PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JULY 9, 2012 ITEM NUMBER: VI. 2

SUBJECT: REVIEW OF TWO-YEAR EXTENSION FOR PLANNING APPLICATION PA-87-154 CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD RECYCLING FACILITY (EARTHWIZE RECYCLING)
2180 NEWPORT BOULEVARD

DATE: JUNE 28, 2012

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

PROJECT DESCRIPTION

Review of a two-year extension of Planning Application PA-87-154 for a neighborhood recycling facility for EarthWize Recycling within the existing Stater Bros. Market parking lot.

APPLICANT

The owner of the recycling facility is Don Opperman of EarthWize Recycling. The owner of the property is SB Newport Boulevard Investors, LLC.

RECOMMENDATION

Adopt Planning Commission resolution, subject to updated conditions of approval.

BACKGROUND

This item was continued from the March 12, 2012 meeting by the Commission in order to allow the representative for EarthWize to provide additional details on the proposed landscape improvements to the Stater Bros. Market property and to address the concerns raised by abutting neighbors at the meeting (discussed below).

The March 12, 2012 staff report can be found on the City website at the below link:

http://www.costamesaca.gov/council/planning/2012-03-12/03122012PA-87-154%20Review.pdf

During the meeting, two residents indicated the following concerns:

1. Concerns with the height of the existing six-foot high wall separating the Stater Bros. Market property from residential properties. Residents recommended the wall be increased in height from eight feet to 12 feet;
2. Concerns with litter and trash around the recycling facility;
3. Concerns with customers loitering around the recycling center;
4. Concerns with noise related to the pickup and delivery of the recycling trailers, as well as the delivery hours related to the Stater Bros. Market.

During the meeting, the representative for EarthWize indicated a willingness to modify the day-to-day operations, to provide site upgrades in terms of a new vestibule structure and landscape planters within the existing parking lot, and provide a state-of-the-art "grey water" collection system. However, because the majority of the requested site upgrades require input and/or approval from the property owner, i.e., Stater Bros. Market, the Commission directed staff to work with EarthWize, Stater Bros. Market, and the residents to address these issues.

As a follow-up to the Planning Commission meeting, staff met with the representatives of EarthWize and Stater Bros. Market on May 2, 2012 to discuss the proposed site improvements and measures to address resident concerns.

ANALYSIS

Exhibit B contains updated conditions of approval for the minor conditional use permit. The new conditions are intended to address some of the issues that have been raised by the community, staff, and the Commissioners.

New Landscape Planter along Newport Boulevard

Since the meeting, EarthWize continues to try to work with Stater Bros. to address the long-term site improvements that involve the installation of site landscaping and increasing the height of the perimeter wall. According to the representative for EarthWize, there has been no concurrence from Stater Bros. Market regarding any modifications to the block wall height.

However, a new condition of approval requires additional new landscaping along Newport Boulevard to the satisfaction of the Development Services Director. At the time of publication of this report, staff received a verbal commitment from Stater Bros. Market regarding the landscaping. However, staff will need to obtain a written commitment and also monitor implementation of this requirement over the next several months.

Condition No. 29: To the fullest extent possible, the applicant shall continue to work with staff to incorporate new landscaping in the parking lot. A landscape planter consisting of ground cover, irrigation, and a minimum of two trees shall be installed to the satisfaction of the Development Services Director. Alternatives to the landscape planter that would achieve a similar effect to beautify or screen the recycling facility may be approved by the Development Services Director.

Daily Operations

Since the hearing in March, EarthWize has modified their day-to-day operations with regard to pick-up and delivery of the recycling containers to occur not before 9:00 am or after 5:00 pm, Tuesday through Saturday (Condition No. 9). This condition strictly addresses the noise complaints from the neighbors regarding the truck deliveries for the recycling facility.

Since the hearing in March, EarthWize has already implemented, or agreed to implement, the water quality practices as outlined in Condition Numbers 21 through 27. According to Public Services, there have been no recent water quality complaints or violations.

