



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, January 26, 2009

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

Chairman Flores called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chairman Flores led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Commissioners Johnson, Sahagun, and Vodvarka, Community Development Director Lustro, City Planner Diaz, and City Attorney Robbins.

Excused: Vice Chairman Lenhert, Associate Planners Lai and Frazier-Burton.

MINUTES

The minutes of the January 12, 2009 meeting were presented for approval. Commissioner Vodvarka moved, Commissioner Sahagun seconded, there being no opposition to the motion, the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2008-35
(continued from January 12, 2009 meeting)
- | | |
|--------------------|---|
| Project Address: | 1600 E. Holt Avenue/10668 Mills Avenue |
| Project Applicant: | California Recycling Inc. |
| Project Planner: | Michael Diaz, City Planner |
| Request: | Conditional Use Permit to allow a recycling collection facility |

City Planner Diaz reviewed the staff report. He indicated that staff is recommending the deletion of Condition No. 43 related to pollution discharge, as an alternate resolution agreeable to the City has been reached with the applicant.

Commissioner Vodvarka asked if the facility would accept crushed aluminum cans. City Planner Diaz deferred to the applicant who could answer that question once the public hearing is open.

Commissioner Johnson asked for clarification on the closing time of the facility. City Planner Diaz replied that the facility would generally be open daily 10 a.m. to 6 p.m. and closed on Tuesdays. During the winter when it gets dark earlier, they would close at dusk, generally between 4:30 and 5 p.m.

Chairman Flores opened the public hearing.

Eugene Vortman, 526 S. Alameda Street, Los Angeles, representing California Recycling, Inc., responded to Commissioner Vodvarka's question by saying that they do accept crushed aluminum cans provided that it is clear that they had not been previously baled.

Commissioner Vodvarka asked if people try to bring in cans that have already been recycled. Mr. Vortman replied that it does happen occasionally. Commissioner Vodvarka asked for confirmation that no cash transactions would actually take place at the recycling facility. Mr. Vortman said that is correct and that a representative from the Valley Indoor Swap Meet was present to describe how and where the redemption vouchers would be handled.

Commissioner Johnson asked about what happens when the roll-offs are full and there is overflow, such as bags of recyclables sitting outside on the ground. City Planner Diaz explained that the applicant would typically arrange to have regular roll-off exchanges occur on a regular basis or as often as necessary so that does not become a problem. Mr. Vortman added that if the roll-offs do fill up and there is overflow, a bobtail truck can be dispatched on short notice to pick up the overflow or a roll-off exchange can be scheduled in advance of the regular pick-up schedule.

Deanna McClintick, 1600 E. Holt Avenue, Pomona, representing the Valley Indoor Swap Meet, explained that there are two check cashing businesses in the swap meet that will be authorized to cash the redemption vouchers. She added that her company had entertained proposals from other recycling companies but they decided to select California Recycling after visiting some of its other locations. She also said that they feel the southeast corner of the parking lot, where there is no cross traffic, is the safest and most optimal location for the recycling facility.

Fred Pearce, 1420 La Solana Drive, Altadena, of Pearce & Associates, the stormwater and NPDES consultant for the project, said that he was available to answer any questions.

There being no other members of the public wishing to address the Commission, Chairman Flores closed the public hearing.

Commissioner Sahagun asked if staff visited any of the applicant's other locations. City Planner Diaz replied no, but that locations operated by other companies had been visited, which helped staff develop the conditions for this proposal. It was generally observed that if facilities were neat, clean and well managed, staff did not believe they would have any negative impact on the surrounding area.

Commissioner Vodvarka asked if the roll-offs were emptied daily to discourage scavenging or break-ins. City Planner Diaz referred back to Mr. Vortman's earlier comment that a regular schedule will be established depending upon business volume. The roll-offs would not likely be exchanged daily, but would be adequately secured during non-business hours.

Commissioner Johnson moved that based on the evidence presented, there will be no significant impact on the environment as a result of the proposed recycling collection facility at the subject site. The Planning Commission has reviewed the Planning Division's determination of exemption, pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs in the staff's determination of exemption, Chairman Flores seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to grant the Conditional Use Permit request to allow a recycling collection facility, as described in the staff report, at 1600 E. Holt Avenue by adopting Resolution No. 09-1692, subject to making the four required findings and the 46 conditions of approval, amending the conditions to delete Condition No. 43, Commissioner Sahagun seconded, there being no opposition to the motion, the motion passed 4-0.

Planning

1. The development authorized by this Conditional Use Permit is for the installation of a 540 square foot recycling collection facility, consisting of a

façade and two roll-off trailers as generally described in the staff report and depicted on approved plans on file with the Planning Division.

2. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six month period shall result in the termination of and automatically void the CUP approval.
3. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection on said premises.
4. Within five days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
5. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
6. The recycling collection facility shall only accept California Redemption Value (CRV) beverage containers. No collection of scrap metals, cardboard or other paper products, computer and electronic equipment, etc., shall be allowed. All recycled materials shall be store entirely within the building.
7. The business hours of operation for the recycling collection facility shall be daily (except Tuesdays) from 10:00 a.m. to 6:00 p.m. (4:30 to 5:00 p.m. during winter months), unless modified hours are approved in writing by the City Planner. At least one attendant shall be on-site during operating hours.
8. The business operator shall obtain a City of Montclair Business License and comply with regulations and maintain a current City Business License at all times.
9. Removal and/or replacement of the roll-off containers shall occur only within the approved hours of operation. Only clean, matching (e.g., color, size, style/type), and non-damaged roll-off bin containers shall be utilized on the property at all times.
10. Prior to the issuance of building permits for and installation of the recycling facility, the applicant shall submit final plans, elevations, for the "cover" (as required by condition #1). The "cover" shall be designed to coordinate with the recycling facility structures, including colors and materials, and is

subject to City Planner review and approval. No pop-up or other temporary structures may be erected in conjunction with this approval.

