

RESOLUTION NO. 2001-154

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
OVERTURNING THE PLANNING COMMISSION FAILURE TO APPROVE A
MODIFICATION OF CONDITIONAL USE PERMIT MCUP 00-032 TO ALLOW
THE RECYCLING OF PLASTICS, TO REDESIGN THE SITE PLAN, TO
EXPAND AN EXISTING OPERATION AND TO CHANGE THE HOURS OF
OPERATION FOR A COLLECTION/RECYCLING CENTER LOCATED IN
THE M-2 (GENERAL INDUSTRIAL) ZONE ON PROPERTY KNOWN AS
1326 E. NINTH STREET**

WHEREAS, there has been initiated by the applicant, Sunrise Industries, Inc., an appeal of the Planning Commission's May 23, 2001 failure to approve the Modification Of Conditional Use Permit **MCUP 00-032** to allow the recycling of plastics, to redesign the site plan, to expand an existing operation and to change the hours of operation for a collection/recycling center;

WHEREAS, on May 23, 2001, the Planning Commission conducted a public hearing for the subject application and reviewed the staff report for a Modification to Conditional Use Permit on property known as 1326 E. Ninth Street;

WHEREAS, On May 23, 2001, the Planning Commission subsequently failed to approve or deny the request for Modification to Conditional Use Permit;

WHEREAS, on June 2, 2001, the City Council voted to schedule for public hearing the applicant's appeal of the Planning Commission's decision based on a 4/3 vote;

WHEREAS, on June 8, 2001, the City Council of the City of Pomona, has, after giving notice thereof as required by law, held a public hearing concerning requested appeal of the Planning Commission's failure act on the Modification to Conditional Use Permit MCUP 00-032; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF POMONA AS FOLLOWS:

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared and reviewed, finding that, although the proposed project could have a significant effect, in this case, because mitigation measures have been added to the project. The City Council hereby approves said Mitigated Negative Declaration and the Mitigation Monitoring program contained in Exhibit "A" herein.

SECTION 2. The City Council hereby finds and determines that the proposed modified use at the particular location is necessary to protect the public peace, health and safety and allows for the reasonable operation of said use, in that the addition and renovation will increase the efficacy of the operation, which will reduce the impacts to surrounding properties.

SECTION 3. Modification to Conditional Use Permit MCUP 00-032, as submitted heretofore, is hereby approved subject to compliance of all existing laws and ordinances of this City and the following specific conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the Conditional Use Permit or any portion thereof:

1. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval. The Planning Commission may extend this period for one year upon receipt of written request by the applicant at least thirty (30) days prior to the expiration date.
2. All conditions in Exhibit "A," the Mitigation Monitoring Program shall be complied with at all time during the operation of the business.
3. The conditional use permit shall become void if the use granted is discontinued or abandoned for a period of 6 months.
4. The project shall be in substantial conformance to submitted plans attached as Exhibit "B" date-stamped July 16, 2001, except as modified herein.
5. The applicant shall make a reduction or 8 ½" by 11" inch sticky-back of all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
6. The applicant shall submit final site plan, floor plan and building elevations prior to the issuance of a Certificate of Occupancy. The final plans shall incorporate all conditions in the approved resolution.
7. Before building permits for installation of the new equipment are finalized, the applicant and any successor in interest shall sign a Certificate of Compliance stating that:
 - They have read and understand all the conditions of approval applicable to the project;
 - That they are familiar with the daily operations of the use; and
 - That the use will operate in compliance with the conditions of approval.

8. No modifications to the site plan shall be conducted without the issuance of a Modification of Conditional Use Permit approved by the Planning Commission.
9. All Conditions of Planning Commission Resolution Nos. 8312, 2830, 2830-A and 8398 shall be met.
10. All repairs to the proposed new sorting equipment shall be completed within 48 hours.
11. The applicant shall be allowed to operate the recycling operation for an additional 4 hours during or after the seven-(7) major holidays, Christmas, New Years, Presidents Day, Memorial Day, 4th of July, Labor Day and Thanksgiving.
13. To ensure that future owners are made aware of the conditions of approval, the applicant shall within 30 days of the date of this resolution demonstrate to the City Planning Division that the resolution has been recorded with the Los Angeles County Recorder.
14. To ensure that future tenants are provided with the conditions of approval, all tenants must sign a lease addendum confirming that they have read and understand all conditions relative to operation of a recycling facility in this location.
15. In the event of a violation of any of the conditions of approval, mitigation monitoring program and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein Conditional Use Permit.
16. A review hearing shall be scheduled no later than six months after installation of the new equipment to determine compliance of all conditions of approval and the Mitigated Monitoring Program.
17. The hours of operation shall be between 6:30 a.m. to 6:30 p.m. Monday through Saturday.
18. All recyclable materials on the tipping floor must be sorted and baled at the end of each working day. All materials that have been baled shall be stored within the storage structure until such time as the materials are removed from the site. Paper, cardboard and glass shall not be stored on site for more than 1 week. Plastics and metal shall not be stored on site for more than 2 weeks.

19. Outdoor storage shall be allowed for presorted clean recycled paper and cardboard materials that have been baled. The applicant shall only be allowed to stack clean baled paper and cardboard material to a maximum height of eight (8) feet.

Fire Department

20. The applicant shall provide on-site fire access twenty-six (26) feet wide clear to the sky within 150 feet of all portions of the exterior walls. The applicant shall notify the Fire Department if any welding is proposed in the new repair garage.
21. The minimum required fire flow is 2,000 g.p.m. for the subject site.
22. The enclosed structures (canopy) used for the storage and processing of recyclable materials shall be equipped with a fire sprinkler system.
23. A two (2) hour firewall area separation will be required along the south, west and portions of the north and east sides of the enclosed structure (canopy).

Water Department

24. An approved back flow preventer will be required between the meter and first point of connection back of the water meter.

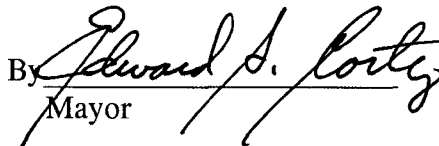
SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and it shall thereupon be in full force and effect.

APPROVED AND PASSED this 16th day of July, 2001

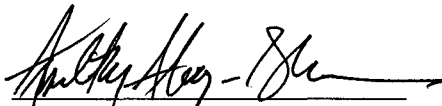
ATTEST:


City Clerk

THE CITY OF POMONA

By 
Mayor

APPROVED AS TO FORM:


City Attorney

	more than 2 weeks.		
3a.	Outdoor storage shall be allowed for presorted clean recycled paper and cardboard materials that have been baled. The applicant shall only be allowed to stack the clean baled paper and cardboard material to a maximum height of eight (8) feet.	Planning and Code Enforcement	Continuous
4.	All materials that have been sorted and are not baled shall be stored within a fully enclosed metal container. The openings to the containers shall be closed at all times except when materials are being loaded or unloaded.	Code Enforcement	Continuous
4a.	No activities associated with PVRC operations shall exceed the City's 70 dBa threshold at the property boundary. Noise shall be monitored following completion of the new facility, including full delivery of recycled material, to verify that noise levels do not exceed the 70 dBa threshold. If any component of operations exceed this threshold, the company shall either reduce the direct noise generating activity or install sound attenuation walls (or any alternative acceptable to the City) to prevent noise from exceeding 70 dB at the property boundary.	Code Enforcement	Continuous
5.	The applicant shall be required to enclose portions of the exterior walls of the existing structures, reducing the level of noise onto adjacent properties. The north, south and west side of the building shall be enclosed to reduce the noise level onto adjacent properties.	Planning and Building	Prior to issuance of Certificate of Occupancy
6.	The hours of operation shall be limited between 6:30 a.m. to 6:30p.m. six (6) days a week.	Planning and Code Enforcement	During hours of operation of the recycling facility

