PLANNING COMMISSION AGENDA REPORT

VI.4

MEETING DATE: JULY 12, 2010 ITEM NUMBER:

SUBJECT: REVIEW OF ZONING APPLICATIONS ZA-89-25 AND ZA-92-10
MINOR CONDITIONAL USE PERMITS FOR GARCIA RECYCLING CENTER
739 WEST 19TH STREET

DATE: JULY 1, 2010

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611 (mlee@ci.costa-mesa.ca.us)

PROJECT DESCRIPTION

Zoning Applications ZA-89-25 and ZA-92-10 were called up for review to the Planning Commission by Commissioner Mensinger on June 9, 2010. This review will consider modification or revocation of the minor conditional use permits for an existing neighborhood recycling facility (Garcia Recycling) located in the parking area of a retail shopping center.

APPLICANT

The original applicant is Jesus Garcia, owner of Garcia Recycling Center. The property owner is Russell Pange Trust.

RECOMMENDATIONS

1. Revoke Zoning Application ZA-89-25 and Modify ZA-92-10; or
2. Revoke both Zoning Applications ZA-89-25 and ZA-92-10.

MEL LEE, AICP
Senior Planner

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Project Site/Environs

The property is located on the south side of West 19th Street between Wallace Avenue and Pomona Avenue, and contains a multi-tenant retail shopping center which includes El Toro Bravo Market, Lion's Den nightclub, and several food and retail tenants. The property is surrounded by the following:

- To the west, Wallace Avenue;
- To the east, a Smart and Final store;
- To the south, residential properties;
- To the north, several commercial properties, including a pawn shop and liquor store, across West 19th Street.

The property is zoned C1 and has a General Plan designation of General Commercial. The property is also located within the 19 West Urban Plan.

Previous Zoning Applications for the Existing Recycling Center

ZA-89-25: The applicant submitted the original minor conditional use permit for the recycling center for aluminum cans, plastic and glass bottles, in exchange for money. The use was approved by the Zoning Administrator on November 6, 1989. The approval consisted of a single truck occupying a parking space along the West 19th Street frontage (see Attachment 2). The approved hours of operation were 10:30 a.m. to 5:00 p.m. Monday through Saturday (closed Sundays). On December 3, 1991, the applicant was advised by staff that the use was not operating in compliance with ZA-89-25 for the following reasons:

- More than one truck was being used for the collection of recycling materials;
- The operation had been moved from the front of the property to the rear of the property, which generated noise complaints from the abutting residential properties.

In response to these issues, the applicant submitted an application to revise the MCUP for the use, which was processed as ZA-92-10.

ZA-92-10: The applicant submitted a request to modify ZA-89-25 to allow a maximum of two portable recycling containers, located within the front parking area, in three parking spaces along the side of the property adjacent to Smart and Final's parking lot. This was approved by the Zoning Administrator on December 1, 1992. The approved hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 4:00 p.m. Sundays (see Attachment 3).

ANALYSIS

Code Provisions

Municipal Code Section 13-29(o) (Enforcement Authority) allows the Commission to modify or revoke a Planning or Zoning Application if the following conditions are found to apply:

1. The use constitutes a public nuisance; or
2. The use does not comply with the conditions of approval.

Use Issues

Past concerns related to the operation of this use is summarized in the discussion below.

- *The use is not being operated in a manner deemed to be compatible with surrounding properties and uses.* Since the approval of the use, concerns resulting from noise related to the pouring of recycled materials into containers at the facility, odors related to the used beverage containers, loitering of vagrants and homeless, and customers parking on adjacent properties to use the recycling facility have been raised (see Attachment 4).

- *The use creates a negative visual impact due to excessive signage and lack of property maintenance*. The containers at this location generally have an unsightly, "battered' appearance; the landscape planters surrounding the use have not been adequately maintained due to high use of the facility by customers; and the high demand for recyclables at this location requires the staging of a truck, in lieu of the second container (see pictures in Attachment 5).

- *A significant degree of City staff resources has been devoted to the use as a result of complaints related to the use and continual enforcement of noise and property maintenance issues*. A timeline of City staff efforts to correct the issues at the site from July 2009 to the present is summarized in the table below:

Date	Discussion	Progress
July 30, 2009	Joint staff visit from Planning and Code Enforcement staff.	No visible progress.
August 3, 2009	City issued letter stating recycling center is violating CUP and requested: 1. Remove the truck staged at the property 2. Install new signs 3. Remove cashier from required landscape area and repair damaged landscaping. 4. Ensure all staging and materials are contained inside the containers.	No visible progress.
August 21, 2009	Received letter from recycling centers attorney requesting a meeting.	Meeting arranged.
September 3, 2009	Meeting held with applicant and City staff.	Applicant to follow up with staff.
September 14, 2009	Spoke with applicant's representative over phone.	Provided photos of sign examples and painted containers over email. Signs ok, provide onsite.
November 24, 2009	Meeting with applicant.	Containers painted and cleaned up signage.
March 18, 2010	City issued letter stating issues related to installation of a new cashier's unit, noise and landscape repairs that still need to be addressed. Applicant advised case will be forwarded to Code Enforcement if no further progress made.	No visible progress.
March 22, 2010	Call from applicant.	Different alternatives discussed.
April 1 & 5, 2010	Call from applicant.	Removed cashiers unit and removed illegal paving; however; replaced with artificial lawn. Not permitted.
April 7, 2010	Meeting with applicant and City staff.	Discussed possible different locations on property for recycling center.
April 12, 2010	Meeting with applicant and City staff.	Desired location (abutting 19th St), not acceptable (was original location under ZA-89-25).
April 29, 2010	Meeting with applicant and City staff.	Restored live landscaping. Supposed to test different locations on property for functionality.
May 26, 2010	Call from applicant.	Wished to remain in current location and replace staged truck with 2nd container and change out throughout day.
June 9, 2010	Planning Commissioner Mensinger called item up for review.	Scheduled for July 12, 2010 Planning Commission meeting.

Date	Discussion	Progress
June 15, 2010	Meeting with applicant.	Progress to date: 1. Removed cashiers unit. 2. Installed landscaping. 3. Painted units and cleaned up signage. 4. 2nd container replaced staged truck (however only for week or two. Truck currently remains). Remaining Violations: 1. Business being conducted outside containers. 2. Truck still staging at site.

- *Issues related to noise, odors, transients, property maintenance, etc. do not appear to be prevalent at other recycling facilities in the City as they are at this location*. According to City records, the City has had no complaints related to noise, odors, transients, property maintenance, etc. related to the operation of the recycling facilities at the Stater Brothers property (2180 Newport Blvd.) or at Vons Market (185 East 17th Street).

A map showing the locations of the existing recycling facilities in the City is attached to this report (Attachment 6).

Modification of Zoning Application ZA-92-10

Zoning Application ZA-92-10 is a minor conditional use permit to expand/relocate the originally-approved recycling center use under ZA-89-25.

If the Commission wishes to retain the recycling business at this location, it is necessary to revoke ZA-89-25 which established the original recycling center, and modify ZA-92-10 as follows:

- Modify the description of ZA-92-10 to indicate that the discretionary permit is independent (or not associated) with any prior approval for a recycling center at this location, including ZA-89-25 which established the original recycling center.

- Add the following conditions of approval for ZA-92-10 as recommended by staff to address the concerns related to the use at this location:

  - The minor conditional use permit for the recycling facility is a discretionary permit that is not associated to any previous approvals. The approved hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 4:00 p.m. Sundays.
  - The use shall be limited to the type of operation described in this staff report. i.e., a recycling center for aluminum cans, plastic and glass bottles in a maximum of two containers. Any change in the operational

characteristics including, but not limited to, hours of operation or number of containers, shall require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.

- The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
- The applicant shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises. The frequency of patrols shall be increased should the need arise. The applicant shall make reasonable efforts to prevent loitering during hours the business is open.
- Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering.
- The applicant shall maintain free of litter all areas of the premises under which applicant has control.
- The applicant shall construct a decorative wrought iron fence a minimum of six feet in height along the easterly property line (between the subject property and Smart and Final) to prevent recycling customers from parking in the adjacent lot, subject to the City's provisions for walls, fences, and hedges.
- The applicant shall upgrade the existing on-site landscaping to provide thorn bearing hedges or similar plant treatments to prevent damage to the landscaped areas by customers.
- The recycling containers shall be properly maintained and shall be replaced if damaged or dirty.
- The above conditions of approval are required to be complied with no later than 30 days from the date of approval. The applicant shall contact the Planning Division to arrange a Planning inspection of the site to confirm that the conditions of approval and code requirements have been satisfied.
- All business activity shall be conducted inside the containers including, but not limited to, washing and weighing items received for recycling.

Note that these would be <u>in addition to</u> the existing conditions of approval for ZA-92-10.

Revocation of ZA-89-25 and ZA-92-10

Because a Zoning Application continues to be in effect regardless if the use was modified or amended afterwards (i.e., "runs with the land") a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties.

Commission may also determine that modifications to ZA-92-10 may not be sufficient to address the impacts to surrounding properties as a result of this use and determine the current use to be a public nuisance, thereby revoking the minor conditional use

permit. Revocation will require cessation of the current use and a similar use cannot be established in the future unless a new Zoning Application is submitted and approved.

