE PENICO

20912 Shimmer Lane #13 92664

~~ERIC BRICKA~~

21472 Sada Alta Ave C.M. 92627

Pedro Coriel

1940 Wallace ave apt 9 cm 92627

Donatiny Pappand

P.O. Box 2105 COSTA MESA, CA 92662

JUAN GUTIERREZ

702 JAMES COSTA MESA CA 92627

On July 9<sup>th</sup>, 2010, the Costa Mesa Planning Commission called for review of Garcia Recycling's conditional use permit for its operations at 739 W. 19<sup>th</sup> Street due to purported complaints about its operations from the community. The Planning Commission is contemplating either modifying or revoking Garcia Recycling's permit, and the hearing on this issue is scheduled on August 9, 2010 at 6:00 p.m. We believe that revoking the permit is unduly harsh since we are providing a much needed service to the community, and in the process we are helping to divert trash from landfills.

We believe we run a clean, efficient, recycling operation and we make every effort to minimize our impact to the surrounding neighborhood and businesses by constantly sweeping the area, picking up any litter, and keeping our trucks and containers freshly painted and free of graffiti. We also do our best to serve our customers as quickly as possible by having a large, well-trained staff. If you agree that Garcia Recycling's service is important to the community and that its operations are not disruptive to the surroundings or aesthetically offensive, please show your support by signing below.

Name

Address

Telephone or email

WILLIAM J MILLS      1684 WHITTIER AVE. # 41 CM, 92627  
Stark Sanyague 2191 Harbor Blvd Spc #3  
Gabrielle Allister 576 E. 18th Costa Mesa 92627

VI. 3  
ZA-98-25 & ZA-98-10

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**From:** Jim Fitzpatrick  
**Sent:** Saturday, July 31, 2010 3:26 PM  
**To:** LEE, MEL  
**Cc:** NGUYEN, KHANH  
**Subject:** FW: Recycling Center

Mel,

Suggest that this picture also be shared with Planning Commissioners and be considered as part of the Staff Report.

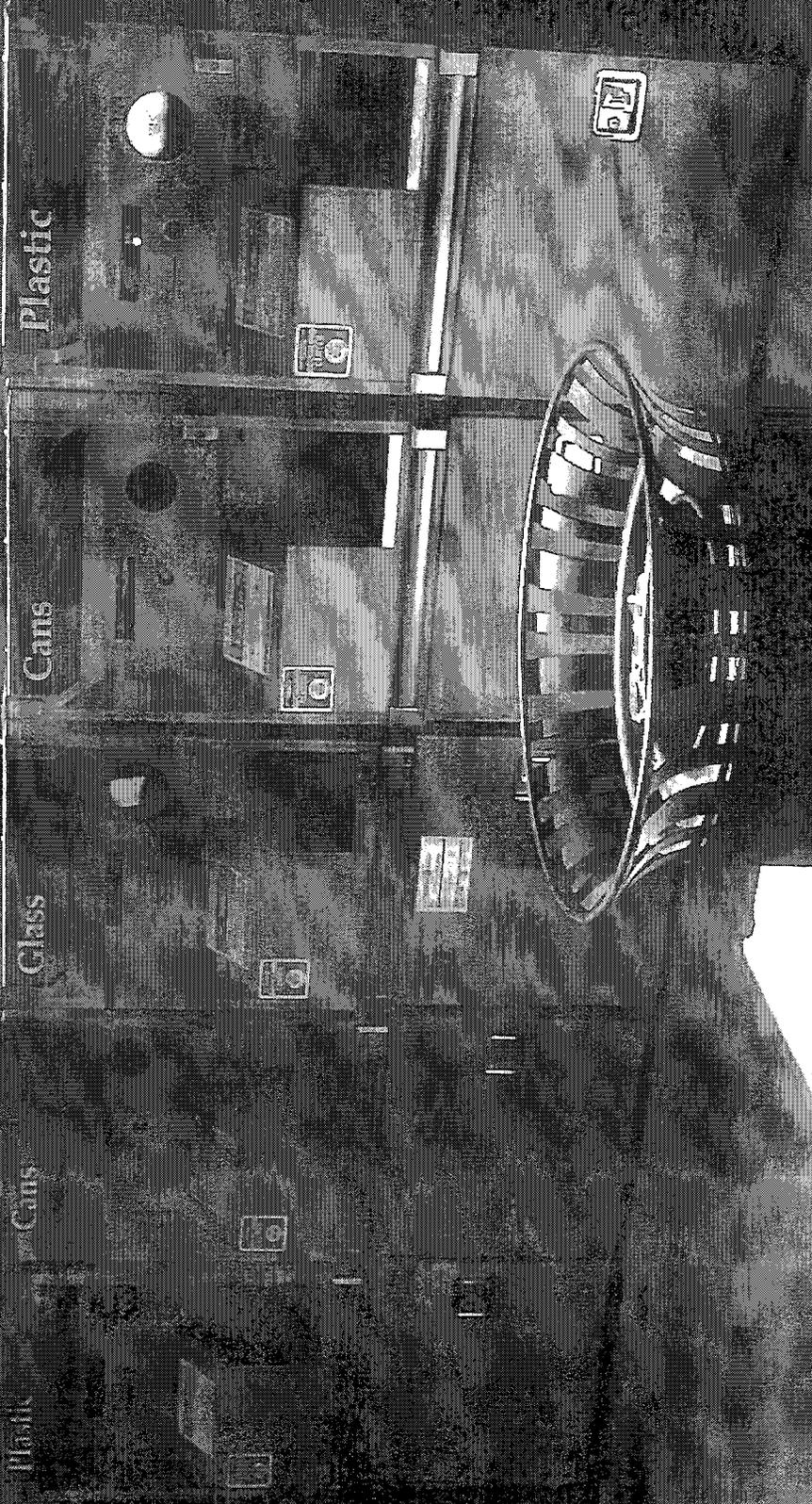
Jim

Ralph's @ 2555 Eastbluff NB, CA

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08/02/2010

# RECYCLING CENTER



VI.3  
ZA 89-25 + ZA-92-10

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**From:** LEE, MEL  
**Sent:** Monday, August 02, 2010 8:06 AM  
**To:** VIERA, CORRIE  
**Subject:** FW: Newport Beach code on recycling center

Another for the Commission.

Thanks,

Mel

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**From:** Jim Fitzpatrick  
**Sent:** Saturday, July 31, 2010 3:18 PM  
**To:** LEE, MEL  
**Cc:** NGUYEN, KHANH  
**Subject:** RE: Newport Beach code on recycling center

Mel, Can you please send this to all Commissioners so that have this, and consider making it part of the Staff Report.

Thanks,

Jim

**From:** Jim Fitzpatrick  
**Sent:** Monday, July 12, 2010 9:40 AM  
**To:** 'LEE, MEL'  
**Cc:** 'NGUYEN, KHANH'  
**Subject:** FW: Newport Beach code on recycling center

Mel, just wanted to follow up on our meeting, here is the NB vs CM code comparison on Recycling Centers.

Jim

Following is a brief comparison of the City of Newport Beach's and Costa Mesa's regulations on recycling facilities. Overall, it appears that the City of Newport Beach has codified (in other words, specified in their Municipal Code) specific regulations that would typically appear as conditions of approval on the use permit application in Costa Mesa.

Please let me know if you have any additional questions.

**Differences:**

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08/02/2010

- Costa Mesa Municipal Code (CMMC) does not make a distinction between small and large recycling facilities. Code requires a MCUP in primarily all of the commercial and industrial zones, excluding Town Center zoning district where they are prohibited.
- CMMC does not specify a buffer zone or separation requirement from residential zones.
- CMMC does not specify that the recycling facility be comprised of enclosed structures or be screened by a block wall.
- CMMC does specify that the recycling facility be located outside the required street setback.
- CMMC makes a distinction between what types of materials can be recycled or collected in terms of being hazardous or nonhazardous materials.

**Similarities:**

- Costa Mesa has similar requirements through conditions of approval regarding signage, parking availability, appearance of storage containers, litter-free environment, prohibition on parking of commercial vehicles (i.e. box trucks), etc.
- Through conditions we can also indicate what types of materials (i.e. only CRV glass, aluminum, or plastic containers, paper, and other recyclable items and not scrap metal) can be recycled.

Thanks.  
Claire

here is the Title 20 Code from NB

**20.48.160 – Recycling Facilities**

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

**A. Small collection facilities.** A small collection facility shall:

1. Not exceed an area of 350 square feet or 3 parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers;
2. Be set back at least 10 feet from a public right-of-way and shall not obstruct pedestrian or vehicular circulation;
3. Accept only CRV glass, aluminum, or plastic containers, paper, and other recyclable items;
4. Not use power-driven processing equipment;
6. Not be located within 50 feet of a lot zoned or occupied for residential use;

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7. Have containers and site fencing that are compatible in color and design and harmonious with the surrounding neighborhood;
8. Store materials in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen walls;
9. Be kept clean and free of litter;
10. Have signs as follows:
  - a. Identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is less. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
  - b. Signs that are compatible and harmonious with the character of their location; and
  - c. Directional signs, consistent with Chapter 20.42 (Sign Standards) and without advertising message, installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
11. Not reduce available parking spaces below the minimum number required for the principal use.

**B. Large collection facilities.** A large collection facility shall:

1. Not be located within 300 feet of a residential use;
2. Be screened from public rights-of-way by solid masonry walls or located within an enclosed structure as required by the review authority;
4. Store materials in sturdy containers that are secured and maintained in good condition. Storage, excluding truck trailers, shall not be visible above the height of the required screen walls; and
5. Be kept clean and free of litter.