7.	Public collection bins for glass, paper and metal shall be closed at all times, except when materials are being dropped off. The enclosed containers shall be emptied daily.	Planning and Code Enforcement	During hours of operation of the recycling facility
8.	No high pile storage of recyclable materials shall be permitted at anytime.	Code Enforcement	Continuous
9.	The applicant shall immediately implement a program to monitor and maintain the subject site and adjacent properties free from trash and debris on a daily basis. Within three months of installation of the new equipment, the applicant shall demonstrate to Planning Division staff that problems with off-site trash have been eliminated. If the problem have not been eliminated, additional mitigation measures will be required.	Planning and Code Enforcement	Continuous
9a	Complaints on trash shall be registered on the complaint hot line and included in the applicant's quarterly report to the City.	Planning Division	Continuous
10.	The buildings used for the processing of the recyclable materials shall be painted to match the existing structures.	Planning Division	Prior to issuance of Certificate of Occupancy
11.	All existing planter areas shall be re-planted if necessary to meet current code. Planter areas shall be maintained free of weeds and debris.	Planning Division	Prior to issuance of Certificate of Occupancy and Continuous
12.	A geotechnical and soils study will be submitted to and approved by the Public Works Director prior to the issuance of a grading (if needed) or building permit for the project. The report will identify appropriate foundation and other design criteria to assure improvements will withstand anticipated geologic and seismic conditions.	Public Works Department	Prior to issuance of Certificate of Occupancy

13.	<p>As a condition of approval, the applicant shall meet all requirements for Section 402(p) of the Federal Clean Water Act of 1987 and Section 35 of the City of Pomona Stormwater requirements. The applicant shall meet and implement all requirements for Storm water Pollution Plan such as:</p> <ul style="list-style-type: none"> ▪ Implementation of best management practices outlined in the SWPPP prior to Certificate of Occupancy. No grading plans will be issued for this project. The applicant as already submitted a draft SWPPP. ▪ City of Pomona is part of Los Angeles County and typically complies with the Los Angeles County storm water drainage requirements and the San Gabriel River Water Quality Control Plan. However, this project is within the Santa Ana water basin. Review of this project will be in conformance with both Los Angeles County standards and the requirement of the Santa Ana River Water Quality Control Plan of 1995. Where the two differ, the most conservative approach will be implemented. ▪ Requirements for grab samples are defined by the NPDES regulations and described in the SWPPP and BMP. 	Public Works Department	Prior to issuance of Certificate of Occupancy
14.	The proposed enclosed facilities will be required to install a sprinkler system and construct the exterior walls of a two-hour fire wall rated material.	Fire Department	Prior to issuance of Certificate of Occupancy
15.	In a previously approved Conditional Use Permit, a condition was placed requiring a fire hydrant on the subject site. The applicant has made arrangements with the adjacent property owners for the use of an existing private fire hydrant located on the eastside of the subject site. The location of the existing fire hydrant satisfied the requirement of the Fire Department, which is adequate in providing water to the rear of the property. The applicant shall provide an access gate between the two properties to provide easy access to the private fire hydrant.	Fire Department	Prior to issuance of Certificate of Occupancy

16.	<p>The applicant shall implement an on-going program to address the vermin/pest control problem. A problem shall exist when a vector or pest population on the property relative to a minimal intrusive population that does not affect neighboring properties. The applicant shall be required to complete or submit the following:</p> <ul style="list-style-type: none"> ▪ A monthly inspection by a certified pest control operator. If during the monthly inspection the pest control operator identifies a problem, the operator shall inform the city Planning Division immediately and take corrective actions. ▪ Quarterly reports submitted to the City Planning Division verifying successful control of the vector/pest population. ▪ Establish and maintain a compliant hot line during all operating hours. ▪ All complaints and actions taken to resolve the complaints shall be presented in the quarterly report submitted to the City. The applicant shall maintain a daily log of complaints and corrective actions. 	Planning Division/ Code Enforcement	Continuous
16a	Three (3) months after the installation of the new equipment a certified professional shall conduct a vector/pest study on the subject site and adjacent properties.	Planning Division/ Code Enforcement	Continuous
16b	With the property owners approval the applicant must, beginning immediately, provide pest control services on all adjacent properties.	Planning Division	Continuous
16c	Three months after installation of the new equipment, the applicant must submit to the City a report prepared by a licensed pest control professional evaluating the effectiveness of the pest control measures. If the study demonstrates that the pest control measures in place have not eliminated the problem, the City will immediately institute revocation proceedings.	Planning Division	Continuous

17.	Per the Fire Department regulations, all hazardous materials located on the subject such as truck oil, and solvents used on the subject site shall be store in the proper containers and disposed of after use.	Code Enforcement	Continuous
18.	The applicant shall only utilize professionals who are certified in their field to conduct any surveys or studies required by the City.	Planning Division	Continuous (As required for each study)

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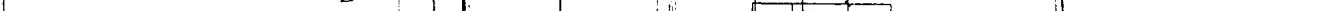



EXHIBIT B

[illegible]

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Pomona, California, and signed by the Mayor of said City at a (an) _____ regular meeting of said Council, held on the 16th day of July, 2001, by the following vote, to wit:

AYES:	Councilmembers:	<u>Hunter, Robles, Carrizosa, Rothman, Torres,</u>
”	”	<u>(Vice-Mayor) Lantz.</u>
NOES:	”	<u></u>
ABSTENTIONS:	”	<u></u>
ABSENT:	”	<u></u>
NOT VOTING:	”	<u>(Mayor) Cortez.</u>


City Clerk



RESOL. 2001-154/7-16/01

CITY OF POMONA COUNCIL REPORT

July 2, 2001
(Continued to July 16, 2001)

No. 01-156

TO: Mayor and City Council

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION ON MODIFICATION TO CONDITIONAL USE PERMIT MCUP 00-032 TO ALLOW RECYCLING OF PLASTICS, CHANGE THE HOURS OF OPERATION, AND REDESIGN THE SITE PLAN TO EXPAND AN EXISTING RECYCLING FACILITY, (COUNCIL DISTRICT #3).

SUMMARY

Issue – Should the City Council uphold the Planning Commission's failure to approve Modification to Conditional Use Permit MCUP 00-032 to allow the recycling of plastics, change the hours of operation, and redesign the site plan to expand an existing recycling facility at 1326 E. Ninth Street?

Recommendation – That the City Council approve with conditions, Modification to Conditional Use Permit MCUP 00-032 to allow the recycling of plastics, change the hours of operation, and redesign the site plan to expand an existing recycling facility.

Fiscal Impact – Negligible

Council Goals/ Objectives – Not applicable.

Related Recommendations/Actions – On June 4, 2001 the City Council granted the requested appeal a public hearing. Action was approved by a 4 to 3 vote.

Other Actions – On May 23, 2001 the Planning Commission reviewed the requested Modification to Conditional Use Permit MCUP 00-032. Due to a 3-to-3 split vote, the project was not approved. A majority vote is required for an approval and a split vote is recognized as a denial of the applicant's request. During the meeting there were five (5) people who spoke against the project and two that spoke in favor of the modification.

Public Noticing Requirement – Pursuant to Section .584 F of the Zoning Ordinance, notice of a public hearing is required to be published in a newspaper of local circulation

10 days before the date of the hearing. Said notice was published on June 8, 2001, in the *Inland Valley Daily Bulletin*.

Environmental Determination – Mitigated Negative Declaration. A copy of the Draft Mitigation Monitoring Program is included in Attachment 1.

BACKGROUND

Proposed Project

The subject site is located on Ninth Street, east of the Southern Pacific Railroad. The 4.37-acre parcel is developed for collection, sorting and shipping of co-mingled recyclable materials. The existing operation recycles paper, cardboard, glass, plastic and metal. Once sorted, the materials are baled and shipped to other facilities.

Currently, collection trucks deposit co-mingled materials in an open yard area. The co-mingled material is transferred onto a conveyor belt that sends the co-mingled materials through a sorting line where employees sort out the recyclable materials. The new equipment included in the requested modification will provide for the recyclable materials to be deposited in a semi-enclosed area and sorted by machine. Sorted materials will be stored in containers until they are transported to a processing facility.