11. Prior to the installation of any signs on the property or digital graphics on the façade/roll-off containers, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the City Planner.
12. Prior to the commencement of business activities at the recycling collection facility, the applicant shall submit proof of approval by the City's NPDES Coordinator and Environmental Manager demonstrating compliance with waste water requirements created at the site by power wash activities.
13. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing the grand opening shall require banner permits from the Planning Division prior to installation.
14. Portable flags, pennants, spinners, painted-on signs, off premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be prohibited.
15. The business operator shall ensure that the property is kept free and clear from debris, trash, liquid debris, etc., at all times. In addition, the applicant shall ensure that the public right-of-way directly in front of the subject property is kept clean and clear of any type of debris. The applicant shall conduct twice daily "sweeps" of the area during the hours of operation, and upon opening and closing of business. Any debris collected shall be placed in appropriate trash receptacles and stored within the facility.
16. No freestanding trash receptacles or bins shall be allowed unless housed in an approved trash enclosure meeting City standards. Otherwise, trash shall be properly disposed of daily in an existing trash enclosure located elsewhere on the site.
17. The business operator shall provide notice to customers to discourage the use of shopping carts as a means to transport recyclable goods to the recycling center, and/or to abandon shopping carts on the property. If, at a later date, the City determines that a significant problem exists with shopping carts being abandoned on-site, then the operator and property owner shall be required to contract with a commercial shopping cart retrieval service to maintain the site free of abandoned shopping carts.
18. No crushing or breaking of glass bottles and aluminum cans shall occur at the subject location.
19. If any complaints are received and verified by the City regarding noise from equipment or operations associated with the recycling/collection

center, the project applicant shall mitigate and/or make any necessary modifications so noise levels comply with City standards.

20. The business operator shall ensure that there is control of loitering in and around the immediate area of the recycling center. Loitering and panhandling are strictly prohibited and shall be the responsibility of the business operator to enforce.
21. The applicant shall post signs indicating 24-hour contact information to report any problems and/or issues at the site.
22. All graffiti shall be removed within 24 hours of its appearance. If graffiti is not removed within 24 hours of notification, the City shall remove the graffiti and invoice the applicant for the cost of clean-up.
23. No outdoor amplified sound systems, pay telephones, or vending machines shall be installed or used on the property in conjunction with this business.
24. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
25. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
26. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
27. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property;
 - c. The use has resulted in a substantial adverse impact on public facilities or services.

28. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

29. Submit four (4) complete sets of plans for the kiosk façade of the recycling collection center, including, but not limited to site, floor, electrical, plumbing, and mechanical plans. Contact the Building and Safety Division for any further plan review submittal requirements.
30. Submit two (2) sets of structural and energy conservation calculations.
31. All plans shall be marked with the case number (2008-35). The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application.
32. Prior to acceptance of plans for review, a plan review deposit shall be required at the established rate.
33. Prior to the issuance of building permits, the required development fees shall be paid in full and documentation presented to the Building Division as proof of payment. Fees include school fees, building permit and remaining plan review fees, transportation development fees, and sewer fees.
34. All utility services to the project shall be installed underground.
35. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the disabled-accessible regulations as required by Chapter 11 of the 2007 California Building Code.
36. If electrical service is supplied to the facility, an electrical plan shall be submitted to the Building Division for plan review.
37. A building permit shall be required before the facility is positioned on the site.
38. The address of the facility shall be 10668 Mills Avenue, Montclair.

Engineering/Environmental

39. A cover shall be constructed to the width of the building and 10 feet out from building.
40. An asphalt berm two inches high and one foot in width shall be constructed within the drip line of the cover to prevent any surface water runoff from entering the covered area.
41. No water lines, water hoses, or water spigots are to be installed, or used for the purposes of washing off building and surrounding hardscape areas.
42. Any washing off of structures or surrounding hardscape shall be completed by a power washing company that is equipped with a water recovery system and be able to provide Best Management Practices to prevent an illegal discharge. Said power wash contractor shall have a City of Montclair business license.

Fire Department

43. The developer/general contractor shall be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
44. The proposed commercial structure(s) shall require a portable fire extinguisher.
45. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
46. All Montclair Fire Department fees are due prior to any permit issuance.

INFORMATION ITEMS

Director Lustro apologized to the Commission regarding the problems with the Chamber audio system during the meeting.

Commissioner Sahagun said that he welcomes the addition of a recycling facility in the City. He asked if the street cuts in Palo Verde Street for utilities to serve the new building at Metro Honda will be repaired. Director Lustro responded that the existing patches are temporary and that Public Works will not sign off on the project until all of the work in the public right-of-way is completed to the City's satisfaction.

Commissioner Vodvarka said that a friend made a comment to him about Montclair's "two-tone" streets, particularly along Orchard Street (reference to the recent installation of a reclaimed water line and subsequent trench repair upon completion).

Chairman Flores adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary