



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 12, 2013

ITEM NUMBER: PH-2

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

DATE: OCTOBER 31, 2013

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 conditional use permit for an existing recycling center (RePlanet, formerly EarthWise Recycling) within the Stater Bros. Market parking lot for possible modifications to the recycling facility including, but not limited to, the following:

1. Modification to the location of the recycling facility within the Stater Bros. parking lot;
2. Changes to the conditions of approval for the operation of the recycling facility; or
3. Possible revocation of the conditional use permit for the recycling facility.

APPLICANT

The applicant is Permit Advisors, representing RePlanet, LLC, the operator of the recycling facility. The owner of the property is Costa Mesa Grocery Investors, LLC.

RECOMMENDATION

Approve two-year extension by adoption of Planning Commission resolution, subject to updated conditions of approval.

BACKGROUND

Project Site/Environs

The site is located on the southeast corner of Newport Boulevard and 22nd Street, is zoned C1 (Neighborhood Commercial), and has a General Plan Designation of Commercial Residential. The property contains Stater Bros. Market, the neighborhood recycling facility structure, and surface parking.

History

On September 14, 1987, Planning Commission approved Conditional Use Permit PA-87-154 allowing the establishment of a neighborhood recycling facility (originally Reynolds Aluminum) within the parking lot of the Stater Bros. Market. On September 12, 1988, Planning Commission approved a renewal of the permit subject to subsequent two-year reviews by the Department Director to ensure compliance with the conditions of approval.

Conditional use permits typically run with the land. As noted earlier, however, a condition of approval required reevaluation of PA-87-154 every two years by the Department Director; as a result, the past reevaluations have been done at staff level. The use permit was allowed to be extended if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable ordinance requirements.

The regular two-year review for the extension of PA-87-154 was brought forward to the Planning Commission on July 9, 2012 for consideration by the Planning Commission of the continued operations of this recycling facility and to address the concerns raised by abutting neighbors of the facility related to noise, litter, and loitering problems. At the time of the review, the facility was being operated by EarthWize Recycling.

During the meeting, the representative for EarthWize indicated a willingness to modify the day-to-day operations to minimize disruptions to the abutting residential neighbors, 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.

RePlanet took over operation of the facility in early 2013. Staff met with RePlanet representatives on February 14, 2013 and provided them with the conditions of approval for PA-87-154, and advised them that the CUP would be coming up for review by the Planning Commission in September of this year.

The review of the CUP was noticed for the September 9, 2013 Planning Commission meeting; however, the applicant requested a continuance to the November 12, 2013 meeting to allow additional time to work with the neighbors, Stater Bros., staff, and

Commissioners to address the operation of the facility. Public hearing notices were re-sent for this meeting.

ANALYSIS

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

Relocation of Vestibule/Trailer

The applicant proposes to relocate the existing structure closer to Newport Boulevard to further minimize impacts to the residential neighbors. Additionally, after meeting with the neighbors, the applicant implemented the following operational changes outlined in the applicant's letter dated October 29, 2013 (attached) which have also been incorporated as conditions of approval:

- a. Attendants shall enforce no shopping carts, no loitering, and ensure all customers follow the rules. Attendants shall refuse service to anyone who disobeys.
- b. Attendants shall communicate with Costa Mesa Police to help with the homeless that may loiter around the area when the facility is closed.
- c. Attendants shall use a "Refuse Service Tracking Log" to track all misbehaving customers that are refused service.
- d. Hours of operation shall be 9:00 am to 4:30 pm, Monday, Wednesday, Thursday, Friday, and Saturday only. Employees shall work 8:30 am to 5:00 pm; 8:30 am to 9:00 am; and 4:30 pm to 5:00 pm exclusively for cleaning the site, parking lot and sidewalk areas.
- e. The facility shall be double staffed during all hours of operation.
- f. Glass shall not be crushed at the facility.
- g. Any bagged product or trash shall not be kept outside of the facility.
- h. Attendants shall place 8 spill buckets at the site. Attendants shall ensure all customers are pouring their liquids into the spill buckets and not on the parking lot.
- i. Attendants shall pressure wash the site weekly (Tuesdays).
- j. Zone supervisor and Area Manager shall visit the site twice weekly. They shall check in with the Stater Bros. Store Director and other tenants in the center and review all happenings. Zone Supervisor and Area Manager shall send an email report to Brian Jackson and Doug Sanchez after these visits.

Additionally, staff has incorporated a condition (number 9) requiring customers to queue on the westerly (Newport Blvd.) side of the structure only.

The remaining conditions of approval remain unchanged from the conditions approved for the prior EarthWize operation.