New EarthWize Vestibule/Trailer

The applicant proposes to replace the existing structure with a new one, including a vestibule area for the weighing and customer service. Attachment 3 contains a representation of the new structure.

Condition No. 28: The operator shall install the modern vestibule as shown on the conceptually approved plans.

ENVIRONMENTAL DETERMINATION

The review is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

GENERAL PLAN CONFORMITY

Because the use is required to be operated in compliance with the conditions of approval for PA-87-154, the use is compatible with surrounding properties as specified in Objective LU-1F.2 of the General Plan Land Use Element.

ALTERNATIVES

The Commission may take no action to modify the use permit. If the Commission takes no action to modify the permit, it may continue to operate for through September 12, 2013 under the current conditions of approval for PA-87-154.

CONCLUSION

EarthWize has concurred with the recommended updates to the conditions of approval to address day-to-day operations and the proposed vestibule structure. Staff will continue to monitor the water quality control measures and the implementation of the new landscape planter. The approval period would be valid through September 12, 2013.

MEL LEE, AICP
Senior Planner

CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachments:
1. Draft Planning Commission Resolution
2. Location Map and Photos
3. Vestibule Plan

cc: Director of Economic & Development/Deputy CEO
Assistant Development Services Director
Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

EarthWize Recycling
Attn: Don Opperman
4315 E. Lowell Street, Suite F
Ontario, CA 91761

SB Newport Boulevard Investors, LLC
11456 Olive Boulevard, Suite 210
Saint Louis, MO 63141

Stater Bros. Markets
Attn: Mike Slaton
301 S. Tippecanoe Avenue
San Bernardino, CA 92408

DeAnne Hemmens
2177 Rural Lane
Costa Mesa, CA 92627

Christy Turley
2183 Rural Lane
Costa Mesa, CA 92627

ATTACHMENT 1

RESOLUTION NO. PC-12-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-87-154 FOR A NEIGHBORHOOD RECYCLING CENTER THROUGH SEPTEMBER 12, 2013

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

WHEREAS, Planning Application PA-87-154 was approved by the Planning Commission on September 14, 1987 for a neighborhood recycling center on real property located at 2180 Newport Boulevard for a period of six months, with an approved subsequent extension on September 12, 1988, subject to periodic (two-year) reviews to ensure continued compliance with applicable conditions of approval and code requirements and if no complaints are received during that time;

WHEREAS, in September 2011, the two-year review of Planning Application PA-87-154 was referred to the Planning Commission for review;

WHEREAS, on December 12, 2011, a duly noticed public hearing was held by the Planning Commission, and continued to March 12, 2012, May 14, 2012, and July 9, 2012;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to updated conditions of approval contained in Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-87-154 for a two-year period valid from September 12, 2011 to September 12, 2013 for an existing neighborhood recycling center for EarthWize Recycling within the existing Stater Bros. Market parking lot. The conditions of approval (Exhibit B) shall supersede and replace the original conditions of approval for PA-87-154 dated September 14, 1987.

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 reports for Planning Application PA-87-154 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 review, 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 9th day of July, 2012.

Colin McCarthy, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, 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 9, 2012, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____

Secretary, Costa Mesa
Planning Commission

EXHIBIT A

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

1. The use, as modified and conditioned, is compatible and harmonious with uses on surrounding properties.
2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
3. The use, as modified and conditioned, is consistent with the General Plan.
4. The planning application is for a project-specific case and does not establish a precedent for future development.

B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

a. The use, as modified and conditioned, is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. Specifically, conditional use permits typically run with the land. In this case however, a condition of approval indicates that the use permit is subject to reevaluation every two years, and that the use permit may be extended for another two years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable ordinance requirements. In this case, staff has worked with the applicant to update the facility with the following proposed improvements:

- Install a new, modern-looking structure in the current location of the existing structure, which will be removed.
- Add updated conditions of approval applicable to the day-to-day operation of the facility as adopted by the Planning Commission in November 2010.

b. Granting 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. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. The below conditions of approval shall supersede and replace the original conditions of approval for PA-87-154 dated September 14, 1987.

2. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

3. The Development Services Director or his/her designee may extend the Planning Application for a period not to exceed two (2) years to September 14, 2014 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 or his/her designee may extend the permit for successive two (2) year periods under the same terms.

4. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.

6. The structure shall be located a minimum of 45 feet from the easterly property line and a minimum of 50 feet from the northerly property line.

7. The structure shall be manned during business hours.

8. The facility shall be limited to the following hours of operation: 9:00 am to 5:00 pm, seven days a week. Changes to the hours of operation that extend the opening and closing times past the above hours shall be submitted to the Planning Commission for review.

9. Hours for the pick-up and drop-off of the recycling trailers shall not occur before 9:00 am or after 5:00 pm, Tuesday through Saturday only.

10. The operator shall contact the Planning Division to arrange a Planning inspection of the new mircosite prior to occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.

11. The facility shall be limited to one structure recycling structure with a covered vestibule area in which the weighing of recyclables shall occur. Customers may line-up outside the vestibule.

12. The use shall be limited to the type of operation described in this staff report. i.e., a recycling and collection center for aluminum cans, plastic and glass bottles in a single recycling structure. Any change in the operational characteristics including, but not limited to, hours or days of operation or an

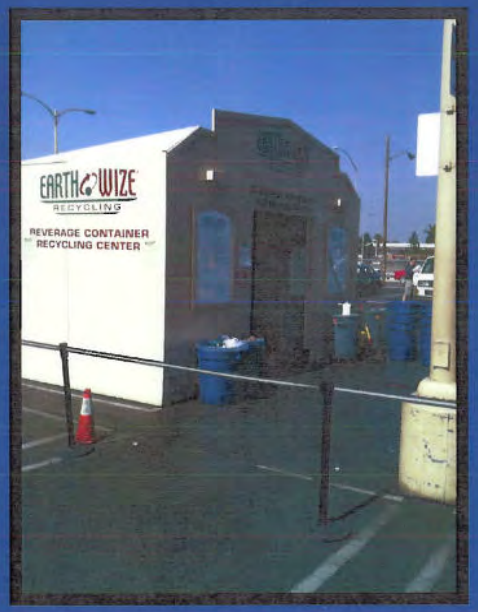
additional trailer, etc., shall require City approval of an amendment to the conditional use permit.