Planning Commission Review

On May 23, 2001, the Planning Commission reviewed the Modification to the Conditional Use Permit. Seven people spoke on this item. The applicant and the applicant's representative spoke in favor of the application. Five people spoke in opposition.

The Planning Commission considered two motions. The first motion was to approve the project with development and operational standards including a condition requiring that the applicant provide pest control services on all adjacent properties, beginning immediately. Three months after installation of the new equipment, the applicant would be required to submit to the City a report prepared by a licensed pest control professional, evaluating the effectiveness of the pest control measures. If the study demonstrated that the pest control measures were not effective in eliminating the problem, the City would immediately institute proceedings to revoke the Conditional Use Permit (CUP). Three Commissioners voted in favor of the motion and three opposed the motion. As a result of the split vote, the motion failed.

A second motion also failed on a split vote. The second motion included all the conditions proposed in the first motion, and in addition, the motion limited the amount of materials that could be sorted to 100 tons per day. Currently, the applicant is licensed by the state to handle 160 tons per day, although the operation averages 100 tons per day. The second motion would have also required that a revocation hearing be scheduled before the Planning Commission within six months after installation of the new equipment.

DISCUSSION

Proposed Modifications to the Conditional Use Permit

In 1969, a conditional use permit to allow scrap metal processing was approved for the eastern portion of the property, 1326 E. Ninth Street. The entitlements were modified, in 1980, to allow recycling of glass and paper as well as metal. In January 1995, the conditional use permit was further modified to allow expansion of the recycling facility to include the adjacent property at 1352 E. Ninth Street. In November 1995, the Planning Commission approved a modification allowing expansion of an existing building and construction of a new building. Attachment 4 includes the original Planning Commission resolutions approving the conditional use permit to operate a recycling facility at 1326 E. Ninth Street.

The table below illustrates how the proposed Modification to Conditional Use Permit 00-032 would alter the existing entitlements.

Entitlement	Existing and Proposed
Materials Recycled	<p>Existing Entitlements</p> <p>Currently the applicant has a conditional use permit to allow recycling of metal glass cardboard and paper. A large portion of the applicant's business is recycling co-mingled recyclable materials. Although not approved under the existing conditional use permit, plastics are included in the co-mingled recyclable materials collected at this facility. (Resolution 2830-A)</p> <p>Proposed Modification</p> <p>The proposed modification would allow the sorting and collection of plastic recyclable materials.</p>
Hours of Operation	<p>Existing Entitlements</p> <p>Under the current conditional use permit, all operations must be conducted within daylight hours (Resolution 2830 – Condition 6). However, to accommodate the collected materials, the applicants have been operating from 6:30 am until 11:00 p.m.</p> <p>Proposed Modifications</p> <p>The proposed modification would change the hours of operation to Monday through Saturday 6:30 am to 6:30 p.m.</p>
Site Plan & Building Modifications	<p>Existing Entitlements</p> <p>The existing conditional use permit approved a site plan with an open yard for emptying collection trucks (tipping). Surrounding the open yard are four structures. A canopy on the rear property line covers the sorting line. A canopy on the west property line covers the area where materials are baled and stored. An office is located in the northwest corner of the lot. The building at the front of the property is used for a repair shop and employee break room (Resolution No. 8312).</p> <p>Proposed Modifications</p> <p>The new modifications would include a covered, semi-enclosed tipping area,</p>

Entitlement	Existing and Proposed
	installation of new automated sorting equipment, relocation of the loading docks and construction of a new 2,000 s.f. vehicle repair facility.
Recycling Method	<p>Existing Entitlements The buildings and site plan approved in the existing conditional use permit were designed to accommodate a manual sorting system. In this process, collected materials are tipped into an open yard. From the open yard, the materials are transferred onto a conveyor belt. The conveyor belt carries the materials through a sorting line where employees sort the glass, paper, metal and plastic products into separate containers.</p> <p>Proposed Modifications The modification will permit the installation of an automated sorting system. With the new equipment, materials will be loaded onto the conveyor belt directly from the tipping area. On the conveyor belt the materials will be sorted by type of material. Separated glass, paper, metal and plastics will then be funneled into silos. Glass will be transferred to storage bins until shipping. Paper, metal and plastics will be baled and stored in baled form at the rear of the property until shipping.</p>

Outstanding Issues

Issues considered during the Planning Commission public hearings are presented in the following table.

Issue	Analysis and Mitigation
Vector/Pest Problems	<p>Adjacent property owners and businesses complain that vectors, such as rats and insects, are generated by the Pomona Valley Recycling Center. At the Planning Commission hearing, adjacent property owners and businesses testified that since the Pomona Valley Recycling Center started sorting co-mingled recyclable materials, they have had significant problems with rats and insects. Site inspections conducted by staff have confirmed this testimony.</p> <p>However, in reviewing the proposed project, it was determined that the vector problems were largely the result of stockpiling unsorted materials and improper storage of sorted materials.</p> <p>Applicable Mitigation Measures The following measures were included in the Draft Mitigation Monitoring Program and as conditions of approval for this project.</p> <p>3. Recyclable materials that have not been sorted shall remain on the tipping floor for a period not to exceed 24 operating hours or two working days. All materials that have been baled shall be stored within the storage structure until such time as the materials are removed from the site. Paper, cardboard and glass shall not be stored on site for more than 1 week. Plastics and metal shall not be stored on site for more than 2</p>

Issue	Analysis and Mitigation
	<p>weeks.</p> <p>4. All materials that have been sorted and are not baled shall be stored within a fully enclosed metal container. The openings to the containers shall be closed at all times except when materials are being loaded or unloaded.</p> <p>7. Public collection bins for glass, paper and metal shall be closed at all times, except when materials are being dropped off or emptied. The enclosed containers shall be emptied daily.</p> <p>16. The applicant shall implement an on-going program to address the vermin/pest control problem. A problem shall exist when a vector or pest population on the property relative to a minimal intrusive population that does not affect neighboring properties. The applicant shall be required to complete or submit the following:</p> <ul style="list-style-type: none"> ▪ A monthly inspection by a certified pest control operator. If during the monthly inspection the pest control operator identifies a problem, the operator shall inform the city Planning Division immediately and take corrective actions. ▪ Quarterly reports submitted to the City Planning Division verifying successful control of the vector/pest population. ▪ Establish and maintain a complaint hot line during all operating hours. ▪ All complaints and actions taken to resolve the complaints shall be presented in the quarterly report submitted to the City. The applicant shall maintain a daily log of complaints and corrective actions. <p>16a. Three (3) months after the installation of the new equipment a certified professional shall conduct a vector/pest study on the subject site and adjacent properties.</p> <p>Staff believes that, with these conditions, the required pest control services and the post-project review conditions discussed under the section on <i>Immediate Closure of the Facility</i>, the vector/pest problem can be eliminated.</p> <p>Applicable Conditions of Approval None proposed.</p>
Odors	<p>Adjacent property owners and businesses complain that the Pomona Valley Recycling Center generates unpleasant odors.</p> <p>At the Planning Commission hearing, adjacent property owners and businesses testified that since the Pomona Valley Recycling Center started sorting co-mingled recyclable materials, they have had significant problems regarding odors. Site inspections conducted by staff have confirmed this testimony.</p> <p>Applicable Mitigation Measures Mitigation Measures 3, 4, 7, 16 and 16a described in the previous discussion of <i>Vectors/Pest Problems</i> address issues related to stockpiling of materials prior to sorting and storage of sorted materials. Staff believes that, with these conditions and the mitigation measures listed below, the odor problem can be</p>