In order to discontinue all recycling center activity at this location, it is necessary to revoke both minor conditional use permits. Zoning Application ZA-89-25 was a MCUP to originally establish the recycling center use at this location, and Zoning Application ZA-92-10 represents a MCUP to expand the previously-approved use.

ENVIRONMENTAL DETERMINATION

If modified, the use would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is revoked, it would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15321 for Enforcement Actions by Regulatory Agencies.

GENERAL PLAN CONFORMITY

As indicated earlier, based on the current nature of the use and impacts to surrounding properties, the use is not consistent with the City's General Plan, specifically, Objective LU-1F, which encourages minimizing blighting influences and maintaining the integrity of stable neighborhoods, unless the Zoning Applications are modified or revoked as appropriate.

ALTERNATIVES

The Commission has the following alternatives:

1. *Revoke ZA-89-25 and Modify ZA-92-10* by incorporating the additional recommended conditions of approval, required to be complied with by the applicant no later than 30 days from the date of approval; or

2. *Revoke both ZA-89-25 and ZA-92-10*. Revocation will require that, if a similar use is proposed in the future, a new Zoning Application be submitted and approved.

3. *Receive and file.* This involves no action to either modify or revoke ZA-89-25 and ZA-92-10. The minor conditional use permits will remain in place with no changes, and this review is filed.

CONCLUSION

Staff recommends that the Commission takes action, as appropriate, to either modify or revoke Zoning Applications ZA-89-25 and ZA-92-10.

Attachments:
1. Draft Planning Commission Resolutions
2. Zoning Application ZA-89-25
3. Zoning Application ZA-92-10
4. Correspondence From October 1992 to the Present
5. Location Map and Photos
6. Table and Map of Existing Recycling Facilities in Costa Mesa

cc: Development Services Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Garcia Recycling Centers & Metals Inc.
Attn: Jesus Garcia
1115 S. Elliot Place
Santa Ana, CA 92704

Russell Pange Trust
1835 Newport Boulevard, #A109
Costa Mesa, CA 92627

Miles+Chen Law Group
Attn: Patricia J. Chen
9911 Irvine Center Drive, Suite 150
Irvine, CA 92618

File: 071210ZA9210Review	Date: 070110	Time: 10:00 a.m.

ATTACHMENT 1

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING ZONING APPLICATION ZA-89-25 AND MODIFYING ZONING APPLICATION ZA-92-10

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, applications were filed by Jesus Garcia, authorized agent for Russell Pange Trust, requesting approval of minor conditional use permit for a recycling facility, located at 739 West 17th Street in a C1 zone;

WHEREAS, on November 6, 1989, the Zoning Administrator approved Zoning Application ZA-89-25 for a minor conditional use permit for a recycling center at the subject location;

WHEREAS, on December 1, 1992, the Zoning Administrator approved Zoning Application ZA-92-10 for a minor conditional use permit for the relocation and expansion of a previously-approved recycling center at the subject location;

WHEREAS, a review of the minor conditional use permits were requested by Commissioner Mensinger to determine if the minor conditional use permits should be modified or revoked on the basis of being a public nuisance;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 12, 2010;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **REVOKES** ZA-89-25 and **MODIFIES** ZA-92-10 with respect to the property described above. The modification to ZA-92-10 as shown in Exhibit "B" relates to: (a) clarification that the minor conditional use permit is an independent permit not related to any previous approval of a recycling facility and (b) addition of new conditions of approval.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Applications ZA-89-25 and ZA-92-10 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to modification or revocation if there is

a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of July, 2010.

James Righeimer, Chair,
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 12, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (REVOKE ZA-89-25 AND MODIFY ZA-92-10)

A. The minor conditional use permit is an independent discretionary permit that is not associated with any previous approval of a recycling facility at this location. The use, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship will exist between the use, as modified, and existing buildings, site development, and uses on surrounding properties.
   2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation.
   3. The use, as modified, will comply with the performance standards as prescribed in the Zoning Code.
   4. The use, as modified, is consistent with the General Plan.
   5. The planning application is for a project-specific case and does not establish a precedent for future development.
   6. The cumulative effect of all the planning applications have been considered.

B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the minor conditional use permit in that the use, as modified, is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood. Specifically, use, as modified, complies with the intent of the Zoning Code to ensure compatibility with the surrounding neighborhood.

C. Revocation of ZA-89-25 was initiated because the operation of the use was modified under ZA-92-10. Because a Zoning Application continues to be in effect regardless if the use was modified or amended afterwards (i.e., "runs with the land") a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties. Revocation will require that, if a similar use is proposed in the future, a new Zoning Application be submitted and approved.

D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under the following sections: Section 15301 for Existing Facilities, and Section 15321 for Enforcement Actions by Regulatory Agencies.

E. The use is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL FOR ZA-92-10 (AS MODIFIED)

Plng.

1. The minor conditional use permit for the recycling facility is a discretionary permit that is not associated to any previous approvals. The approved hours of operation are 9:00 a.m. to 5:00 p.m. Monday through Saturday, and 9:00 a.m. to 4:00 p.m. Sundays.
2. The use shall be limited to the type of operation described in this staff report. i.e., a recycling center for aluminum cans, plastic and glass bottles in a maximum of two containers. Any change in the operational characteristics including, but not limited to, hours of operation or number of containers, shall require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.
3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
4. The applicant shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises. The frequency of patrols shall be increased should the need arise. The applicant shall make reasonable efforts to prevent loitering during hours the business is open.
5. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering.
6. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
7. The applicant shall construct a decorative wrought iron fence a minimum of six feet in height along the easterly property line (between the subject property and Smart and Final) to prevent recycling customers from parking in the adjacent lot, subject to the City's provisions for walls, fences, and hedges.
8. The applicant shall upgrade the existing on-site landscaping to provide thorn bearing hedges or similar plant treatments to prevent damage to the landscaped areas by customers.
9. The recycling containers shall be properly maintained and shall be replaced if damaged or dirty.
10. All business activity shall be conducted inside the containers including, but not limited to, washing and weighing items received for recycling.
11. The following existing conditions of approval for ZA-92-10 shall be complied with:
    a. Any and all containers, with a maximum of two, shall be located at the northeast corner of the site as shown on the

approved plans, and shall maintain a minimum setback of 20 feet from the front property line.

b. The business shall not operate between 8:00 p.m. and 8:00 a.m.

c. Signs shall be limited to identifying recycling business only and painted or attached only to the containers.

12. The above conditions of approval are required to be complied with no later than 30 days from the date of approval. The applicant shall contact the Planning Division to arrange a Planning inspection of the site to confirm that the conditions of approval and code requirements have been satisfied.

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING ZONING APPLICATIONS ZA-89-25 AND ZA-92-10

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, applications were filed by Jesus Garcia, authorized agent for Russell Pange Trust, requesting approval of minor conditional use permit for a recycling facility, located at 739 West 17th Street in a C1 zone;

WHEREAS, on November 6, 1989, the Zoning Administrator approved Zoning Application ZA-89-25 for a minor conditional use permit for a recycling center at the subject location;

WHEREAS, on December 1, 1992, the Zoning Administrator approved Zoning Application ZA-92-10 for a minor conditional use permit for the relocation and expansion of a previously-approved recycling center at the subject location;

WHEREAS, a review of the minor conditional use permits were requested by Commissioner Mensinger to determine if the minor conditional use permits should be modified or revoked on the basis of being a public nuisance;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 12, 2010;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **REVOKES** Zoning Applications ZA-89-25 and ZA-92-10 with respect to the property described above.

PASSED AND ADOPTED this 12th day of July, 2010.

_____

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

A. Revocation of ZA-89-25 and ZA-92-10 was initiated because the operation of the use was determined to constitute a public nuisance pursuant to Municipal Code Section 13-29(o) (Enforcement Authority). Specifically, the use is not being operated in a manner deemed to be compatible with surrounding properties and uses, the use creates a negative visual impact due to excessive signage and lack of property maintenance, a significant degree of City staff resources has been devoted to the use as a result of complaints related to the use and continual enforcement of noise and property maintenance issues, and issues related to noise, odors, transients, property maintenance, etc. do not appear to be prevalent at other recycling facilities in the City as they are at this location. Modifications to ZA-89-25 and ZA-92-10 are not sufficient to address the adverse impacts to surrounding properties. Revocation will require cessation of the current use and a similar use cannot be established in the future unless a new Zoning Application is submitted and approved.

B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15321 for Enforcement Actions by Regulatory Agencies.

C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2

Application # ZA-89-25

APPLICATION FOR MINOR CONDITIONAL USE PERMIT/ ADMINISTRATIVE ADJUSTMENT

Part One

Address/Location of Request 739 W. 19th St.

