



CITY OF POMONA COUNCIL REPORT

June 19, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mark Lazzaretto, Development Services Director

Subject: CODE AMENDMENT (CODE 6899-2017) WASTE AND RECYCLNG FACILITIES TO AMEND SECTION .062 ("DEFINITIONS"), SECTION .580 J ("USES REQUIRING CUP"), SECTION .342 ("C-1 ZONE USES EXPRESSLY PROHIBITED"), SECTION .352 ("C-2 ZONE USES EXPRESSLY PROHIBITED"), SECTION .362 ("C-3 ZONE USES EXPRESSLY PROHIBITED"), SECTION .367 ("C-C ZONE USES EXPRESSLY PROHIBITED"), SECTION .372 ("C-4 ZONE USES EXPRESSLY PROHIBITED"), SECTION .392 ("C-IND ZONE USES EXPRESSLY PROHIBITED"), SECTION .398 ("M ZONE USES EXPRESSLY PROHIBITED"), SECTION .412 ("M-1 ZONE USES EXPRESSLY PROHIBITED"), AND SECTION .422 ("M-2 ZONE USES EXPRESSLY PROHIBITED") OF THE POMONA ZONING CODE TO PROHIBIT NEW WASTE AND RECYCLING USES AS ALLOWED USES THROUGHTOUT THE CITY, WITH THE EXCEPTION OF CONVENIENCE RECYCLERS AND RECYCLING MANUFACTURES, AND RESCIND DETERMINATION OF SIMILARITY (DOS 99-008) ALLOWING TRASH TRANSFER FACILITIES WITH A CUP, AND RESCIND ARTICLE VI, DIVISION 8 OF THE POMONA CITY CODE PERTAINING TO MEDICAL WASTE FACILITIES.

OVERVIEW

Recommendation – That the City Council conduct a second reading an Ordinance approving a City-initiated Code Amendment to amend Section .062 ("Definitions"), Section .580 J ("Uses requiring CUP"), Section .342 ("C-1 Zone uses expressly prohibited"), Section .352 ("C-2 Zone uses expressly prohibited"), Section .362 ("C-3 Zone uses expressly prohibited"), Section .367 ("C-C zone uses expressly prohibited"),

Submitted to City Council: _____
Approved: _____
Continued to: _____
Denied: _____

Agenda Item # _____
Resolution No(s): _____
Ordinance No. _____

Section .372 (“C-4 Zone uses expressly prohibited”), Section .392 (“C-IND Zone uses expressly prohibited”), Section .398 (“M Zone uses expressly prohibited”), Section .412 (“M-1 Zone uses expressly prohibited”), and Section .422 (“M-2 Zone uses expressly prohibited”) of the Pomona Zoning Code to prohibit new waste and recycling uses as allowed uses throughout the City, with the exception of convenience recyclers and recycling manufacturers, and rescind Determination of Similarity (DOS 99-008) allowing Trash Transfer Facilities with a CUP, and rescind Article VI, Division 8 of the Pomona City Code pertaining to medical waste facilities.

Fiscal Impact – The proposed ordinance will not have any short term or long term financial impacts to the City.

Previous Related Action – On March 8th, 2017, the Planning Commission continued the meeting to April 26th, 2017. On April 26, 2017, the Planning Commission voted 5-0-2-0 to recommend to the City Council the approval of the proposed Ordinance. On June 5, 2017, the City Council conducted a public hearing for the first hearing of this item, and voted 6-0-1-0 to approve the proposed ordinance.

Public Noticing Requirements – Pursuant to Section .571(D) of the Zoning Ordinance, a notice of public hearing is required to be published in a newspaper of local circulation, at least ten days prior to the date of the public hearing. A notice was published in the Inland Valley Daily Bulletin on Friday, May 26, 2017.

Environmental Determination – Pursuant to the provisions of the California Environmental Quality Act (CEQA)-Public Resources Code, Sections 15060(c)(2) and 15060(c)(3) which pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a *project* under Section 15378. Therefore, no further environmental review is required.

BACKGROUND

On June 16, 2014, the City Council enacted a moratorium on waste and recycling facilities in the City of Pomona. That moratorium was extended twice, as allowed by law, in order for the City to evaluate the issues and possible regulations available to address the affects of these land uses. The Council created a Waste & Recycling Task Force which presented a proposed zoning code amendment to the Planning Commission on March 23, 2016. The Planning Commission did not approve the proposed ordinance, but recommended that the City Council review the findings and proposal of the Task Force. On April 18, 2016, the City Council reviewed the proposed ordinance from the Task Force, and appointed an Ad Hoc committee to evaluate the proposed ordinance and legal issues raised at prior meetings.

The Waste and Recycling Ad Hoc Committee discussed various options of moving forward with a new Ordinance to address both new and existing waste and recycling businesses. Meanwhile, the City Council directed that Development Services Department staff inspect existing waste and recycling operators.

On October 3, 2016, the City Council directed staff to enforce code enforcement actions against those waste and recycling businesses not in compliance with development and operational standards defined in the City's Zoning Code, or are in violation of CUPs. Further, the City Council directed staff to introduce amendments to the Pomona Zoning Code banning any new waste and recycling facilities throughout the City, with the exception of convenience recyclers and recycling manufacturers.

Under the City Council's direction, staff prepared the proposed Code Amendment (CODE 6899-2017). On March 8th 2017 the Planning Commission took public testimony on this project and continued the item to the April 26th, 2017 Planning Commission Meeting. On April 26th, the Planning Commission voted 5-0-2-0 to recommend to the City Council the approval of Code Amendment (CODE 6899-2017). On June 5, 2017, the City Council conducted a public hearing for the first hearing of this item and voted 6-0-1-0 to approve the proposed ordinance.

DISCUSSION

All proposed code amendments included in CODE 6899-2017 are presented in Attachment 1 to this staff report. The major areas of the code amendment are listed below.

- Section .062 ("Definitions") of the Zoning Code will be amended to include new definitions pertaining to Waste and Recycling facilities as recommended by the Task Force.
- Section .580 J ("Uses Requiring CUP") of the Zoning Code will be amended to 1) remove recycling centers as a use allowed with a CUP, and 2) to allow convenience recycling facilities with a CUP in all commercial, industrial, mixed use districts, and Specific Plan areas), and 3) to allow recycling manufacture with a CUP in M-1 and M-2 zones.
- Section .342 (C-1 Zone Uses Expressly Prohibited), Section .352 (C-2 Zone Uses Expressly Prohibited), Section .362 (C-3 Zone Uses Expressly Prohibited), Section .367 (C-C Zone Uses Expressly Prohibited), Section .372 (C-4 Zone Uses Expressly Prohibited), Section .392 (C-IND Zone Uses Expressly Prohibited), Section .398 (M Zone Uses Expressly Prohibited), Section .412 (M-1 Zone Uses Expressly Prohibited), and Section .422 (M-2 Zone Uses Expressly Prohibited) of the Pomona Zoning Code to prohibit new waste and recycling uses as allowed uses throughout the City, with exceptions of convenience recyclers and recycling manufactures.
- Rescind Determination of Similarity (DOS 99-008) allowing trash transfer facilities with a CUP.
- Rescind Article VI, Division 8 of the Pomona City Code pertaining to Medical Waste Facilities.

CONCLUSION

If the City Council adopts the second reading the attached Ordinance approving Code Amendment (CODE 6899-2017), the Ordinance shall become affective 30 days thereafter, and will amend Section .062 (“Definitions”), Section .580 J (“Uses Requiring a CUP), Section .342 (“C-1 Zone Uses Expressly Prohibited”), Section .352 (“C-2 Uses Expressly Prohibited”), Section .362 (“C-3 Zone Uses Expressly Prohibited”), Section .367 (“C-C Zone Uses Expressly Prohibited”), Section .372 (“C-4 Zone Uses Expressly Prohibited”), Section .392 (“C-IND Zone Uses Expressly Prohibited”), Section .398 (“M Zone Uses Expressly Prohibited”), and Section .412 (“M-1 Zone Uses Expressly Prohibited”), and Section .422 (“M-2 Zone Uses Expressly Prohibited”) of the Pomona Zoning Code to prohibit new waste and recycling facilities throughout the City with the exception of convenience recyclers and recycling manufactures, and rescind Determination of Similarity (DOS 99-008) allowing trash transfer facilities with a CUP, and rescind Article VI, Division 8 of the Pomona City Code pertaining to Medical Waste Facilities.

Attachments:

1. City Council Ordinance Approving CODE 6899-2017
2. City Council Staff Report and attachments, dated June 5, 2017
3. Additional letters to the City Council dated June 5, 2017