

Agenda Report

January 26, 2015

TO: Honorable Mayor and City Council
FROM: Planning & Community Development
SUBJECT: ZONING CODE AMENDMENT TO PMC 17.50.220 (RECYCLING FACILITIES)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed amendments to the Zoning Code are categorically exempt from the California Environmental Quality Act under §15308 - Actions by Regulatory Agencies for Protection of the Environment;
2. Adopt the Findings of Consistency with the General Plan (Attachment B);
3. Approve the proposed Zoning Code Amendments as contained in this report; and
4. Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO RECYCLING FACILITIES."

EXECUTIVE SUMMARY:

On January 12, 2015, the City Council was presented with a Zoning Code Amendment to PMC 17.50.220 (Recycling Facilities), the Findings for adoption, and the draft Ordinance for implementation. At the close of the public hearing, the Council gave staff direction to revise proposed amendments based on public testimony and the Council's deliberation. In addition, the City Council gave staff direction to prepare a list of Standard Conditions of Approval that could be applied to Recycling Facilities. The public hearing was continued to January 26, 2015.

PROPOSED AMENDMENTS:

The proposed amendments to existing rules would augment the applicable regulations for both large and small collection facilities. The proposed development standards address separation requirements, circulation, collection of materials, water quality, permit requirements, and non-conforming use status. These amendments would not change the underlying zoning of the location of the recycling facility, nor would they change which zones recycling facilities may be established. In addition, all new and existing recycling facilities would be required to apply for and obtain a Conditional Use Permit (CUP).

CUP Required for All Recycling Facilities

Currently, none of the four recycling facilities in the City are operating under a CUP and therefore do not have any operational conditions of approval that must be followed. The proposed amendment would require all existing and proposed facilities (small and large) to be established through a CUP and to become compliant with the new standards within six months of their effective date or be subject to abatement.

New Regulations

In addition to the proposal of requiring a CUP for all recycling facilities (existing and any new), the following new regulations are proposed:

- **Size of Facilities** – In order to accommodate the enclosure that the City requires for noise mitigation the size limitations for large and small recycling be modified as follows: less than 700 square feet for a “Recycling Facility, Small,” and over 700 square feet for a “Recycling Facility, Large.” *This adjustment to the facility definition is needed to accommodate an expansion in footprint area necessary for to ensure sorting occurs within an enclosed area. The square footage of these facilities includes the entire footprint, including the cargo bins.*
- **Enclosure** – Recycling facilities shall be located within the footprint of the host retailer or within an attached or freestanding enclosure to contain the sorting and weighing areas. *This standard would reduce noise associated with these uses and also result in a more aesthetically compatible use.*
- **Separation from Public Right-of-Way** - Recycling facilities shall be no closer than 100 feet to the public right-of-way. *This standard would reduce the prominence of recycling facilities in their respective parking lots when viewed from the public right of way and reduce the perception of blight.*
- **Separation from Sensitive Uses** – Each facility shall be a minimum of 200 feet from any residential use, large and small family day-care homes, child day-care center, park and recreation facility, public or private school, or religious facility (excluding temporary uses), that existed before the establishment of the recycling

facility. *This standard would protect sensitive uses against noise impacts. This distance buffer shall not apply to the establishment of a sensitive use. The establishment of a sensitive use within the buffer distance subsequent to the legal establishment of a recycling facility shall render the recycling facility as a legal non-conforming use.*

- **Obstructions to Vehicular or Pedestrian Circulation** - Recycling facilities shall not be allowed to obstruct pedestrian or vehicular circulation. *It is critical that drive aisles be kept clear of trash bins, customer queuing, and trash receptacles for safety for pedestrians walking to, from, and by the facility and cars passing through the respective parking lots.*
- **Owner/Operator Identification** - The recycling facility shall be clearly marked with the name and telephone number of the operator during business hours and when closed. *Pasadena's facilities are currently marked during operating hours, but contact information is not clear or visible when the facilities are closed.*
- **Materials of Collection Bins** - The recycling facility shall use receptacles that are constructed and maintained with durable waterproof and rust proof material, covered when not attended, and secure from unauthorized entry. *Secure and well maintained facilities may potentially deter graffiti, vandalism, and the perception of blight.*
- **No Outside Storage** - All recyclable materials shall be stored in receptacles or in the mobile recycling unit vehicles, and shall not be left outside of receptacles when the attendant is not present. *This standard will ensure that the facilities are run in an orderly fashion taking steps to prevent accumulation of debris and materials outside of collection receptacles.*
- **Refuse Bins Available** - There shall be a minimum of one trash container (separate from the trash container required for the principal use) located near the facility. *Staff observed that none of the facilities had containers to contain unrecyclable materials and other refuse generated by the recycling facilities. Having a trash bin for use of the facility and customer's refused materials would facilitate maintaining a cleanly appearance around the facility and reduce the perception of blight.*
- **Identification of Allowed Materials** - Recycling facilities shall accept only CRV materials including glass, aluminum and plastic. Items shall be presorted and shall include non-hazardous materials. The operator shall post a notice to alert patrons of accepted materials and the presorting requirement. *To avoid confusion regarding what materials are recyclable and to reduce the incidence of abandonment of unrecyclable materials at the site, operators will be required to post a sign indicating what materials are accepted by said facility. Also, presorting recyclables by patrons will ensure that they do not linger at the site for long periods of time.*