New Landscape Planter along Newport Boulevard

The applicant continues to try to work with Stater Bros. to address the long-term site improvements that involve the installation of site landscaping. However, the prior operator (EarthWize) was not able to obtain concurrence from Stater Bros. Market regarding any modifications to increasing the block wall height.

A condition of approval requiring permanent landscaping along Newport Boulevard to the satisfaction of the Development Services Director remains with this extension. Box planters will also be placed around the structure to soften its appearance from the street.

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 has the following alternatives:

1. Approve the modifications, subject to the recommended conditions of approval.
2. Revoke the use permit. Staff is not recommending this option based on the willingness of the operator to work with staff and the neighbors to address the issues with this location; as a result, a resolution to revoke is not attached to this report (the resolution would need to be reviewed by the City Attorney's Office and brought back to the next Planning Commission meeting).

CONCLUSION

RePlanet has concurred with the recommended updates to the conditions of approval to address day-to-day operations and the proposed vestibule structure. The approval period would be valid through September 12, 2015.



MEL LEE, AICP
Senior Planner



GARY ARMSTRONG, AICP
Economic and Development Services Director

- Attachments:
1. Draft Planning Commission Resolution
 2. Description Letter
 3. Location Map and Photos
 4. Plans

cc: Director of Economic & Development / Deputy CEO
Sr. Deputy City Attorney



Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

Permit Advisors
Attn: Roy Hasson
8913 W. Olympic Boulevard, Suite 102
Beverly Hills, CA 90211

RePlanet, LLC
Attn: Brian Jackson
2611 E. Lindsay Privado Road
Ontario, CA 91761

Costa Mesa Grocery Investors. LLC
11456 Olive Boulevard, Suite 210
Saint Louis, MO 63141

Stater Bros. Markets
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

RESOLUTION NO. PC-13-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING THE TWO-YEAR RENEWAL OF PLANNING APPLICATION PA-87-154 FOR A NEIGHBORHOOD RECYCLING CENTER THROUGH SEPTEMBER 12, 2015

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, on July 9, 2012, the two-year review of Planning Application PA-87-154 was referred to the Planning Commission for review, which granted an extension to September of 2013;

WHEREAS, on September 12, 2013, a duly noticed public hearing was held by the Planning Commission, and continued to November 12, 2013;

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 to September 12, 2015 for an existing neighborhood recycling center for 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 12th day of November, 2013.

Jim Fitzpatrick, Chair
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:
 - The applicant proposes to relocate the existing structure closer to Newport Boulevard to further minimize impacts to the residential neighbors.
 - Additionally, after meeting with the neighbors, the applicant implemented operational changes outlined in the applicant's letter dated October 29, 2013 which have also been incorporated as conditions of approval.
 - 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 subsequent two (2) year periods 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 as shown on the plans submitted with the staff report. The structure shall be relocated no later than 60 days from the effective date of this resolution.
7. The structure shall be manned during business hours.
8. The facility shall be operated per the applicant's letter dated October 29, 2013, including, but not limited to, the following:
- a. Attendants shall enforce no shopping carts, no loitering, and ensure all customers follow the rules. Attendants shall refuse service to anyone who disobeys.
 - b. Attendants shall communicate with Costa Mesa Police to help with the homeless that may loiter around the area when the facility is closed.
 - c. Attendants shall use a "Refuse Service Tracking Log" to track all misbehaving customers that are refused service.
 - d. Hours of operation shall be 9:00 am to 4:30 pm, Monday, Wednesday, Thursday, Friday, and Saturday only. Employees shall work 8:30 am to 5:00 pm; 8:30 am to 9:00 am; and 4:30 pm to 5:00 pm exclusively for cleaning the site, parking lot and sidewalk areas.
 - e. The facility shall be double staffed during all hours of operation.
 - f. Glass shall not be crushed at the facility.
 - g. Any bagged product or trash shall not be kept outside of the facility.
 - h. Attendants shall place 8 spill buckets at the site. Attendants shall ensure

all customers are pouring their liquids into the spill buckets and not on the parking lot.

- i. Attendants shall pressure wash the site weekly (Tuesdays).
 - j. Zone supervisor and Area Manager shall visit the site twice weekly. They shall check in with the Stater Bros. Store Director and other tenants in the center and review all happenings. Zone Supervisor and Area Manager shall send an email report to Brian Jackson and Doug Sanchez after these visits.
9. Customers shall queue on the westerly (Newport Blvd.) side of the structure only.
 10. 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.
 11. The operator shall contact the Planning Division to arrange a Planning inspection of the facility prior to occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
 12. 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 west side of the vestibule only.
 13. 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.
 14. No compacting, flattening, grinding, crushing, and/or glass breaking activities shall occur outside the structure.
 15. Any change in the approved area of business operations shall require City approval of an amendment to the conditional use permit.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. The business operator shall maintain free of litter and graffiti all areas of the premises under his/her has control.
 21. 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.
 22. Business operator shall design the area to prevent runoff of spilled liquids.
 23. 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.
24. 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.
 25. Business operator shall ensure that there are no residual liquids from CRV containers prior to placing them in transferring and weighing areas.
 26. 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.
 27. 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.
 28. 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.
 29. The operator shall install the modern vestibule as shown on the conceptually approved plans.
 30. To the fullest extent possible, the applicant shall continue to work with staff to incorporate permanent 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.