Issue	Analysis and Mitigation
	<p>eliminated.</p> <ol style="list-style-type: none"> 1. The applicant shall enclose the exterior walls along the north, south and west sides of the existing structure in order to contain odors. 1a. The applicant shall prepare an odor analysis three months after installation of the new equipment to ensure that the facility is operating in compliance with the performance threshold. The odor analysis shall establish a performance standard for odors not to exceed 10 D/T. At anytime in response to verified complaints regarding odors, the City may require the applicant to prepare a new odor analysis. If the analysis demonstrates that the performance standards are not being met, additional mitigation measures must be implemented to reduce odors to below the established threshold. 2. The applicant shall install and operate a misting/fogging system within the collection and sorting area, in order to control the odor from the recyclable materials. The proposed misting/fogging system shall be located over the collection and sorting area and shall be in operation during the sorting, baling, and shipping of materials. <p>In addition, staff recommends the following:</p> <ul style="list-style-type: none"> • Complaints on odors be registered on the complaint hot line and included in the applicant's quarterly report to the City. <p>Applicable Conditions of Approval None proposed.</p>
Trash	<p><i>Adjacent property owners and businesses complain that the Pomona Valley Recycling Center generates trash in the surrounding neighborhood.</i></p> <p>At the Planning Commission hearing, adjacent property owners and businesses testified that since the Pomona Valley Recycling Center started sorting co-mingled recyclable materials, they have had significant problems with off-site trash. Site inspections conducted by staff have confirmed this testimony.</p> <p><i>Applicable Mitigation Measures</i> Mitigation Measures 3, 4, 7, 16 and 16a described in the previous discussion on <i>Vectors/Pest Problems</i> address issues related to stockpiling of materials prior to sorting and storage of sorted materials. Staff believes that, with these conditions and the mitigation measures listed below, problems with off-site trash can be eliminated.</p> <ol style="list-style-type: none"> 8. No high pile storage of recyclable materials shall be permitted at anytime. 9. The applicant shall immediately implement a program to monitor and maintain the subject site and adjacent properties free from trash and debris on a daily basis. Within three months of installation of the new equipment, the applicant shall demonstrate to Planning Division staff that problems with off-site trash have been eliminated. If the problems have not been eliminated, additional mitigation measures will be required.

Issue	Analysis and Mitigation
	<p>In addition, staff recommends the following:</p> <ul style="list-style-type: none"> Complaints on trash be registered on the complaint hot line and included in the applicant's quarterly report to the City. <p>Applicable Conditions of Approval None proposed.</p>
<p>Compliance with Conditions of Approval</p>	<p>Applicant, in the past, has not operated in compliance with their conditions of approval. Because the applicant's previous lack of compliance, several Planning Commissioners, were concerned about future compliance. They believed that since the applicant had not demonstrated compliance with the current conditions, he could not be trusted to comply with new conditions. They relied on testimony presented at the hearing that the equipment and improvements would not take care of the problems in and by themselves, but that ultimately the applicant would be responsible for ensuring that the problems were remedied.</p> <p>The current city approvals do not address compliance or establish operational standards needed to ensure that the project does not impact the surrounding properties. The existing approvals contain only one condition that addresses operations. That condition is vague and defers to the nuisance section of the City Code. Instituting nuisance abatement procedures requires legal proceedings that can be both lengthy and costly. To ensure that the facility operates in a manner that protects the surrounding neighborhood, the new conditions of the use permit specifically address compliance.</p> <p>Applicable Mitigation Measures None proposed.</p> <p>Applicable Conditions of Approval The following conditions of approval addressing compliance were included in the draft Planning Commission resolution.</p> <ol style="list-style-type: none"> The conditional use permit shall become void if the use granted is discontinued or abandoned for a period of 6 months. Before building permits for installation of the new equipment are finalized, the applicant and any successor in interest shall sign a Certificate of Compliance stating that: <ul style="list-style-type: none"> They have read and understand all the conditions of approval applicable to the project; That they are familiar with the daily operations of the use; and That the use will operate in compliance with the conditions of approval. To ensure that future owners are made aware of the conditions of approval, the applicant shall within 30 days of the date of this resolution demonstrate to the City Planning Division that the resolution has been recorded with the Los Angeles County Recorder. To ensure that future tenants are provided with the conditions of approval, all tenants must sign a lease addendum confirming that they have read

Issue	Analysis and Mitigation
	<p>and understand all conditions relative to operation of a recycling facility in this location.</p> <p>15. In the event of a violation of any of the conditions of approval, mitigation monitoring program and/or City law, the property owner and tenant will be issued a Notice of Correction. If said violation is not remedied within a reasonable period of time and/or a subsequent violation of the conditions of approval and/or City law occurs within 90 days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law, including, but not limited to, revocation of the herein conditional use permit.</p>
<p>Immediate Closure of the Facility Required when Vectors are found on adjacent properties</p>	<p><i>The Planning Commission considered adopting a condition requiring immediate closure of the facility in the event vectors were found on adjacent properties.</i></p> <p>Because of the applicant's previous lack of compliance with conditions of approval, several Planning Commissioners, some adjacent property owners and some business owners were concerned about future compliance. One property owner suggested adding a condition requiring immediate closure if vectors were discovered on adjacent properties.</p> <p>Staff, however, could not support this condition. Requiring immediate closure of the facility would violate the business owner's right to due process and conflict with the City's revocation review procedures. In addition, the presence of vectors on adjacent property may not result from operations at 1326 E. Ninth Street. If the proposed condition were approved, this business could be closed for impacts that they did not create.</p> <p><i>Applicable Mitigation Measures</i></p> <p>The Planning Commission considered the following additional mitigation measures to help ensure compliance and eliminate impacts to adjacent properties.</p> <ul style="list-style-type: none"> • With the properties owners approval the applicant must, beginning immediately, provide pest control services on all adjacent properties. • Three months after installation of the new equipment, the applicant must submit to the City a report prepared by a licensed pest control professional evaluating the effectiveness of the pest control measures. If the study demonstrates that the pest control measures in place have not eliminated the problem, the City will immediately institute revocation proceedings. <p>Staff supports adoption of these additional mitigation measures.</p> <p><i>Applicable Conditions of Approval</i></p> <p>The Planning Commission also considered adding the following condition of approval</p> <ul style="list-style-type: none"> • A revocation hearing shall be scheduled before the Planning Commission no later than six months after installation of the new equipment. <p>Staff supports adoption of this additional condition.</p>

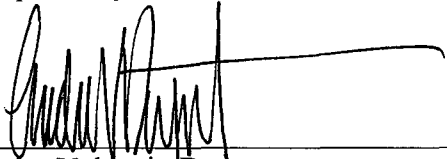
Issue	Analysis and Mitigation
Faster Sorting and Increased Capacity	<p><i>The automated equipment will allow the applicant to sort more recyclable materials.</i></p> <p>Converting from a manual sorting process to an automated process will increase the amount of materials that can be sorted in an hour from the current 7 tons, to 20 tons per hour. Opponents of the project believe that as a result of the new equipment, the applicant will expand their operations and the impacts to the surrounding properties will increase.</p> <p>Although the machinery will enable the applicants to handle more recyclable material, expansion opportunities are limited. This facility is licensed to recycle 160 tons per day. With their existing contracts, they currently handle an average of 100 tons per day.</p> <p>In addition, staff believes that the new equipment will eliminate many of the impacts resulting from the existing operation. Trash, odors and vectors are directly associated with the open-air storage of recyclable materials. With the manual process, materials are stockpiled on the site prior to sorting.</p> <p>The automated system will eliminate open air stockpiling. Prior to sorting all materials must remain within the semi-enclosed structure. In addition, all baled materials will be stored in the semi-enclosed structure and all non-baled materials will be stored in metal containers.</p> <p><i>Applicable Mitigation Measures</i> Mitigation Measures 3, 4, 7, 16 and 16a described in the previous discussion on <i>Vectors/Pest Problems</i> address issues related to stockpiling of materials prior to sorting and storage of sorted materials.</p> <p><i>Applicable Conditions of Approval</i> The Planning Commission considered the following condition to limit the amount of materials handled by this facility.</p> <ul style="list-style-type: none">• The amount of recyclable materials received per day shall not exceed an average of 100 tons. <p>Staff supports this condition if it is revised as follows to define the average.</p> <ul style="list-style-type: none">• The amount of recyclable materials received per day shall not exceed an average of 100 tons per day when averaged over a week.