- **Water Quality** - Recycling facilities shall provide containers with no perforations, mesh, or holes to allow customers to place any residual liquids from CRV containers prior to placing in transferring and weighing area. *This standard is intended to address dumping of waste fluids in the storm drains and gutters.*
- **Waste Management Plan** – All applications to establish a Recycling Facility will require a Waste Management Plan describing how the facilities will reduce, collect and dispose of all liquid waste generated from the use. The plan must be reviewed and approved by the Director of the Department of Public Works in order for the application to be considered complete. The Waste Management Plan shall include, but not limited to, the following: 1) storage and disposal methods for solid and liquid waste materials; 2) liquid waste spill response control measures, and 3) placement of solid and liquid waste receptacles. *This standard is intended to address dumping of waste fluids in the storm drains and gutters. The plan will be reviewed and approved by the Department of Public Works as part of the CUP process.*
- **Litter/Debris Removal Plan** – A litter/debris removal plan is required to be submitted in conjunction with all CUP applications and shall be incorporated into conditions of approval. The Litter/Debris Removal Plan shall include, but not be limited to, the following: 1) litter/debris monitoring schedule; 2) storage and disposal methods for litter/debris; and 3) cleaning procedure (i.e. sweeping, pressure wash) and schedule. The plan must include the area within a 200 ft. radius of the recycling facility and be reviewed and approved by the Director of the Department of Public Works in order for the application to be considered complete. *This standard is intended to address the litter and debris generated by these uses.*
- **Nonconforming Facilities** - Small and large recycling facilities which are lawfully in existence at the time of adoption of these regulations and which are not in compliance are considered non-conforming and shall be removed or brought into compliance with this section by September 1, 2015. *This standard would bring existing facilities under the control of a conditional use permit and conditions of approval. For the purposes of this section, compliance means that a CUP is approved prior to September 1, 2015. An additional two months, until November 1, 2015, shall be granted for an applicant to comply with all required standards, including the construction of any necessary enclosure and obtaining all required building, construction of other applicable permits that may be required.*
- **Screening/Landscaping** – All operational aspects of Recycling Facilities shall be screened to the maximum extent feasible. A Screening Plan shall be submitted in conjunction with all applications for a CUP and shall be included as a condition of approval for all projects.

In addition to the above *new* standards, the following *existing* standard is proposed to be revised:

- **Hours of Operation** – The hours of operation for all facilities are proposed to be revised from 7:00 a.m. to 6:00 p.m. seven days a week to 9:00 a.m. to 4:00 p.m. from Monday through Saturday. The hours may be extended to 7:00 pm during Daylights Saving Time through the Conditional Use Permit approval. *The California Beverage Container Recycling and Litter Reduction Act requires that certified recycling facilities operate at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m. The proposed changes to the hours of operation would reduce the early morning/evening hours of operation while still complying with state law.*

CONCLUSION:

The proposed Zoning Code amendment addressing recycling facilities is a two-pronged approach based on significant public input. The first prong is the requirement that all facilities obtain a CUP through a formal public hearing. The second prong of the amendment includes revised operational and development standards that are intended to address issues associated with noise, odor, aesthetics and the environmental safety of the facility. During the CUP process, each facility would be required to adhere to the new regulations and also address site specific concerns that could be identified through the public hearing process.

ENVIRONMENTAL ANALYSIS:

The adoption of the Zoning Code Amendments have been determined to be exempt from the California Environmental Quality Act under Class 8 §15308 - Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of action taken by regulatory agencies, as authorized by state and local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The adoption of the Zoning Code Amendments is an action designed to protect the environment.

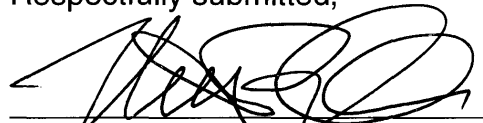
COUNCIL POLICY CONSIDERATION:

State law requires supermarkets to establish convenience zones for the recycling of certain materials. Local jurisdictions may draft development standards and establish a review process for each facility within its municipal boundaries. The recommended zoning code amendments are within the regulatory powers of cities within the State of California. The zoning code amendments will address operational and environment impacts around recycling facilities and ensure they operate in a safe and sanitary manner with minimal disruption to the public and adjacent uses.

FISCAL IMPACT:

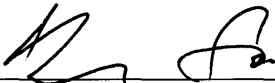
The proposed amendment is not anticipated to result in a significant impact to the City's General Fund. Existing and new recycling facilities will be subject to the review and approval of a Conditional Use Permit. Permitting and application fees collected will recover a portion of the costs incurred from staff for the required project review.

Respectfully submitted,



VINCENT P. BERTONI, AICP
Director of Planning & Community
Development Department

Prepared by:



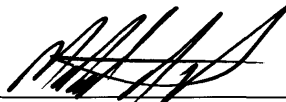
Robert Avila
Planner

Concurred by:



Laura F. Dahl
Senior Planner

Approved by:



MICHAEL J. BECK
City Manager

Attachments: (5)

- Attachment A – Draft Standard Conditions of Approval
- Attachment B – Findings
- Attachment C – PMC 17.50.220 (existing regulations)
- Attachment D – Proposed Ordinance
- Attachment E – Staff Report of 01/12/2015