Received
City of Costa Mesa
Development Services Department

OCT 29 2013

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5611 Fax. (714) 754-4856
mel.lee@costamesaca.gov

Re: Operational changes implemented by rePlanet recycling located at Stater Bros #25, 2180 Newport Blvd, Costa Mesa, CA 92627 as of 9/5/13

The following operations changes were been put into effect immediately following a reach out meeting with representatives of rePlanet LLC and residents of Rural Lane Costa Mesa on Wednesday 4th September 2013. Present at the meeting which took place at 11 am at the home of the Hemmens family were:

Deanne Hemmens, 2177 Rural Lane, Costa Mesa, CA 92627
Christy Turley, 2183 Rural Lane, Costa Mesa, CA 92627
Brian Jackson, Business Development Manager, rePlanet LLC
Doug Sanchez, Operations Manager, rePlanet LLC
Joe Perez, Vice President of Business, rePlanet LLC

The objective of the meeting was to listen to the concerns of the residents and examine how changes in rePlanet's operations schedule could reduce or eradicate problems which residents perceived to be being caused by the recycling facility.

Recycling Specialists (attendants)

- Attendants are to enforce no shopping carts and no loitering policies and ensure all customers follow the rules. We will refuse service to anyone who disobeys.
- Communicate with Costa Mesa PD (contact info below) to help with the homeless that may loiter around the area when we are closed.
- Are to use the attached "Refuse Service Tracking Log" to track all misbehaving customers we refuse service too.

Hours of Operation

- Will change to 9:00am - 4:30pm - Mon, Weds, Thurs, Fri, Sat.
- Employees will work 8:30am - 5:00pm. 8:30am-9:00am
- 4:30pm-5:00pm is exclusively for cleaning the site area, parking lot and sidewalk area.

Additional Changes

- Double staff the site all Hours of Operation.
- DO NOT crush glass.
- DO NOT place any bagged product or trash outside of housing unit.
- Place 8 spill buckets at site - ensure ALL customers are pouring their liquids into the spill buckets and not on the parking lot.
Site is pressure washed weekly (Tuesdays).

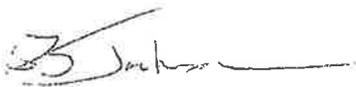
Site monitoring

- Zone Supervisor and Area Manager Will visit the site twice weekly...they will check in with Stater Bros store director, other tenants in the center and review all happenings.
- Zone Supervisor and Area Manger will send email report to Brian Jackson, Doug Sanchez after these visits.

Relocation

- rePlanet has asked the city relocate the facility to the parking bays under the Stater Bros sign nearer to Newport Blvd which allow the noise to be absorbed by Newport Blvd. traffic
- rePlanet has proposed screening the recycling center from Newport Blvd with planters.

Yours Sincerely,



Brian Jackson
Business Development Manager
rePlanet LLC
Tel: (851)515-2705
Email:brian.jackson@replanet.com