CONCLUSION

The proposed project will allow the applicant to install new equipment that will make the collection, sorting and shipping of co-mingled recyclable materials more efficient and could help reduce impacts on adjacent properties. Even so, the City recognizes that the new equipment is not a total solution. The applicant must operate the business in a responsible manner. To ensure that the business operates responsibly, new conditions requiring continuous monitoring of

vectors/pest, odors and trash have been proposed. With these conditions, staff believes that the Pomona Valley Recycling Center can operate in a manner that does not impact adjacent businesses.

Respectfully submitted,



Andre Valencia-Dupret
Interim Economic Development Director

Approved by,



Douglas Dunlap
City Manager

Prepared by,



Candida Neal, AICP
Planning & Development Services Manager

ATTACHMENTS

- Attachment 1 – Draft City Council Resolution and Mitigation Monitoring Program
- Attachment 2 – Unofficial Planning Commission Minutes for the meetings of May 9, 2001 and May 23, 2001
- Attachment 3 – Planning Commission Staff Report dated May 23, 2001 without attachments
- Attachment 4 – Summary Table of Planning Commission Resolutions and Planning Commission Resolutions of Approval
- Attachment 5 – Letters from Adjacent Property Owners/Businesses Complaints

THE CITY OF
POMONA

MEMORANDUM

Date: June 12, 2001

To: Douglas Dunlap, City Manager

From: Andre Valencia-Dupret *AVD*
Interim Economic Development Director

By: Candida Neal, AICP *CN*
Planning and Development Services Manager

Subject: **APPEAL OF PLANNING COMMISSION DECISION ON
MODIFICATION TO CONDITIONAL USE PERMIT MCUP 00-032
TO ALLOW RECYCLING OF PLASTICS, CHANGE THE HOURS
OF OPERATION, AND REDESIGN THE SITE PLAN TO EXPAND
AN EXISTING RECYCLING FACILITY; SUNRISE INDUSTRIES,
1326 E. 9TH STREET (COUNCIL DISTRICT #3)**

Attached please find a letter dated June 11, 2001, from In P. Kim, President of Sunrise Industries requesting to continue the above project to July 2, 2001. Staff supports this request and recommends continuing the item as requested in order for the applicant to resolve issues pertaining to his project.

Attachment

I:\Economic Development\Planning\Master Planning\Correspondence\Memos 2001\City Council\1326 9th Sunrise.doc

7-2-01
PUBLIC HRG
OPENED + CONT'D
TO 7-16-01

SUNRISE INDUSTRIES INC.
D.H.A. POMONA VALLEY RECYCLING CTR.
1326 E. 9TH STREET
POMONA, CA 91766-3831268

Tel: 909-829-6265 Fax 909-823-0141

06/11/01

Mr. Manuel Mancha
Associate Planner
Planning Division
City of Pomona

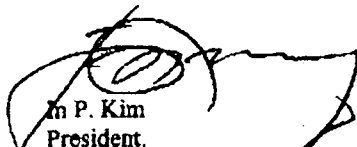
Dear Mr. Mancha:

RE: NOTICE OF PUBLIC HEARING SCHEDULED FOR 6/18/01

Due to time constraints in preparation for a Public Hearing scheduled on June 18, 2001 at our end,
You are cordially requested to continue the Meeting to July 2, 2001.

If you have any questions and comments, please contact me.

Sincerely yours,


In P. Kim
President.

PLANNING DIVISION
2001 JUN 11 PM 10:18



CITY OF POMONA COUNCIL REPORT

June 4, 2001

No. 01-156

TO: Mayor and City Council

SUBJECT: REQUEST BY SUNRISE INDUSTRIES TO SCHEDULE FOR PUBLIC HEARING AN APPEAL OF THE PLANNING COMMISSION DECISION ON MODIFICATION TO CONDITIONAL USE PERMIT MCUP 00-032 TO ALLOW RECYCLING OF PLASTICS, CHANGE THE HOURS OF OPERATION, AND REDESIGN THE SITE PLAN TO EXPAND AN EXISTING RECYCLING FACILITY; COUNCIL DISTRICT #3.

SUMMARY

Issue – Should the City Council schedule for public hearing an appeal of the Planning Commission's failure to approve or deny a Modification to Conditional Use Permit MCUP 00-032 to allow the recycling of plastics, change the hours of operation, and redesign the site plan to expand an existing recycling facility at 1326 E. Ninth Street?

Recommendation – That the City Council schedule for public hearing the appeal of the Planning Commission's failure to act on the aforementioned project.

Fiscal Impact – Negligible

Council Goals/ Objectives – Not applicable.

Related Recommendations/Actions – On May 23, 2001 the Planning Commission reviewed the requested Modification to Conditional Use Permit MCUP 00-032. Due to a 3 to 3 vote, the project was not approved. A majority vote is required for an approval and a split vote is recognized as a denial. During the meeting there were five (5) people who spoke against the project and two spoke in favor of the modification.

Public Noticing Requirement – None

Environmental Determination – Mitigated Negative Declaration.

6/4/01

THIS MATTER WAS SET
FOR PUBLIC HRG FOR 6/18/01

BACKGROUND

Proposed Project

The subject site is located on Ninth Street, east of the Southern Pacific Railroad. The 4.37-acre parcel is developed for collection, sorting and shipping of co-mingled recyclable materials. The existing operation recycles paper, cardboard, glass, plastic and metal. Once sorted, the materials are baled and shipped to other facilities.

Currently, collection trucks deposit co-mingled materials in an open yard area. The co-mingled material is transferred onto a conveyor belt. The conveyor belt sends the co-mingled materials through a sorting line where employees sort out the recyclable materials. The new equipment proposed with this application, provides for the recyclable materials to be deposited in a semi-enclosed area, sorted by machine. Sorted materials will be stored in containers until they are transported to a processing facility.

Planning Commission Review

On May 9, 2001 the Planning Commission reviewed Modification to Conditional Use Permit MCUP 00-032 and the related Mitigated Negative Declaration. During the public hearing, an adjacent property owner expressed his concerns about vermin and insects from the existing recycling facility impacting his property. At the public hearing, the property owner submitted a letter prepared by an environmental consultant suggesting additional conditions to address complaints of the adjacent property owner. The Planning Commission continued the item to allow additional time for staff, the applicant, and the adjacent property owner to address the issues stated in the letter presented to the Commission at the public hearing (Attachment 1).

During the intervening two weeks, staff worked with the applicant and adjacent property owner to craft new conditions. Although the applicant agreed to new conditions, a consensus between the applicant, city staff and the property owner could not be reached.

On May 23, 2001, the Planning Commission reviewed the Modification to the Conditional Use Permit. Six people spoke on this item. The applicant and the applicant's representative spoke in favor of the application. Four people spoke in opposition.

The Planning Commission considered two motions. The first motion was to approve the project with development and operational standards including a condition requiring that the applicant provide pest control services on all adjacent properties beginning immediately. Three months after installation of the new equipment, the applicant would have been required to submit to the City a report prepared by a licensed pest control professional evaluating the effectiveness of the pest control measures. If the study demonstrated that the pest control measures were not effective in eliminating the problem, the City would immediately institute proceedings to revoke the Conditional Use Permit (CUP). Three Commissioners voted in favor of the motion and three opposed the motion. As a result the motion failed.

A second motion failed similarly. The second motion included all the conditions proposed in the first motion. In addition, this motion would have limited the amount of materials that could be sorted to 100 tons per day. Currently, the applicant is licensed by the state to handle 160 tons per day, although the operation averages 100 tons per day. The second motion would have also required that a revocation hearing be scheduled before the Planning Commission within six months after installation of the new equipment.

DISCUSSION

Appeal Procedure

Pursuant to Section .580-F of the Zoning Ordinance, the City Council may set the matter for public hearing or uphold the Planning Commission's decision. If the City Council decides to schedule the item for appeal, the matter will be scheduled for further discussion and action at the public hearing. The Council's decision to schedule the item for public hearing must be based upon the facts presented and considered by the Planning Commission.

Modification Issues

Currently, the applicant has approval under a CUP to sort only metal, glass, cardboard and paper goods. As a result, the applicant needs to modify the CUP to include the collection and sorting of plastic goods. In addition, as part of the proposed redesign of the site, the applicant is proposing to change the existing sorting process from a manual process to an automated process through the introduction of new equipment. The proposed new equipment will sort the recyclable materials quicker and more efficiently. It is anticipated that these improvements will eliminate the stockpiling and open storage. Many of the problems that the adjacent property owners are currently experiencing with odor, trash and vermin/insects are a result of stockpiling and open storage.

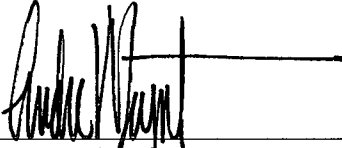
During the Planning Commission discussions, Commissioners supporting the CUP modification, believed that the improvements proposed in the application would eliminate the nuisance created by the current operation. In addition, they felt that granting the MCUP would give the City the opportunity to impose development and operational conditions to deal with the issues presented by the neighbors.

The Commissioners opposed to granting the modification to the CUP cited the fact that the applicant was not in compliance with the current CUP. They felt that, since the applicant had not demonstrated compliance with the current CUP conditions, he could not be trusted to comply with any new conditions. The Commissioners relied on testimony given during the public hearing, to the effect that the equipment and improvements would not take care of the problems in and by themselves; it would take diligence on behalf of the applicant to remedy the problems. The Commissioners, in opposition to the application, also pointed out that the CUP modification would allow an increase in capacity at the facility, which they felt would only serve to increase the problems.

CONCLUSION

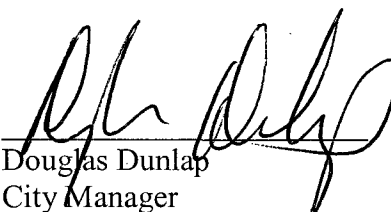
The issue before the Council is whether to schedule a public hearing to consider an appeal of the Planning Commission's failure to act on Modification to Conditional Use Permit MCUP 00-032. If the Council does not set the appeal for public hearing, the denial resulting from the Planning Commission's failure to act will be final.

Respectfully submitted,



Andre Valencia-Dupret
Economic Development Director

Approved by,



Douglas Dunlap
City Manager

Prepared by,



Candida Neal, AICP
Planning & Development Services Manager

ATTACHMENTS

- Attachment 1 – Letter from Tom Dodson, Environmental Consultant
- Attachment 2 – Excerpts from Planning Commission Unofficial Minutes for the meetings of May 9, 2001 and May 23, 2001 (Minutes will be provided prior to Monday night's meeting)
- Attachment 3 – Planning Commission Staff Report (without attachments) dated May 23, 2001

**INLAND VALLEY
DAILY BULLETIN**
(formerly the Progress Bulletin)

2041 E. 4th Street
Ontario, CA 91764

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Pomona, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of June 15, 1945, Decree No. Pomo C-606. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

June 8, 2001

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Ontario, San Bernardino Co. California
this 8 day of June, 2001

Robert M. McKay
signature

Proof of Publication of

NOTICE OF PUBLIC HEARING
ON REQUEST TO APPEAL THE PLANNING COMMISSION'S DECISION ON MODIFICATION TO CONDITIONAL USE PERMIT MCUP 00-032 TO ALLOW RECYCLING OF PLASTICS, CHANGE THE HOURS OF OPERATION AND REDESIGN THE SITE PLAN TO EXPAND AN EXISTING RECYCLING
FACILITY ADDRESS: 1326 E. Ninth Street
APPLICANT: Sunrise Industries, Inc.
THE CITY COUNCIL OF THE CITY OF POMONA does hereby declare and give notice that a public hearing will be held June 18, 2001, in the City Council Chambers, 505 South Garey Avenue, Pomona, California, commencing at 7:00 p.m. regarding:
Appeal of Planning Commission's decision on Modification to Conditional Use Permit MCUP 00-032 to allow recycling of plastics, change the hours of operation and redesign the site plan to expand an existing recycling facility at 1326 E. 9th Street, In P. Kim appellant. For more information, contact the Planning Division Office, 505 South Garey Avenue, Pomona, California, (909) 620-2191.
If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Pomona, Planning Division at, or prior to, the public hearing.
ELIZABETH VILLERAL CITY CLERK
Publish Date: June 8, 2001 #11896

**NOTICE OF PUBLIC HEARING ON REQUEST TO APPEAL THE PLANNING
COMMISSION'S DECISION ON MODIFICATION TO CONDITIONAL USE PERMIT
MCUP 00-032 TO ALLOW RECYCLING OF PLASTICS, CHANGE THE HOURS OF
OPERATION AND REDESIGN THE SITE PLAN TO EXPAND AN EXISTING
RECYCLING FACILITY**

ADDRESS: 1326 E. Ninth Street

APPLICANT: Sunrise Industries, Inc.

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Appeal of Planning Commission's decision on Modification to Conditional Use Permit MCUP 00-032 to allow recycling of plastics, change the hours of operation and redesign the site plan to expand an existing recycling facility at 1326 E. 9th Street, In P. Kim appellant

For more information, contact the Planning Division Office, 505 South Garey Avenue, Pomona, California, (909) 620-2191.

If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the of City of Pomona, Planning Division at, or prior to, the public hearing.

Publish Date: June 8, 2001

ELIZABETH VILLERAL
CITY CLERK

ATTACHMENT 1

LETTER FROM TOM DODSON, ENVIRONMENTAL CONSULTANT

TOM DODSON & ASSOCIATES

2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tstonramp.com



May 7, 2001

Mr. Nick Testa
Spray Systems inc.
1363 East Grand Avenue
Pomona, CA 91766

Dear Nick:

This letter summarizes my responses to your request that I perform a critical evaluation of the Initial Study, proposed Negative Declaration and the Conditional Use Permit (CUP) modification for Sunrise Industries, Inc.'s Pomona Valley Recycling Center (PVRC). As we discussed, your primary concern is that the operations of the facility create so many conflicts with adjacent industrial and residential users that it may harm the ability of these adjacent uses to continue functioning in a routine or normal occupancy mode. These types of impacts (noise, odors, vectors, etc.) are generally termed land use incompatibilities and are based on the circumstance where operation of one use conflicts so severely with adjacent uses that the impact is inherently significant and mutually exclusive. An obvious example would be a lead battery manufacturing facility adjacent to an a school. In you case this incompatibility occurs because the operations of the PVRC make it impossible for adjacent residential and light industrial uses, such as your facility, to continue operating on property adjacent to the PVRC site without incurring unacceptable levels of noise, odors, air pollutants, and vectors.

I have reviewed the Initial Study prepared for the CUP modifications, and as the present mitigation measures are crafted, I agree with your comment that the proposed mitigation does not ensure that all potential significant impacts, i.e. incompatibilities, will be effectively reduced to a nonsignificant level of impact.

Let's start with a most obvious issue. The City's conditions or mitigation does not contain any measure that will allow immediate resolution of your historic complaints regarding odors, vectors (insects and rats), sanitary conditions (poorly maintained sanitary facilities for employees), noise or air pollution. With regard to vectors the requirement is that PVRC implement an as yet undefined vector and pest control program and provide a report to the City once every three months. This is unacceptable because it could allow PVRC to implement vector controls once

31

every three months to meet the mitigation requirement. I would suggest two different measure be implemented in place of the once contained in the Initial Study and Staff Report. The goal is to achieve sufficient accountability in the vector control program, that PVRC will not allow vectors to get out of hand in the future. These measures would read:

1. The vector/pest control program shall be submitted and approved by the City prior to completing the CUP modification. This program shall at a minimum include monthly inspections by a certified pest control operator and the standard shall be that all vector/pest populations are totally under control, i.e. a performance standard that no vector or pest populations shall be increasing on the property relative to a minimal intrusive population that does not affect neighboring properties. A copy of the pest control report verifying that the above program is being successfully implemented shall be provided to the City on a monthly basis and shall be made available to the public upon written request.
2. PVRC shall establish a complaint response program that will be available to all members of the public. This program shall include a phone number with a point of contact at PVRC that has the ability to commit funds to immediately resolve the complaint. All complaints regarding operating conditions at the site (odors, vectors/pests, noise, and others) shall be resolved within 24 hours by the complainant and company, or the matter will be removed to the City Code Enforcement for action. If legitimate complaints, as determined by the City, are not resolved within seven days, the City shall terminate all PVRC operations until the complaint is resolved.