Name of Property Owner Dr. Russell Pang Phone

Address of Property Owner 1831 Orange Avenue, Suite E, Costa Mesa 92627

*Property Owner Signature Dr Russell Pang Date 10-12-89

Name of Authorized Agent Jesus Garcia Phone 751-7906

Address of Authorized Agent 1309 S. Shawnee Dr, Santa Ana, CA 92704

*Authorized Agent Signature Jesus Garcia Date 10-3-89

Part Two *(Office Use Only)*

Date Application Received 10/16'89 By UBU

Date Application Accepted as Complete _____ By _____

		FEE	
Negative Declaration		$	(0131190106)
Minor Conditional Use Permit	1	190.00	(0131110009)
Administrative Adjustment			(0131110009)
		Total Fee	$

G.P. Gen Comm.

Zone C1

AP# 424-202-01

Exempt:

Request: Minor Conditional Use Permit for a mobile recycling center at an existing commercial center.

Rec'd 10/16'89 UBU #40407

Part Three *(Office Use Only)*

ACTION

☐ Denied *(See attached Findings)*

☒ Approved, subject to Findings and Conditions of Approval *(attached)*

By UBouwens-Killeen Date 11/6'89

Notice of Decision to Planning Commission and City Council Date 11/16'89

Appeal Period Expires Date 11/16'89

costa mesa

1654-30 [White] Planning; [Canary] Applicant; [Pink] Finance; [Goldenrod] Authorized Agent

APPLICATION # ZA-89-25

The application referenced above has been approved by the Zoning Administrator based on the Findings and Conditions of Approval listed below.

FINDINGS

[X] Minor Conditional Use Permit

1. The information presented substantially complies with Section 13-347 of the Costa Mesa Municipal Code in that:

   a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

   b. The granting of the Conditional Use Permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

   c. The granting of the Conditional Use Permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

   d. The project is consistent with Article 22-1/2, Transportation Systems Management of the Costa Mesa Municipal Code in that no intersection to which the project contributes measurable traffic shall operate at less than the Standard Level of Service as a result of project implementation.

CONDITIONS OF APPROVAL

The project shall meet all requirements of the following City Departments:

Plng. 1. Approval shall be for a period of one (1) year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Planning Action for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements. Thereafter, the Development Services Director may extend the permit for successive two (2) year periods under the same terms.

2. Approval of a modified Minor Conditional Use Permit is required prior to expansion of the business.

ORDINANCE OR CODE PROVISIONS

The following list of Federal, State and local laws applicable to the project has been compiled by Staff for the applicant's reference:

Plng. 1. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

Bldg. 2. Comply with the requirements of the Uniform Building Code as to design and construction.

SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special district is hereby forwarded to the applicant:

Sani. 1. Applicant to contact the Costa Mesa Sanitary District at 754-5043 prior to beginning recycling program. Costa Mesa Sanitary District has jurisdiction over materials left at the curb side in residential neighborhoods.

If you have questions, please call Willa Bouwens-Killeen at 754-5153 between 11:00 a.m. and 2:00 p.m.

(ZA8925)

City of Costa Mesa Planning Division
Post Office Box 1200
77 Fair Drive
Costa Mesa, CA 92628-1200
(714) 754-5245

PRELIMINARY ENVIRONMENTAL DESCRIPTION

For Office Use Only:

Project Number ZA-89-25 Date Received/By 10/16/89

Zone C1 General Plan Designation Gen Comm

Recommendation: ☒ Exempt ☐ Negative Declaration ☐ EIR

Closed

Applications for projects in the City of Costa Mesa cannot be processed until an initial study of environmental impacts has been completed and an exemption granted or a Negative Declaration or Environmental Impact Report prepared.

Please fill out the following and **return (with preliminary site plans, including location and size of all existing structures and trees) five (5) working days prior to submitting your application:**

Location of Project 739 W 19th st.
Costa Mesa CA.

Description of Project My plan is to park at the location above 1 tone truk.. to buy Aluminum cans Plastic Brls and Glass Bottles
I will keep the place clean and Free From any type of noise.
Sincerely this is my plan

Mon 10:30 AM to 5:00 PM
tus 10:30 AM to 5:00 PM
Wed 10:30 AM to 5:00 PM
thur 10:30 AM to 5:00 PM
Fri 10:30 AM to 5:00 PM
Sat. 10:30 AM to 5: PM
Sunday Closed

Submitted by Jesus Garcia Date 9-26-89

Mailing Address 1309 S Shawnee Dr Phone (714) 751-7906
Santa Ana CA 92704 Zip Code 92704

Not all projects will necessitate the preparation of an Environmental Impact Report. In order to make a determination as to whether any significant environmental impacts may result from the proposed project, the above information is necessary.

As soon as possible, the Environmental Evaluator will determine whether or not the project will require an Environmental Impact Report and will notify the project sponsor accordingly.

CMF 0325-30 Rev. 8/85

CITY OF COSTA MESA
77 Fair Drive
Costa Mesa, California 92626
(714) 754-5245

PROJECT DESCRIPTION/JUSTIFICATION

(1) Project Location 739 W 19th st.

(2) Describe Project and Request(s) Mobile Recycling unit.

(3) If application is for Conditional Use Permit(s) or Minor Conditional Use Permit(s), answer the following: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties within the same area.

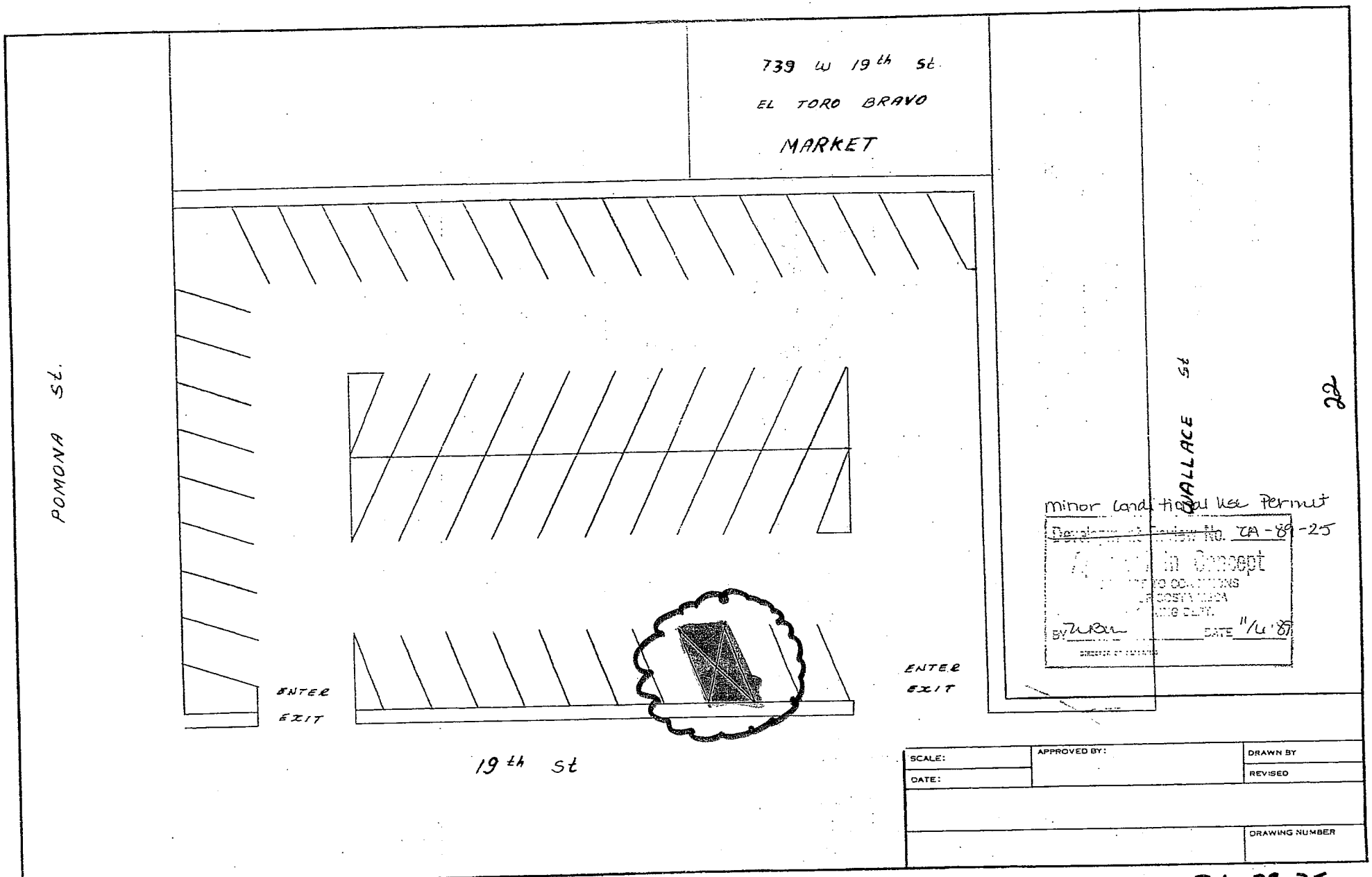
describe business & how it would hurt neighbors.

During the Working Hours.
I will keep the place clean and Noiseless everyting will be in order so that the neighboor wont be bothered nor the areas around

1 attendant - pays cash - & receipts given Hours - 10^{30}. 5^{00} M - Sat.

If application is for Variance(s) or Administrative Adjustment(s), answer the following: Describe the property's special circumstances, including size, shape, topography, location or surroundings, that justify the Variance or Administrative Adjustment request in that strict application of the Zoning Ordinance deprives the property of privileges enjoyed by others in the vicinity under identical zoning classification.

(PROJDESC.FRM)


739 W 19th St.
EL TORO BRAVO
MARKET
POMONA St.
WALLACE St
ENTER
EXIT
ENTER
EXIT
19th St
Minor Conditional Use Permit
Development Review No. ZA-89-25
In Concept
BY
DATE 11/6/89
SCALE:
DATE:
APPROVED BY:
DRAWN BY
REVISED
DRAWING NUMBER
ZA-89-25

ATTACHMENT 3

Application # ZA-92-10

APPLICATION FOR MINOR CONDITIONAL USE PERMIT/ ADMINISTRATIVE ADJUSTMENT

Part One

Address/Location of Request 739 W 19th st Costa Mesa CA 92627

Name of Property Owner Dr. Russell Pang Phone

Address of Property Owner 1831 Orange av. Costa Mesa CA 92627

Property Owner Signature Russell E. Pang Date 8-20-92

Name of Authorized Agent Jesus Garcia Phone 714 751 7926

Address of Authorized Agent 1304 S Shawnee Dr Santa Ana CA 92704

Authorized Agent Signature Jesus Garcia Date 8-20-92

Part Two *(Office Use Only)*

Date Application Received 21 September 92 By WBR

Date Application Accepted as Complete _____ By _____

		FEE		
Negative Declaration		$	(0131190106)	G.P. Gen Comm
Minor Conditional Use Permit	1	190.00	(0131110009)	Zone C1
Administrative Adjustment			(0131110009)	AP#
		Total Fee	$ 190.00	424-202-02

Request : Minor Conditional Use Permit for the relocation and expansion of an existing recycling center (to be located behind the El Toro Bravo Market)

$190 rec'd 9/21/92 # 58849

Exempt

REVISED - Minor Conditional Use Permit for the expansion of an existing recycling center, with its relocation to the parking area within the front parking lot.

Part Three *(Office Use Only)*

ACTION

☐ Denied *(See attached Findings)*

☒ Approved, subject to Findings and Conditions of Approval *(attached)*

By Perry L. Calantino Date 12-1-92

Notice of Decision to Planning Commission and City Council Date 12-3-92

Appeal Period Expires Date 12-10-92

costa mesa

1654-30 [White] Planning; [Canary] Applicant; [Pink] Finance; [Goldenrod] Authorized Agent

DATE: November 30, 1992

APPLICATION # ZA-92-10
ADDRESS: 739 W. 19th Street

The application referenced above has been approved by the Zoning Administrator based on the Findings and Conditions of Approval and Ordinance/Code Provisions listed below.

FINDINGS

[xx] Minor Conditional Use Permit

1. The information presented substantially complies with Section 13-347 of the Costa Mesa Municipal Code in that:

   a. The proposed use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

   b. The granting of the Conditional Use Permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood, due to the separation of the use from the residences to the south by an existing commercial building.

   c. The granting of the Conditional Use Permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

CONDITIONS OF APPROVAL

The project shall meet all requirements of the following City Departments:

Plng. 1. The Conditional Use Permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The Conditional Use Permit may be referred to the Planning Commission for modification or revocation at any time if the Conditions of Approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

2. Any further expansion or relocation of the business first requires approval of a Minor Conditional Use Permit.

3. Any and all containers, with a maximum of two, shall be located at the northeast corner of the site as shown on the approved plans, and shall maintain a minimum setback of twenty (20) feet from the front property line.

4. The business shall not operate between 8:00 p.m. and 8:00 a.m.

5. All materials shall remain inside the containers.

6. Applicant shall keep the area surrounding the container(s) free of debris.

7. Signs shall be limited to identifying recycling business only and painted or attached only to the container(s).

ORDINANCE OR CODE PROVISIONS

The following list of Federal, State and local laws applicable to the project has been compiled by Staff for the applicant's reference:

Bldg. 1. Comply with the requirements of the Uniform Building Code as to design and construction.

Fire 2. Center may not encroach on required width of drive for emergency access.

SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special district is hereby forwarded to the applicant:

Sani. 1. Developer to contact the Costa Mesa Sanitary District at (714) 631-1731 for current District requirements.

APPEAL

If your case is denied by the Zoning Administrator or if you are in disagreement with the Conditions of Approval, you may appeal the decision to the Planning Commission. You must submit an appeal request (form available in the office of the City Clerk or Development Services Department at City Hall). The request must be returned to the Planning Division within seven (7) days of the Notice of Decision of the Zoning Administrator's decision. Any decision of the Planning Commission can similarly be appealed (with a fee) within seven (7) days to the City Council. While the City

Council decision is final, a request for a rehearing before the Council may be filed with the City Clerk within seven (7) days of the original City Council decision for consideration of any new evidence not known by Council at the time of their hearing.

If you have questions, please call Willa Bouwens-Killeen at 754-5153 between 8:00 a.m. and Noon.

(ZA9210)A2

City of Costa Mesa . .nning Division
Post Office Box 1200
77 Fair Drive
Costa Mesa, CA 92628-1200
(714) 754-5245

PRELIMINARY ENVIRONMENTAL DESCRIPTION

For Office Use Only:

Project Number ZA-92-10 Date Received/By 9/21/92 WBK

Zone C1 General Plan Designation Gen Comm

Recommendation: ☑ Exempt ☐ Negative Declaration ☐ EIR

Applications for projects in the City of Costa Mesa cannot be processed until an initial study of environmental impacts has been completed and an exemption granted or a Negative Declaration or Environmental Impact Report prepared.

Please fill out the following and **return (with preliminary site plans, including location and size of all existing structures and trees) five (5) working days prior to submitting your application:**

Location of Project 739 19th st
Costa Mesa CA 92627

Description of Project My Plan is to Park a Mobile Container Box at the Location above to buy aluminum Cans Plastic Bottle and Glass Brls.
I will keep the place clean and Free From any tipe of noise.
Sincerly this is my Plan

Schedule
Mon 9:AM to 5:00 PM
~~Thurs 9:AM to 5:00 PM~~
Wed 9: AM to 5:00 PM
thurs 9:00 AM to 5:00 PM
~~FRIDAY 9:00 AM to 5:00 PM~~
Stat 9:00 AM to 5:00 PM
Sun 9:00 AM to 4:00 PM

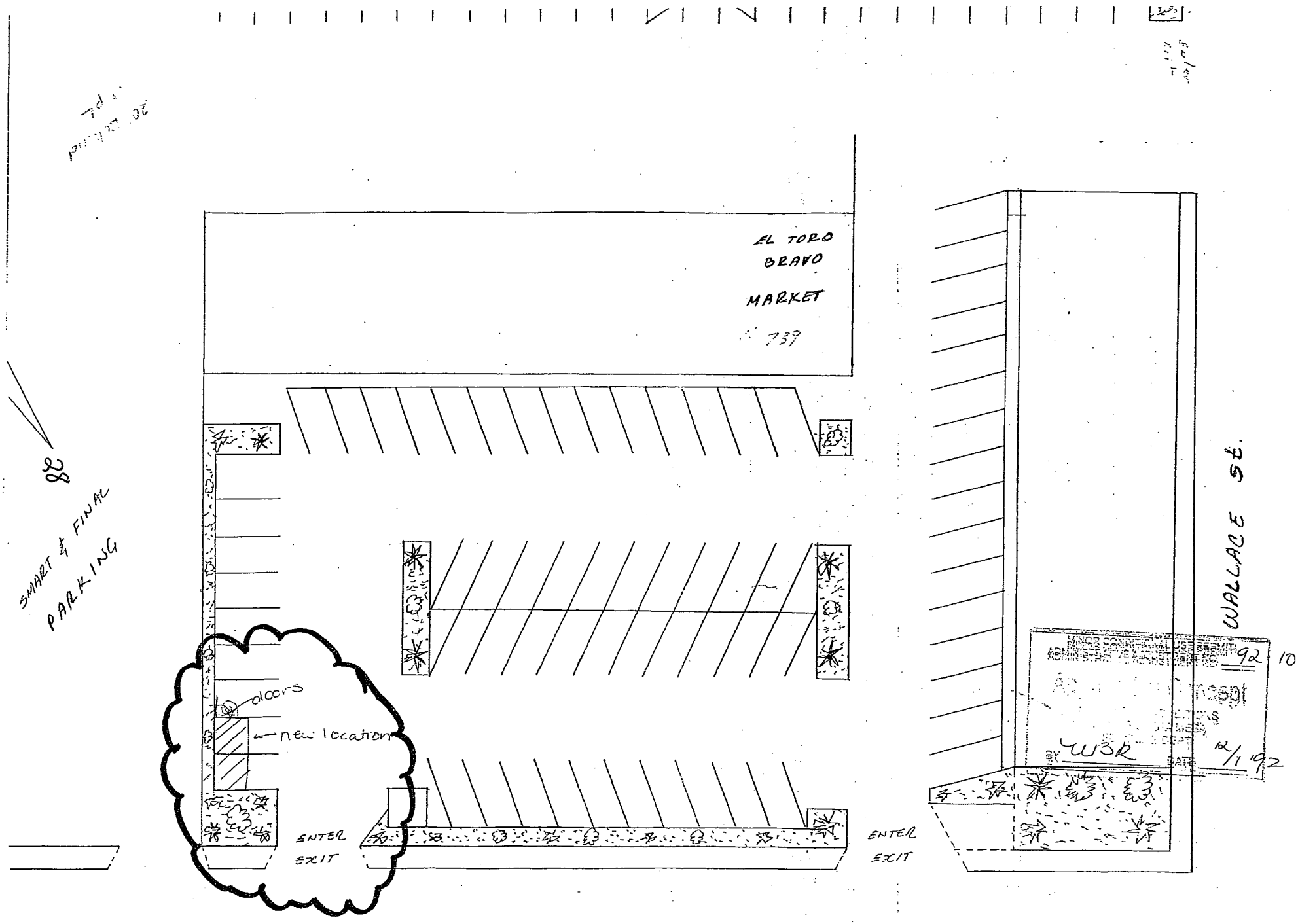
Submitted by [signature] Date 8-15-92

Mailing Address 1309 S Shawnee Dr Phone 714) 751-7906
Santa Ana CA 92704 Zip Code 92704

Not all projects will necessitate the preparation of an Environmental Impact Report. In order to make a determination as to whether any significant environmental impacts may result from the proposed project, the above information is necessary.