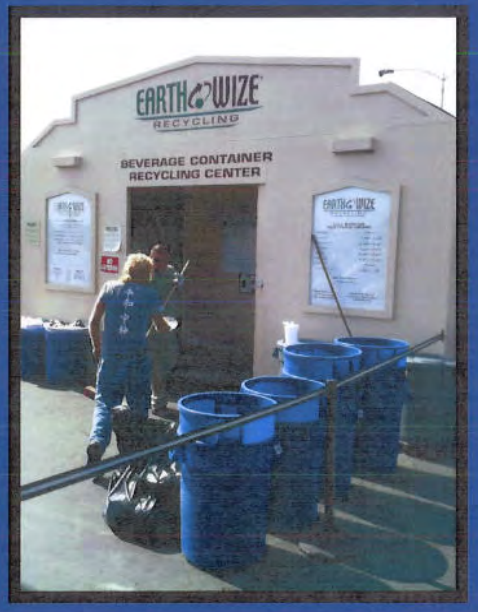
13. No compacting, flattening, grinding, crushing, and/or glass breaking activities shall occur outside the structure.
14. In conjunction with the conditional use permit approval, the business operator shall submit detailed, dimensioned plans showing the location and boundary limits of the structure recycling trailer and vestibule on the property, the customer waiting area, and truck pick-up and drop-off area of the trailer. Any change in the approved area of business operations shall require City approval of an amendment to the conditional use permit.
15. The structure trailer shall be neutral in color. It shall be maintained so that it is free of dents, peeling and scratched paint, and a deteriorated appearance.
16. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance, subject to approval by the Planning Division. Signs shall be limited to the structure recycling vestibule and shall be non-illuminated. Painted signs shall be prohibited.
17. The business operator shall adequately patrol the area over which he/she has control in an effort to prevent the loitering of persons about the premises during business hours.
18. The business operator shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which he/she has control, to prevent trash, graffiti and littering.
19. The business operator shall maintain free of litter and graffiti all areas of the premises under his/her has control.
20. The recycling trailer shall be properly maintained and shall be housed within the recycling vestibule except when being removed from the property. It shall be maintained so that it does not overflow, and it shall be placed inside the vestibule or trailer when the facility is closed.
21. Business operator shall design the area to prevent runoff of spilled liquids.
22. Business operator shall clean loading, unloading and storage areas regularly to remove potential sources of pollutants. All cleaning water shall be captured and disposed into a sanitary sewer.
23. New employees shall be trained on discharge prohibitions and wastewater discharge requirements prior to start of employment and annually thereafter. Written record of training must be available upon request.
24. Business operator shall ensure that there are no residual liquids from CRV containers prior to placing them in transferring and weighing areas.
25. Business operator shall regularly inspect equipment used on site to ensure there are no leaks from vehicles or compaction equipment. Any vehicles or equipment leaking fluids shall be repaired or removed from the location immediately upon noticing the leak.
26. Regular sweeping of the work area shall be conducted to continuously remove solid trash and debris from the transferring, collection and weighing area. No caps, labels, bottles, tabs, containers, bags, boxes or other general trash and debris shall be allowed in the area at the end of each operating day.
27. Business operator shall provide facilities and containers with no perforations/mesh/holes that allow customers to place any residual liquids from CRV containers prior to placing in transferring and weighing area.
28. The operator shall install the modern vestibule as shown on the conceptually

approved plans.

29. To the fullest extent possible, the applicant shall continue to work with staff to incorporate new landscaping in the parking lot. A landscape planter consisting of ground cover, irrigation, and a minimum of two trees shall be installed to the satisfaction of the Development Services Director. Alternatives to the landscape planter that would achieve a similar effect to beautify or screen the recycling facility may be approved by the Development Services Director.

EARTH WIZE
MICROSITE
STATER BROS.