With implementation of these two measures, the vector control program can be made fully accountable to all parties and if pests cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The next issue of concern is the management of stormwater from the project site. The City has identified one mitigation measure which again does not provide full mitigation in my opinion and does not provide for accountability. The Initial Study does not take into account the sweeping changes that are occurring in the management of nonpoint source pollution, such as stormwater runoff from industrial sites. There are really two problems with the current situation. A catch basin that receives the kind of runoff generated at a recycling facility not only accumulates pollutants, but can serve as an independent source of both vectors (such as mosquitos) and odors (from degrading organic matter). Not only is this a problem on a case by case basis, but the organic matter (including petroleum hydrocarbons) can accumulate over a period of time and result in anaerobic decomposition with generation of very nasty smelling mercaptans and other sulfurous chemicals. To address this issue, I suggest the following measures:

3. Prior to approval of site grading plans, PVRC shall provide a Storm Water Pollution Prevention Plan (SWPPP) for both construction and operations that will identify specific best management practices that will not retain any surface water on the site for more than 24-hours after a storm and the collects organic matter, sediment and trash in a manner that it can be collected and disposed of on a periodic basis. The stormwater discharge from the property shall meet the requirement of Section 402(p) of the Federal Clean Water Act of 1987 and Section 35 of the City of Pomona Stormwater requirements. Further, the stormwater discharged from the site shall not exceed any surface water beneficial use water quality objectives established in the Santa Ana River Water Quality Control Plan of 1995. Grab samples shall be taken from the site discharge point during each storm that generates sufficient runoff to enter the treatment system to verify compliance with these requirements.
4. PVRC shall not allow any accumulated stormwater runoff or collected pollutants on the project site to become septic due to anaerobic decomposition. The generation of any noxious odors from anaerobic decomposition shall be immediately controlled, or the facility shall be shut down until control is achieved.

With implementation of these two measures, the stormwater control program can be made fully accountable to all parties and if water quality and odors cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The third issue is the generation of odor. Odors from normal recycling operations have a musty odor that is natural, but not a septic odor caused by anaerobic decomposition. The former may be offensive to some people but is generally not obnoxious. Odors from anaerobic decomposition are seriously, i.e. significantly, offensive. It is the latter odors that must be controlled. The following mitigation measures are suggested to ensure that odors from recycling operations do not become obnoxious:

5. For the purposes of establishing an odor threshold, PVRC will use appropriate field monitoring equipment (such as Jerome meters and/or Organic Vapor Analyzers, to be verified by laboratory analysis) to monitor the odor from recently delivered recycled material with no septic odors and odor from recently delivered recycled material with septic odors. The company will identify the organic chemical measurements that represent the range of odor conditions for these two conditions. The data from this monitoring effort will serve as the baseline data used to evaluate the significant odor production from areas where recycled material is stored and processed and to determine when management actions are required to return the recycled material to aerobic conditions. PVRC shall submit the results of its study to the City of Pomona for their independent use in monitoring odors from processing operations if required.

6. When PVRC operators notice septic odor production at the facility, or when odor complaints are received from the public, the odors shall be tested and compared to the baseline test conditions. If odors are septic, then the facility shall immediately eliminate or correct the odor producing condition, or shut down until the odor is controlled.
7. As an alternative, PVRC may enclose the structure and install an odor control system based on creating a negative air pressure within the proposed recycling structure and pulling the air in the facility through a filter that can prevent odors from escaping to the general environment on adjacent properties. If such a system is installed, it must be continuously operated during presence of recycled material in the structure and it must be maintained in good operational condition so as not to allow odors to escape to the general environment.
8. None of the outdoor storage facilities (bins or drop boxes) shall be allowed to generate odors that exceed the baseline septic condition.

With implementation of these measures, the odor control program can be made fully accountable to all parties and if odors cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The fourth issue is the generation of noise. Noise is generated from many of the activities conducted at the PVRC facility. These sources include: vehicles delivering employees and material for recycling; processing operations; employee activities, both associated with processing and recreation (radios); and transport of packaged recycled waste to markets. In addition to the measures identified on page 21 of the Initial Study and the City's proposed monitoring program, the following mitigation measures are suggested to ensure that noise from recycling operations do not become obnoxious:

9. No activities associated with PVRC operations shall exceed the City's 70 dB threshold at the property boundary. Noise shall be monitored following completion of the new facility, including full delivery of recycled material, to verify that noise levels do not exceed the 70 dB threshold. If any component of operations exceed this threshold, the company shall either reduce the direct noise generating activity or install sound attenuation walls (or any alternative acceptable to the City) to prevent noise from exceeding 70 dB at the property boundary.
10. When noise complaints are received by PVRC, the noise level at the property boundary with the activity creating the noise shall be measured. If the monitored noise level exceeds the 70 dB threshold, PVRC shall control the noise to below this level or shall install noise attenuation features, including sound attenuation walls, as acceptable to the City.

Note that the existing facility and proposed facility operations are located adjacent to existing residential uses which has a lower noise standard, typically 65 dB. This issue was not addressed in the Initial Study, and if the project is allowed to generated more than 65 dB at these residences, a case could be made that the impact is significant regardless of whether the project can meet the 70 dB threshold. However, these residences may be considered as non-conforming uses for which the 70 dB threshold should be applied. Regardless, with implementation of these measures, the noise control program can be made fully accountable to all parties and if noise cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The last issue is one of sanitary facilities. Historically, PVRC has not maintained its portable toilets and conditions hazardous to public health have occurred. This is an unacceptable condition for the employees and the surrounding property owners. This issue was not give any attention in the Initial Study, but poses a very significant public health risk. The following mitigation measure shall be implemented to control this situation:

11. Adequate sanitary facilities shall be installed at the PVRC facility and shall be continuously maintained in a manner protective of public health. If sanitary facilities are not so maintained and complaints are received or inspections result in observations of unhealthy conditions, the facility shall be immediately shut down until the problem is corrected.

With implementation of this measure, the sanitary facilities can be maintained in a fully accountable to all parties and if this problem cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

There is an inherent problem with an operator of a facility like the PVRC with whom you and other adjoining property owners have no trust. It is my opinion that the measures outlined above are specific enough and contain adequate performance standards to measure compliance in controlling the above five issues to a nonsignificant level of incompatibility with the adjacent uses. The measures in the Initial Study and proposed in the Staff report do not have such accountability and can not guarantee that significant incompatibilities will be controlled. The City needs to integrate monthly routine inspections for this project until all parties, you, the applicant and the City concur that the past problems are actually under control and the PVRC facility can be operated as a good neighbor without significant impact on you and your neighbors land uses.

I hope the critical review provided above and the proposed mitigation measures provide you with a higher level of confidence that the proposed PVRC operations do not have to pose a significant conflict with you and your neighbor's existing uses. The above measures represent state of the art performance standards that allow for a high degree of accountability for the mitigation measures. Without such measures, the existing environmental document does not provide sufficient substantiation to verify that operation of the facility will not continue to cause significant conflicts (incompatibilities) with adjacent land users. Please feel free to present this letter to the City of Pomona decision-makers as evidence that the existing environmental documentation is not adequate and that the measures outlined above can reduce potential impacts from future PVRC operations to a level of nonsignificance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Dodson".

Tom Dodson

cc: Bill Brunick



CITY OF POMONA

PLANNING COMMISSION REPORT

Meeting Date: April 25, 2001 **Case No.** MCUP 00-032
(Continued to May 9, 2001)

Project Location: 1326 E. Ninth Street

Applicant: Sunrise Industries, Inc.