As soon as possible, the Environmental Evaluator will determine whether or not the project will require an Environmental Impact Report and will notify the project sponsor accordingly.

CMF 0325-30 Rev. 8/85


EL TORO
BRAVO
MARKET
739
SMART & FINAL
PARKING
doors
new location
ENTER
EXIT
ENTER
EXIT
WALLACE ST.
92
10
12/1/92

ATTACHMENT 4

L'Abri

RECEIVED
OCT 9 1992

October 5, 1992

Costa Mesa Zoning Administration
P.O. Box 1200
Costa Mesa, CA 92628-1200

Dear Sirs:

This letter is in response to your notice sent to the Wallace Woods Apartments located at 759 W. 19th Street, Costa Mesa, regarding the zoning ZA-92-10 for Russell E. Pang "for a minor conditional permit for the relocation and expansion of an existing recycling center...located at 739 W. 19th Street in a C1 zone."

As a representative of the owners of the Wallace Woods Apartments and their residents, I would like to voice my complaint and urge you **NOT** to allow this expansion.

I am as much an environmentalist as the next person and believe that recycling is a must, and we should do all we can to promote this in our society. Unfortunately, without proper planning, the good we try to do can sometimes be more damaging to the environment. This area, as you know, is already plagued with crime, graffiti, loitering, etc. As the property owner's representative, I do all I can for the beautification of my property and its surroundings. We have just recently painted the building. We pick up trash in front on Wallace and on 19th Street...three times daily! The expansion of this recycling center will create an uneasy appearance in our neighborhood, in addition to a terrible odor. It is directly across the street and is currently an eye sore. The bar across the street next to the recycling center is also a huge problem. The clientele of the recycling center often frequent this bar with their new found wealth and thus create a nuisance in the neighborhood (i.e., shoot-outs weekly). The last thing we need is more of the same.
If you allow this expansion, not only will it affect the appearance, but it could possible raise the crime rate in this area.

L'ABRI MANAGEMENT INC.
8141 EAST 2ND STREET • SUITE 500 • DOWNEY, CALIFORNIA 90241 • (310) 861-9294 • (714) 739-1742

I urge you to relocate this on an area with less traffic. A grossly populated residential area is **NOT** the place for a recycling center!

Sincerely,

Kenneth B. Treiger
Property Supervisor

KBT:ds

cc: R. Kolar
J. Harris

752 CENTER ST
COSTA MESA, 92627

OCTOBER 7, 1992

COSTA MESA ZONING ADMINISTRATOR
CITY OF COSTA MESA
PO BOX 1200
COSTA MESA, CA 92628-1200

GENTLEMEN:

AS HOMEOWNERS AT 752 CENTER STREET, WE OBJECT STRENUOUSLY TO ANY ATTEMPT TO ENLARGE THE PRESENT RECYCLING CENTER OR EVEN THAT IT BE THERE AT ALL.

IT HAS CREATED INCREASE IN TRAFFIC, DIRT, NOISE, GARBAGE AND HAZARDOUS INGRESS & EGRESS INTO THE AREA. WE HAVE PERSONALLY SEEN MALES URINATING IN PUBLIC IMMEDIATELY ADJACENT TO THE RECYCLING CENTER CREATING INDECENCY AND FOUL ODORS AT THE SITE THAT WE ATTRIBUTE DIRECTLY TO THE EXISTING RECYCLING CENTER.

WE REITERATE THAT THE REAR OF EL TORO BRAVO IS A PARKING LOT ESTABLISHED AS SUCH AND THAT ZONE VARIANCE SHOULD NOT BE ALLOWED. OUR PROPERTY IS CONTINUOUSLY BEING INUNDATED WITH GARBAGE BLOWN OVER FROM THAT AREA.

AS TAXPAYERS AND PROPERTY OWNERS, WE DO NOT WANT IT.

VERY TRULY YOURS,
F. Zovi Carmona
Zovi Carmona

RECEIVED
NOV 2 3 1992

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
" " Brad WEBSTER
735 Center Chris Frembling
734 Center Patsy Latscha - now 2 cont. 1 front 1 Back
739 CENTER JOSE MORALES
738 Center Carlos Morales CARLOS MORALES
729 Center Carole Wum Carole Wum

RECEIVED
NOV 2 3 1992

NOVEMBER 17, 1992

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

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

owner 720 Center St EPIC Holt [signature]
717 Center St Bo Theis [signature]
725 Center ST R. Stanton
owner's daughter 716 Center St Linda FERGUSON Linda Ferguson
717 Center St MARK YRIGOYEN Mark Yrigoyen
739 CENTER ST Pedro W Martinez / Maria Martinez

CITY OF COSTA MESA

CALIFORNIA 92628-1200 P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

May 22, 2000 *CERTIFIED MAIL*

Mr. Jesus Garcia
1306 S. Shawnee Drive
Santa Ana, CA 92704

RE: MINOR CONDITIONAL USE ZA-92-10
739 WEST 19TH STREET, COSTA MESA

Dear Mr. Garcia:

The City has received many complaints regarding your recycling business at the subject property. Complaints include generation of trash and debris around the facility, the attraction and congregation of transients, and the harassment of customers going into Smart and Final, all of which are detrimental to other businesses in the area. Your business is operating under a minor conditional use permit (MCUP), which you obtained in 1989 and modified in 1992. However, the findings used to justify the MCUP can no longer be made, and the conditions of approval are not being consistently complied with; therefore, the recycling use needs to be discontinued.

A MCUP is approved when it can be shown that the proposed use is compatible with other uses in the area and that it is not detrimental to the health, safety and general welfare of the public. However, recent complaints indicate that the recycling use is not compatible with the area and is detrimental to the public. Additionally, one of the conditions of approval required that the area surrounding the containers be kept free of debris; many complaints have been received regarding the amount of debris in the area of the recycling center.

These matters have been pending for some time now. I understand that Code Enforcement has made repeated attempts to gain compliance with the conditions of both MCUPs without success, therefore, the recycling center needs to be removed as soon as possible. By June 2, 2000, I will need written verification of the date you will be removing the recycling center, and you will have until June 16, 2000 to vacate the premises. Failure to do so may result in legal action.

77 FAIR DRIVE

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245
FAX (714) 754-4856 • TDD (714) 754-5244

I am sorry these issues were not settled, but a resolution to this matter is essential. If you have any questions or concerns, please call me at (714) 754-5153; the best time to reach me is between 8 a.m. and 12 noon, Monday through Friday.

Sincerely,

W Bouwens-Killeen

WILLA BOUWENS-KILLEEN
Senior Planner

Cc: Sandra Benson, Chief of Code Enforcement
Ron Johnson, Code Enforcement Officer

Dr. Russell Pange
1831 Orange Avenue, Unit E
Costa Mesa, CA 92627

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUN 0 6 2000

AM PM

Smart&Final

Food·Supplies·Business·Home

Smart & Final Stores Corporation
P.O. Box 512377
Los Angeles, California 90051-0377
323-869-7500
www.smartandfinal.com

June 6, 2000

Mr. Ron Johnson
Code Enforcement
Costa Mesa City Hall
Via Facsimile (714) 754-4856

Re: Recycling Center at 19th Street

Dear Mr. Johnson:

As Director of Property Management for the Smart and Final stores, I oversee all issues, which affect the value of the real estate we occupy. One such property is located in your City at 707 West 19th Street.

It has come to my attention that the recycling center located at the property next to ours has a permit, which is about to be renewed. I strongly oppose the re-issuance of this permit for the following reasons:

I believe the original permit was issued for the recycling center to be at the back of the property. Due to noise, smell, etc. The adjacent neighbors complained and it was moved to the front of the center right on 19th street.

I do not believe the center next to us has enough parking to accommodate this use in front of the center.

The recycling center is a visual eyesore - especially when the city is trying to rejuvenate 19th street.

When the recycling customers come, they park in the Smart and Final Lot and cut over to the adjacent property which does not have enough parking to accommodate the Tenants and the recycling center.

Due to the parking space the recycling area takes, customers who want to shop in that center have to park their cars in the Smart and Final parking lot and cross over.

The customers cutting across have damaged the plants and grass.

We have had numerous complaints about the smell associated with the empty beer bottles, etc.

The element the recycling center has attracted includes transients panhandling in our parking lot which has scared many of our shoppers and who have subsequently have refused to shop at this store.

Based on the above and more, I have looked into placing a permanent fence at our property line to resolve the problem. Ultimately, it would be best if the recycling center was eliminated. Certainly, there are several other sites much more conducive to this use rather than street front on this busy thoroughfare. I would beg the City to seriously consider the overall effect they will have not only for Smart and Final but the other businesses in the area in renewing this permit.

If you have any questions, I can be reached at (323) 869-7597.

Respectfully,

Sandi Martin

Sandi Martin, RPA
Director of Property Management

Jun. 6. 2000 2:26PM SMART & FINAL No. 5792 P. 1/1

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

August 3, 2009

GARCIA RECYCLING CENTER & METALS INC
c/o Jesus Garcia
1115 S Elliott Place
Santa Ana, CA 92704

RE: CONDITIONAL USE PERMIT ZA-92-10
739 WEST 19th STREET

Dear Mr. Garcia:

In November 1992, the Zoning Administrator approved ZA-92-10, which allowed a recycling center at the above property; approval was subject to several conditions of approval and code requirements. Occasionally, Planning staff visits the property to ensure the use is operated in compliance with the conditions and requirements. Recently, it was noticed that a truck has been staged at the property throughout the day, business was being conducted outside the containers, and a cashiers unit was placed at the site.

To allow for compliance with your minor conditional use permit, the truck and cashiers unit must be removed from the site and all activities for the recycling center must be located inside the container(s). To allow for a timely resolution to this matter, I would like to establish a deadline of August 17, 2009 for complying with the conditions of approval and code requirements.

Additionally, the minor conditional use permit was approved for a maximum of two containers to be located on the property. Should you wish to add a second container to the property, a site plan must be submitted and approved by the Planning Division prior to installation.

I look forward to your cooperation. If you have any questions or concerns, please call me at 714.754.5609 or email me at rrobbins@ci.costa-mesa.ca.us.

Sincerely,

REBECCA ROBBINS
Assistant Planner

cc: Tim Sun, Code Enforcement Officer

37

MILES • CHEN LAW GROUP

9911 Irvine Center Drive, Suite 150 • Irvine, CA 92618
Phone: 949.788.1425 • Fax (949) 788-1991

A PROFESSIONAL CORPORATION
LAND USE • ENVIRONMENT ENFORCEMENT

Received
City of Costa Mesa
Development Services Department

AUG 21 2009

August 19, 2009

VIA FACSIMILE ((714)754-4856) AND U.S. MAIL

Rebecca Robbins
City of Costa Mesa
Development Services Department
P.O. Box 1200
77 Fair Drive
California, CA 92626-1200

Re: Conditional use Permit ZA-92-10, 739 West 19th Street, Costa Mesa, California

Dear Ms. Robbins:

We write on behalf of Garcia Recycling Center & Metals, Inc. ("Garcia Recycling") in response to your letter dated August 3, 2009 regarding Garcia Recycling's facility located at 739 West 19th Street. We understand from your letter and a conversation between Fred Canlas, CPA, Garcia Recycling's representative, and Timothy Sun, Code Enforcement Officer, on August 4, 2009, that the City has requested that Garcia Recycling take the following actions:

1. Remove the truck staged at the facility and install a container that is the same size and same color as the existing trailer to be in harmony with the surrounding buildings' color.

2. Install new signs on the containers with Planning Department's approval.

3. Remove the cashier area from the landscape.

4. Ensure that all staging and materials, trash cans, etc. is contained inside the containers.

While Garcia Recycling does not believe that it is in violation of its Minor Conditional Use Permit, it is willing to comply with Items #2-4. As for Item #1, due to the large volume of materials that the facility receives (the facility serves approximately 300 people per day) the facility cannot retain the amount of recyclables it receives in the container and must load the truck throughout the day. A second container would not be sufficient to hold all the recyclables

received daily at the facility. As you may know, Garcia Recycling is the only recycling facility within a half mile radius and this is likely the reason for the high volume of recyclables at the facility. We would be happy to meet with the City to discuss potential solutions.

By way of background, Garcia Recycling has been in business for over 20 years and it operates four recycling collection centers (including the subject facility) in the cities of Garden Grove, Santa Ana, and Costa Mesa. All facilities are California Collection Centers Certified by the State of California Conservation Department. *Garcia Recycling has never been cited for any violations whatsoever in its 20 years of operation.* It puts a premium on safety and cleanliness at its facilities and is more than willing to work with the City and the community to alleviate any potential issues caused by its operations.

I will be contacting you to set up a meeting shortly. Should you have any questions in the meantime, please feel free to contact me.

Sincerely,

Patricia J. Chen

cc: Fred N. Canlas, CPA

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

March 18, 2010

GARCIA RECYCLING CENTER & METALS INC
c/o Jesus Garcia
1115 S Elliott Place
Santa Ana, CA 92704

RE: CONDITIONAL USE PERMIT ZA-92-10
739 WEST 19th STREET

Dear Mr. Garcia:

In November 1992, the Zoning Administrator approved Minor Conditional Use Permit ZA-92-10 (MCUP), which allows a recycling center at the above property; approval was subject to several conditions of approval and code requirements. It was observed in mid 2009 that the business was being conducted outside the containers, a cashiers unit was placed next to the containers, and a landscaped island was paved. In several meetings with you since, we have discussed these issues as well as different locations on the property for your business, given the high traffic volume, to minimize noise impacts to the abutting residential properties. I haven't heard from you in a while and we need to resolve this matter.

To allow a timely resolution to this matter, I would like to establish a deadline of April 15, 2010 for complying with the conditions of approval and code requirements (by conducting all business inside the containers, removing the cashiers unit, and replacing the landscaping) or applying for an amendment to the previously approved MCUP.

If the deadline above in not met, the matter will be forwarded to Code Enforcement for further action. I look forward to your cooperation. If you have any questions or concerns, please call me at 714.754.5609 or email me at rrobbins@ci.costa-mesa.ca.us.

Sincerely,

REBECCA ROBBINS
Assistant Planner

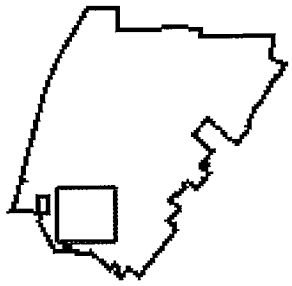
cc: Tim Sun, Code Enforcement Officer

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245
FAX (714) 754-4856 • TDD (714) 754-5244 • www.ci.costa-mesa.ca.us

City of Costa Mesa

CITY OF COSTA MESA - [Created: 6/28/2010 4:44:42 PM] [Scale: 174.9] [Page: 8.5 x 11 / Landscape]

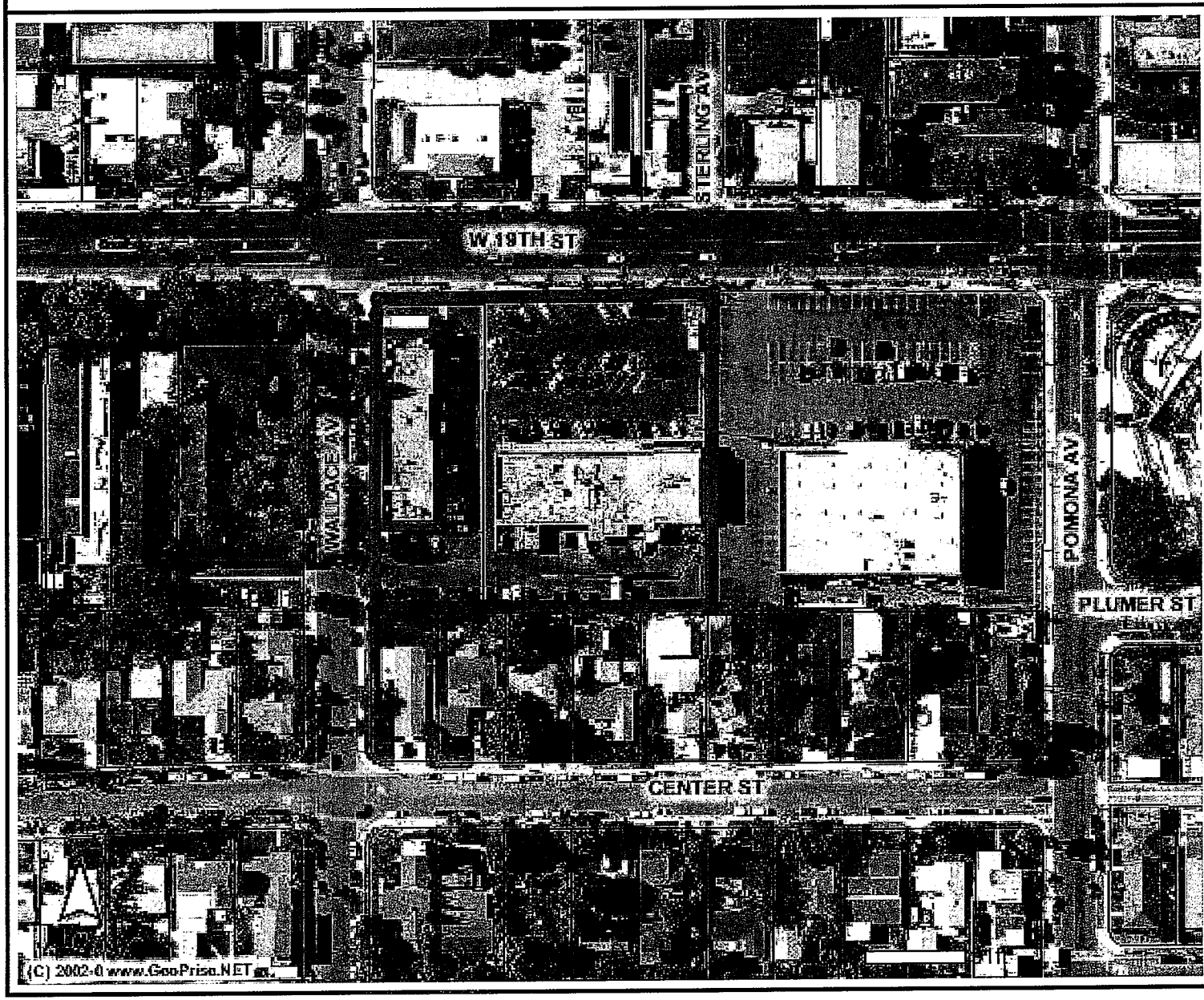
Overview Map



Legend

- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Ortho 2008 Level2
- Ortho 2006 Level2
- Parcels
- ROW Polygons

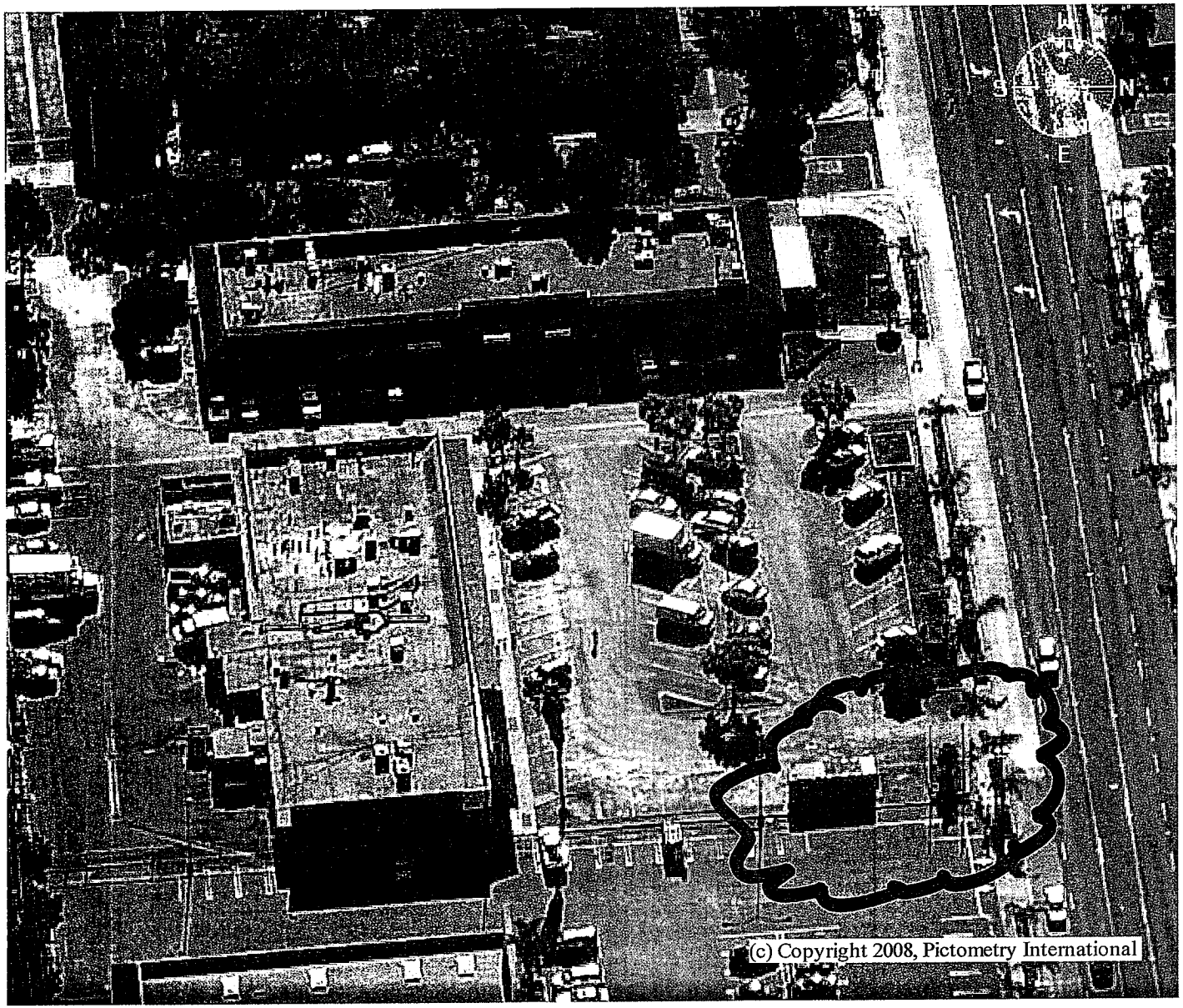
Map Display



ATTACHMENT 5

41

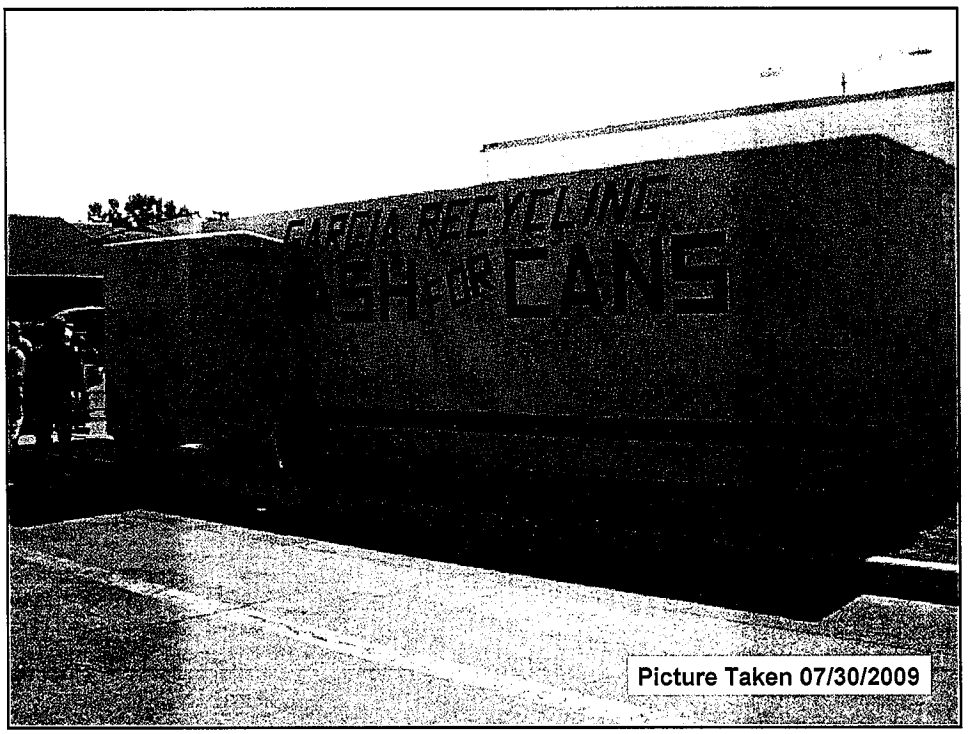
(C) 2002-0 GeoPrise.net (GeoVec, Inc.) - (866)422-2505



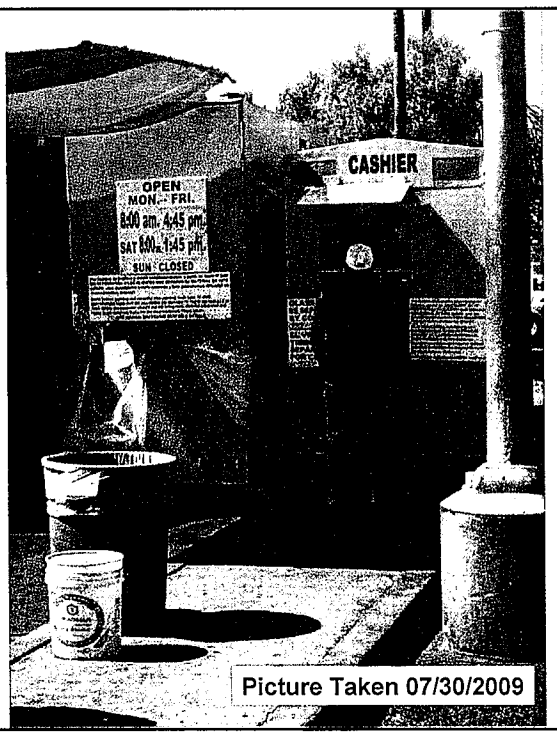
Zoom 100 %

Zoom In | Zoom Out | View From | North | South | East | West | Ortho | Tool: none