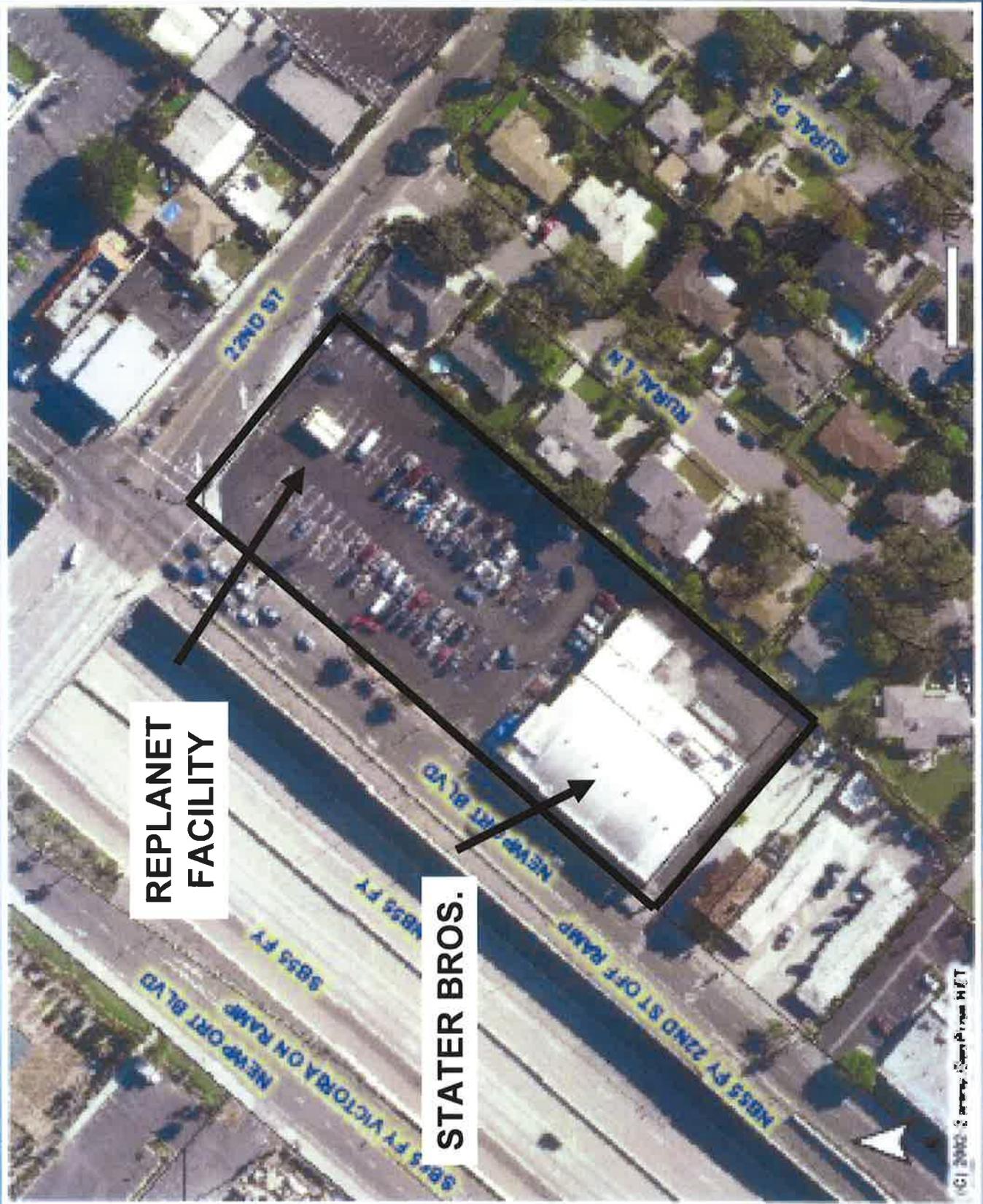
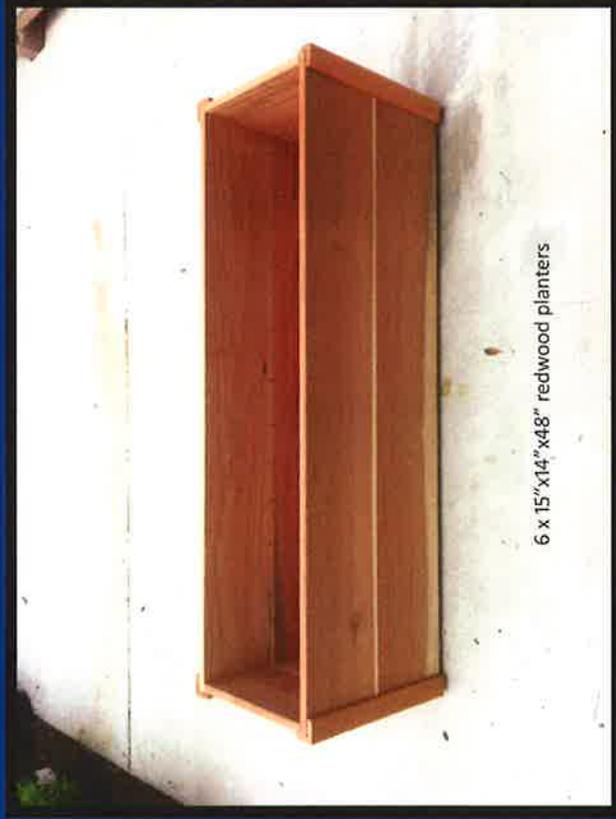




PHOTO OF CURRENT FACILITY - 2180 NEWPORT BLVD.



PHOTO OF MISSION VIEJO FACILITY



6 x 15" x 14" x 48" redwood planters

PLANTER BOX DETAILS – REFER TO SITE PLAN FOR LOCATION

