

Agenda Report

TO: CITY COUNCIL

DATE: APRIL 9, 2001

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENT TO REQUIRE A MINOR CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A SMALL RECYCLING COLLECTION FACILITY AND TO ALLOW THE ZONING ADMINISTRATOR AN ANNUAL REVIEW OF EXISTING AND NEW FACILITIES

RECOMMENDATION:

1. Adopt a determination that the proposed project is categorically exempt from CEQA;
2. Adopt an amendment that would require a minor conditional use permit for the establishment of a Small Collection Facility and to allow the Zoning Administrator to have an annual review of existing and new facilities;
3. Direct the City Attorney to prepare an ordinance to Title 17 to codify the amendments.

PLANNING COMMISSION RECOMMENDATION:

On February 14, 2001, the Planning Commission reviewed the staff recommendation and voted unanimously to recommend approval of this amendment to the City Council.

BACKGROUND:

On November 20, 2000, City Council directed staff to initiate an amendment to the Zoning Code to require a minor conditional use permit for the establishment of a Small Recycling Collection Facility. This direction was the result of concerns raised by the community regarding the impacts of these facilities on surrounding residential areas. Complaints regarding specific facilities include: loitering in front of collection facilities before they are open, patrons blocking the driveway to the grocery store, littering, drinking in public, noise and an excessively high volume of patrons utilizing the facilities. In response to these concerns, staff visited several facilities throughout the City and found that while some facilities are well run and clean, others clearly produce problems.

The Zoning Code permits Small Recycling Collection Facilities as an accessory use to a commercial, community facility or public facility subject to meeting specific development and performance standards. A Small Collection Facility is defined as 500 square feet or less for the deposit or drop-off of recyclable materials. These facilities are typically large metal roll-off containers and are commonly found in the parking lots of the grocery stores that accept California Redemption items such as glass, plastic and aluminum.

The current review process for small collection facilities requires approval by the Zoning Administrator, the Design Review Section, and Public Works and Transportation. Consideration is given to surrounding residential uses, visibility, traffic, and circulation, noise and aesthetics. A request for a recycling facility may be modified and/or conditions added to address the above mentioned concerns, or may be denied if the Zoning Administrator finds that it will be detrimental to the public health, safety and welfare. The applicant has the option of appealing this decision to the Board of Zoning Appeals. This current process does not allow for public notification, public input, or the addition of conditions of approval to minimize land use impacts.

The proposed amendment will require a minor conditional use permit. This process requires a more in depth review by City staff where conditions of approval can be added to the project to minimize land use impacts. The review is conducted by the Zoning Hearing Officer and requires public notification of surrounding residents and businesses.

Additionally, staff is recommending that the Zoning Administrator be provided with the authority to conduct an annual review of all existing small collection facilities. Some of the existing facilities were established prior to current City regulations and this action will provide staff with authority to place additional operating conditions on older sites. The Planning and Permitting Department will team with the Police Department to identify problems and to ensure that all issues are addressed as part of hearing.

Environmental Determination:

The proposed code amendment has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3. Class 3 exemptions are for new construction or conversion of small structures.

General Plan Consistency Finding:

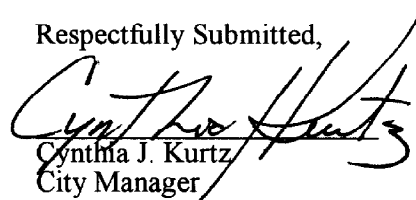
The General Plan does not address any specific issues related to recycling centers. It does however speak of increasing public participation in the decision making process as a permanent part of achieving a greater city. On page 30, the General Plan discusses the need for participation providing a variety of opportunities for an informed public to be involved in planning decisions. The proposed code amendment will increase the opportunities for public participation in planning decisions. The establishment of recycling centers will be subject to a minor conditional use permit, a process that will allow for the public to comment on the establishment of these uses. Additionally, by providing a review mechanism for existing facilities, the public will have an opportunity to comment on problems that may be occurring

with existing facilities. Thus the proposed code amendment is consistent with the goals of increasing public participation in planning decisions.

FISCAL IMPACT:


The proposed amendment will have a small impact in the General Fund. It is anticipated that the amendment will result in the in one to two minor conditional use permits a year. This will result in the collection of \$1707.74 to \$3,415.48.

Respectfully Submitted,




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