42



Picture Taken 07/30/2009



Picture Taken 07/30/2009

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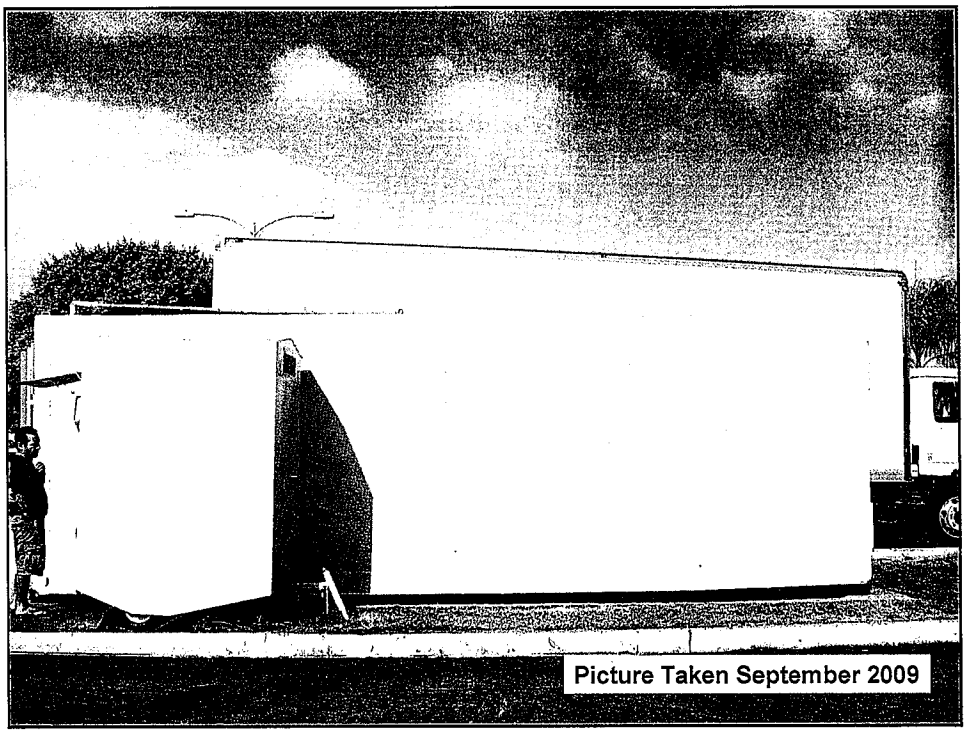
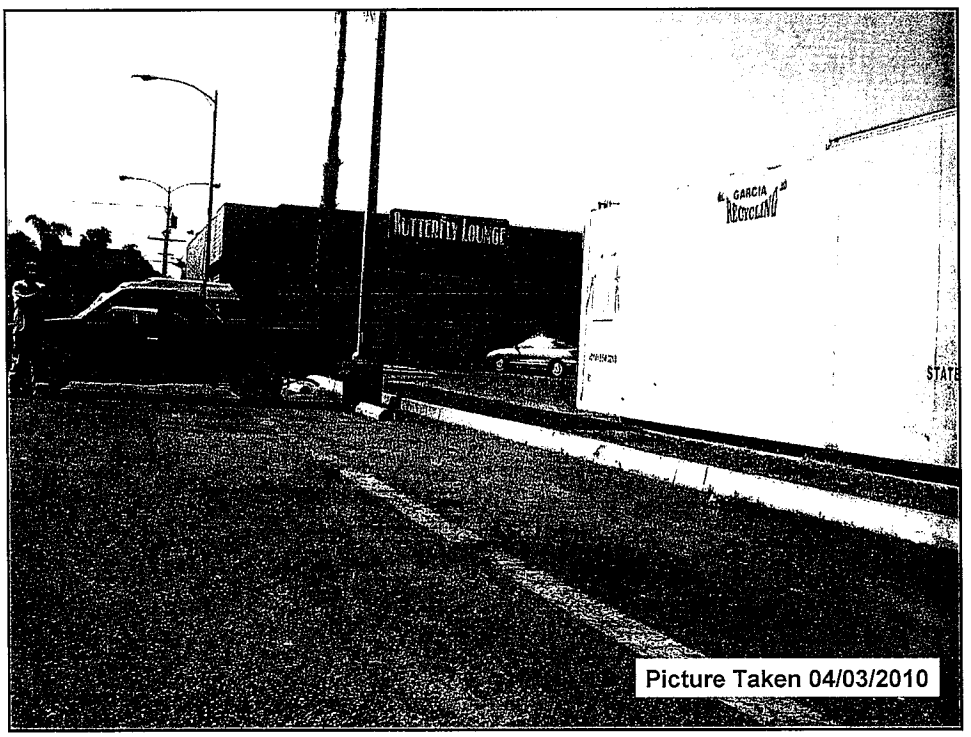


Picture Taken September 2009



Picture Taken 04/03/2010

45

Picture Taken 05/10/2010

Picture Taken 05/10/2010

CalRecycle/Division of Recycling

Status of Convenience Zones and Recycling Centers in Zones
In Order by County, City and Convenience Zone Number
Report dated 4/26/2010

CO	City	Zone	Stat	Market Name	Market Address	Zip	Cert #	Facility Name	Facilty Address	Operatnl Date	Decert Date
ORA	Costa Mesa	1362	SZ	Stater Bros Mkt	1175 Baker St_Ste C	92626	RC1009	ASOCC Recycling Center	2701 Fairview Rd	01/01/1970	
ORA	Costa Mesa	1363	EZ	Vons Market	2701B Harbor Blvd	92626					
ORA	Costa Mesa	1364	EZ	Marukai Market	2975 Harbor Blvd	92626					
ORA	Costa Mesa	1365	EZ	Henrys Marketplace	3030 Harbor Blvd_Ste D	92626					
ORA	Costa Mesa	1366	SZ	Vons Market	185 E 17th St	92627	RC5957	NexCycle	185 E 17th St	12/17/1994	
ORA	Costa Mesa	1367	SZ	Stater Bros Mkt	2180 Newport Blvd	92627	RC11667	EarthWize Recycling	2180 Newport Blvd	07/12/2003	
ORA	Costa Mesa	1371	SZ	Ralphs Grocery	380 E 17th St	92627	RC5957	NexCycle	185 E 17th St	12/17/1994	
ORA	Costa Mesa	1372	SZ	Smart & Final	707 W 19th St	92627	RC11925	Garcia Recycling Center & Metals	739 W 19th St	11/01/2003	
ORA	Costa Mesa	1373	SZ	El Metate Market	817 W 19th St	92627	RC11925	Garcia Recycling Center & Metals	739 W 19th St	11/01/2003	
ORA	Costa Mesa	4574	EZ	Irvine Ranch Market	2651 Irvine Ave	92627					
ORA	Costa Mesa	4953	EZ	Albertsons Store	2300 Harbor Blvd	92626					
ORA	Costa Mesa	5114	EZ	Mitsuwa Marketplace	665 Paularino Ave	92626					
ORA	Costa Mesa	5314	SZ	Trader Joes Market	640 W 17th St	92627	RC5957	NexCycle	185 E 17th St	12/17/1994	
ORA	Costa Mesa	5314	SZ	Trader Joes Market	640 W 17th St	92627	RC11925	Garcia Recycling Center & Metals	739 W 19th St	11/01/2003	
ORA	Costa Mesa	5981	SZ	Mothers Market & Kitchen	225 E 17th St	92627	RC5957	NexCycle	185 E 17th St	12/17/1994	

Source: CA. Dept. of Conservation

ATTACHMENT 6

Recycling Centers in Costa Mesa

Market Name	Market Address	Facility Name
1. Stater Bros Market	1175 Baker Street, Suite C	ASOCC Recycling Center
2. Vons Market	2701 Harbor Boulevard, Suite B	
3. Marukai Market	2975 Harbor Boulevard	
4. Henry's Marketplace	3030 Harbor Boulevard, Suite D	
5. Vons Market	185 E 17th Street	NexCycle
6. Stater Bros Market	2180 Newport Boulevard	Earthwize Recycling
7. Ralphs Grocery	380 E 17th Street	NexCycle
8. Smart & Final	707 W 19th Street	Garcia's Recycling Center & Metals
9. El Metate Market	817 W 19th Street	Garcia's Recycling Center & Metals
10. Albertsons Store	2300 Harbor Boulevard	
11. Mitsuwa Marketplace	665 Paularino Avenue	
12. Trader Joes Market	640 W 17th Street	NexCycle
13. Trader Joes Market	640 W 17th Street	Garcia's Recycling Center & Metals
14. Morthers Market & Kitchen	225 E 17th Street	NexCycle

Source: California Department of Conservation