

types of recycling opportunities, as necessary for consumer convenience and the overall success of litter abatement and beverage container recycling in the state.

Through the Act, the State Department of Conservation has established Convenience Zones throughout the state. A convenience zone is the area within a ½ mile radius around a supermarket. California's beverage container recycling law defines supermarkets as those full-line grocery stores with gross annual sales of at least \$2 million. A recycling center must be located within every convenience zone. The Department can, under certain circumstances, exempt a convenience zone from this requirement. A recycling center must be located within every convenience zone, unless it has applied for and received an exemption from the Department. If this requirement is not met, then all dealers (e.g., grocers, drug stores, liquor stores etc.) that sell CRV beverage containers within that convenience zone must redeem the containers on their premises or pay the State a fine of \$100 per day.

City Standards and Approval Process

In 1989, based on the adoption of the California Beverage Container Recycling and Litter Act, the City adopted development standards for recycling centers. The zoning code permits the establishment of Small Collection Facilities (i.e., Recycling Centers) as an accessory use to commercial, community facility or public facility subject to meeting specific development and performance standards. A Small Collection Facility is considered a recycling center of 500 square feet or less for the deposit and drop-off of recyclable materials (e.g., glass, plastic, aluminum). Small Collection Facilities are those recycling facilities typically seen at grocery stores throughout the community including a stationary recycling container, mobile unit, reverse vending machines, or other device where a certified recycling center accepts one or more types of empty beverage containers from consumers.

All Small Collection Facilities are required to be approved by the Zoning Administrator, the Department of Public Works and Transportation, and subject to Design Review prior to the operation of such a facility. In some cases, the Police Department may be contacted for input as well. Consideration is given to surrounding residential uses, visibility, traffic and circulation, noise and aesthetics. A request for a recycling facility may be modified 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. Based on the experience with the issues surrounding the Farmer's Family Foods site, staff will give greater consideration to surrounding residential uses when reviewing the establishment of new recycling centers.

Analysis of Subject Site

Based on information by the State Department of Conservation, the convenience zone for the subject site (Farmer's Family Foods) is located within or near two other convenience zones.

Zone 918	Zone 4599	Zone 2953
Farmer's Family Foods	Farm Fresh Ranch Market	Vons Food and Drug
452 N Los Robles Ave.	475 E. Orange Grove Blvd.	655 N. Fair Oaks Ave.

In evaluating alternative locations for the existing small collection facility at the Farmer's Family Foods either on-site or in the surrounding area, it is staff's assessment that there is no appropriate location in this convenience zone for this type of collection facility. The City could request that this collection facility be relocated to the Farm Fresh Ranch Market on Orange Grove Boulevard and Los Robles Avenue in an adjacent convenience zone meeting the state requirement. Unfortunately, that grocery store is also located on a small site directly adjacent to residential uses. It is staff's opinion that the existing problems would be transferred from one

site to another due to their similar conditions and location. These two grocery stores were developed at a time when large commercial sites were not necessary for the establishment of a grocery store, unlike the grocery stores of today that have large open parking areas adequate in size to accommodate recycling centers without affecting adjacent residential uses. The new Vons grocery store on the southwest corner of Fair Oaks Avenue and Orange Grove Boulevard is a good example.

There is, however, an adjacent convenience zone located around the Vons grocery store at 655 N. Fair Oaks Avenue that could function as the small collection facility (recycling center) for all three convenience zones. The only minor issue with this solution is that the site is slightly more than a half mile from the other two convenience zone boundaries. Based on the state requirements, there is no flexibility as to the boundary of a convenience zone. However, based on discussion with the Department of Conservation on this issue, the City could apply for an exemption for the other two zones and request that the Vons convenience zone service all three zones. This would meet the intent of the state requirement in regard to the close proximity criterion for an exemption. The state also pointed out that exemptions are not permanent and are evaluated on a regular basis. For instance, if an exemption was granted for the other two zones and the small recycling center at Vons was to close, the exemption at the other two sites may be waived to accommodate the need for recycling in the area.

Action for Correcting Land Use Impacts

In evaluating alternatives for addressing the land use impacts currently experienced with the operation of the small collection facility located at the Farmer's Family Foods located at 452 N. Los Robles Avenue, the Planning Division is taking the following action:

1. Staff will continue to investigate and document land use problems with the Small Collection Facility (Recycling Center) located at the Farmers Family Foods at 452 N. Los Robles Avenue and will proceed with a Public Nuisance Abatement. The public nuisance abatement process takes approximately two months. If noncompliance occurs, the case will be referred to the City Prosecutors office. Once with the City Prosecutor, it may take another four to six months before the removal of the small collection facility.
2. Staff has filed a Convenience Zone Exemption with the State Department of Conservation for the two convenience zones located at:

Zone 918	Zone 4599
Farmer's Family Foods	Farm Fresh Ranch Market
452 N Los Robles Ave.	475 E. Orange Grove Blvd.

It is expected that the State Department of Conservation will receive the exemption by the week of November 20, 2000. This exemption will help facilitate meeting the state requirements under the California Beverage Container Recycling and Litter Act for Zones 918 and 4599. This action will also ensure that small collection facilities are not established at either site in the future.

Code Amendment

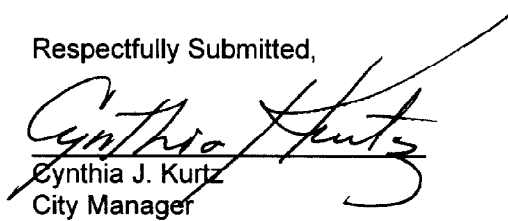
Based on the land use problems associated with some of the small collection facilities in the city, it is staff assessment that the zoning code should be amended to improve the existing review criteria and development standards. It is staff's opinion the Police Department should also be required in the review process based on their vast knowledge of existing neighborhood issues. Moreover, it is important to facilitate improved public input prior to the establishment of

a small collection. As such, staff would recommend that a Minor Conditional Use Permit be required for the establishment of a small collection facility. This process allows staff greater time to evaluate a proposed small collection facility and receive comments from other City Departments and from the public. This process also requires public noticing whereby every property owner within 150 feet is notified of the pending project. Additionally, a public notice is forwarded to the councilperson representing the District where the project is located.

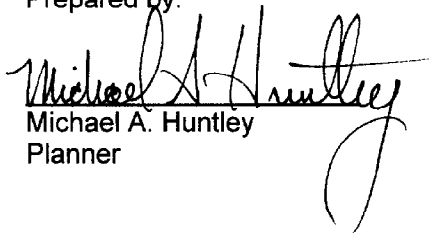
FISCAL IMPACT

It is not anticipated that the code compliance investigation and processing will have a significant fiscal impact. Standard fees for the inspection and processing would be required as with any other code compliance case.

Respectfully Submitted,


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