EARTHWIZE RECYCLING SITE PHOTOS 9/21/11

EARTH WISE
RECYCLING

EARTH WISE
RECYCLING

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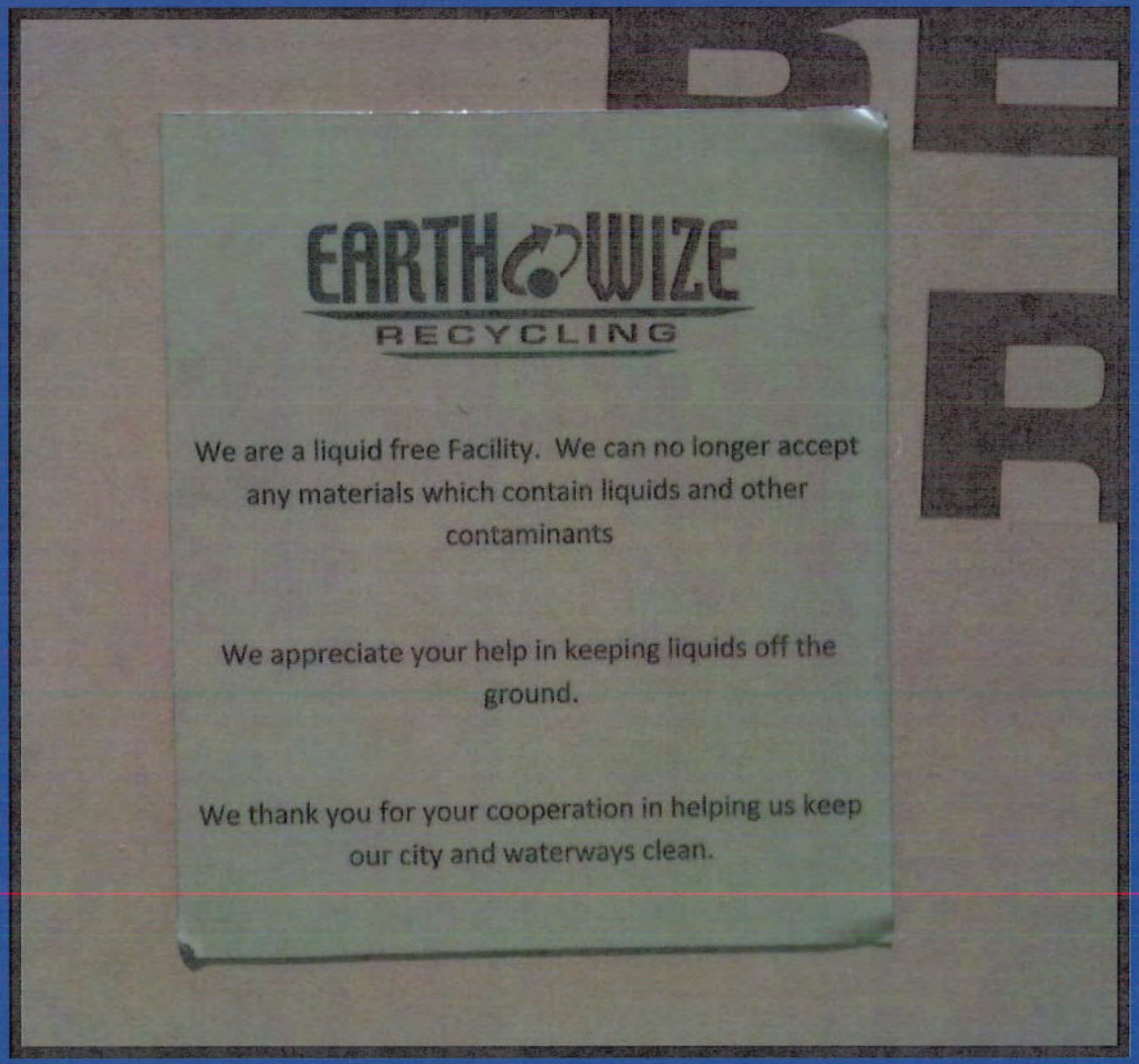
RECYCLING

EARTH WISE
RECYCLING
BEVERAGE CONTAINER
RECYCLING CENTER

EARTH WIZE
RECYCLING
CUSTOMER INFORMATION
Products Accepted for Recycling and Payment Here:
- Aluminum Cans (All Aluminum Beverage Cans)
- Plastic Bottles (All CRV Plastic Beverage Bottles)
- Glass Bottles (All CRV Glass Beverage Bottles)
(CRV = California Redemption Value)
Our Services to You:
- Friendly, Helpful Assisted Service
FOR FASTER SERVICE
PLEASE DO NOT FORGET YOUR BOXES. WE ARE UNABLE TO DISPOSE OF BOXES AT THIS FACILITY.
NO LOITERI

EARTH WIZE
RECYCLING
FULL SERVICE
RECYCLING HOURS
Monday Closed
Tuesday 9:00 to 5:00
Wednesday 9:00 to 5:00
Thursday 9:00 to 5:00
Friday 9:00 to 5:00
Saturday 9:00 to 5:00
Sunday Closed
Closed for Lunch 1:00 to 1:30
Please Do Not Leave Materials During Non-business Hours


EARTH WIZE
RECYCLING
We are a liquid free Facility. We can no longer accept any materials which contain liquids and other contaminants
We appreciate your help in keeping liquids off the ground.
We thank you for your cooperation in helping us keep our city and waterways clean.

ATTACHMENT 3