Request: Modification to Conditional Use Permit to allow the recycling of plastics, glass, metal and redesign the site plan, expand the existing facility and to change the hours of operation

Environmental Negative
Determination: Declaration

Historic/CBD: None
Specific Plan: None
Redevelopment: Reservoir

	Existing Land Use	Zoning	General Plan
Site	Recycling Facility	M-2	General Manufacturing
North	Industrial Use	M-2	General Manufacturing
South	Vacant Lot	M-2	General Manufacturing
East	Industrial Uses	M-2	General Manufacturing
West	Single Family Residential	M-2	General Manufacturing

Project Summary

Development Standards	Allowed/Required	Project	Compliance
Setbacks:			
Front	25 feet	25 feet	Yes
Rear	None	20 feet	Yes
Side	None	3 feet	Yes
Fence Height	Six (6) feet	Six (6) feet	Yes
Building Height	Six (6) stories	One (1) story	Yes
Parking	72 spaces	80 spaces	Yes

APPLICABLE CODE SECTIONS:

Pursuant to Section .580 G of the Zoning Ordinance, to allow a Modification to the previously approved Conditional Use Permit to allow the recycling of plastics, metal, glass, cardboard and paper, redesign the site plan and change the hours of operation.

BACKGROUND:

The subject site is located east of the Southern Pacific Railroad on Ninth Street. The 4.37 acre parcel of land is developed for processing and shipping of recyclable materials. The proposed operation will include the collection of papers, cardboard, glass, plastic and metals for baling and shipping to other facilities.

On January 11, 1994, the Planning Commission approved a Modification to Conditional Use Permit to allow the expansion of an existing collection/recycling center. The expansion included a lot merger of a 2.83 acre parcel of land, a new parking lot area, new landscaping, renovation to an existing office building, paving the storage area for recyclable materials and construction of a loading dock. Of the above mentioned items, the renovation to the office building was not completed and several other conditions of approval. All conditions of approval will be complied with as part of the proposed modifications.

Within the last 6 to 8 months, staff has received complaints from an adjacent property owner about the smell, trash and flies coming from the subject site. The Planning Division and Code Enforcement have been working with the applicant in order to resolve the above mentioned issues. The applicant has made an effort to resolve the issues by cleaning up the site on a regular basis. However, the current method used to contain the trash deposited on the subject site is not adequate for the amount of recyclable materials received. As a result the applicant is installing new equipment and revising operating procedures to improve productivity and reduce operations.

Current Operations

Currently, the subject site collects and processes recyclable materials. The majority of the recyclable materials deposited on the subject site are co-mingled recyclable materials, which are collected from residential, commercial and industrial properties or uses. The co-mingled materials are deposited in the open yard area and transferred onto a conveyor belt. The conveyor belt sends the co-mingled materials through a sorting line where employees sort out the recyclable materials into separate containers. The materials that are not recyclable (residuals) are collected in another container and disposed at a landfill.

As mentioned above, current operating procedures result in a large pile of co-mingled materials that are uncovered and exposed to the elements. The co-mingled materials that are stored outside in the open yard area piled to a height of ten (10) to twelve (12) feet. At the present time, approximately 7 tons per hour of recyclable materials are processed by hand. The hours of operation start from 6:30 a.m. to 11:00 p.m.

Existing Structures

The subject site has three existing canopy structures, which are used for the recycling of materials. The existing canopy at the rear of the property is used for storage of recyclable materials and the conveyer belt used for the sorting line. The canopy on the west side of the property is used for baling and storage of cardboard materials. The other building located on the north west corner of the lot is used as an office and warehouse. The building located at the front of the property is currently being used as a repair shop and employees break room.

ANALYSIS:

MODIFICATION REQUEST

The proposed Modification consists of the following:

Plastic Materials Collection: The applicant would like to modify their Conditional Use Permit to include the collection and processing of plastic goods. Currently, the applicant has approval under a Conditional Use Permit to process metal, glass, cardboard and paper goods. At the present time, the applicant is processing plastic goods without the approval of a Conditional Use Permit. Staff does not oppose the request to collect and process plastic materials.

Redesign Site Plan/Equipment: The applicant is proposing to change the design of the site plan by expanding and relocating structures on the subject site. The applicant is proposing to change the existing sorting process from a manual process to an automated process through the introduction of new processing equipment. The proposed sorting equipment will increase tonnage processed from 7 to 20 tons per hour. The proposed new equipment will process the recyclable materials quicker and more efficiently. The increase in the processing of recyclable materials will eliminate many of the problems that the property owners are currently experiencing with the odor, trash and vermin/insects.

The proposed equipment will be located within the existing canopy located near the west property line. The applicant is proposing to expand the canopy area and enclose the south, west and portions of the north and east sides of the canopy. By enclosing the structure it will provide storage for the recyclable materials deposited at the site as well as house the new equipment. The proposed enclosure will also reduce the exterior noise, control odor from the recyclable materials and provide more control over the vermin/insect problems created by the existing use. All recyclable materials will only be allowed within the enclosed structure. Exterior storage is prohibited unless in an enclosed storage container.

The existing loading dock area will be relocated near the proposed canopy expansion facing the east property line. The new loading dock will provide easy access for vehicles to load and unload materials.

As mentioned above, the storage of recyclable materials will be relocated from the open yard

area to the enclosed building (canopy) on the subject site. The recyclable materials will be located near the conveyor belt area, thereby, eliminating any outdoor storage of unprocessed materials. As for the glass, plastic and metal materials will be stored near the east property line in enclosed metal containers. No storage of glass, plastic or metal materials will be allowed within an open area exposed to the elements.

Repair Facility Construction: The applicant is proposing to construct a new 2,000-sq. ft. repair facility. The location of the new repair shop is approximately 530 feet from the north property line, forty (40) feet from the south property line and five (5) feet from the east property line. The new repair facility is located at the southeast corner of the property. All vehicles used on the subject site will be serviced in the repair facility. The proposed structure will be screened on three sides, leaving the west elevation open. Staff is conditioning that the repair facility be enclosed with permanent walls and a bay door, in order to reduce the noise level from the repair facility.

Hours of operation: Under the previous Conditional Use Permit, a condition was placed in the approval resolution limiting the operational hours to daylight hours only (6:00 a.m. to 6:00 p.m.) The original request by the applicant was to change the hours of operation to 6:00 a.m. to 11:00 p.m. However, now that the applicant has purchased new equipment which can process the recyclable materials faster, the applicant would like to change the requested operational hours to 6:30 a.m. to 6:30 p.m. Monday through Saturday.

PARKING

Parking for the collection/recycling facility was based on formulas used for office and industrial uses. Parking for the subject site requires a total of 72 spaces. The site plan indicates that a total of 80 parking spaces will be provided. Of the 80 parking spaces, four spaces will be designated as accessible parking to meet the zoning code requirement. All parking lot areas have landscape planter areas instead of wheel stops, which enhance the aesthetics of the parking area. The landscaping in the parking lot area exceeds the required 6% landscaping. The parking spaces are all standard size parking stalls, which are 9 ½' X 18'.

TRAFFIC (NINTH STREET)

The proposed project will increase the number of vehicle trips per day, in that the recycling facility generates a number of vehicles during daytime hours. According to the ITE (Institute of Traffic Engineers) Manual, the average trip generation rate for a recycling facility is 38.9 vehicular trips per each acre of land. Using this ratio, the projected vehicular trips generated for the subject site is 170 average weekday vehicle trips. To compare the number of vehicle trips to other industrial uses, a manufacturing use would generate approximately 210 average weekday vehicle trip and a warehouse use would generate 301 average weekday vehicle trips. The recycling facility will generate fewer vehicle trips per day than a manufacturing or warehouse use. The subject site is located on Ninth Street, which is a Collector Street, capable of handling 12,000 trips per day.

Comments from the Public Works Department, Traffic Division, estimated approximately 3,000 vehicles per day utilize the area between Reservoir Street and East End Avenue along Ninth Street. The Level of Service (LOS) for the above mentioned area is considered to be at an "A" level. Therefore, any additional trips generated by the existing use would be accommodated for on Ninth Street.

Environmental Studies:

Due to the number of complaints generated by the subject site, staff requested that the applicant provide information dealing with environmental issues. The major complaints coming from adjacent property owners are trash/debris, vermin/insects, odor/air quality, noise, and storm water drainage. The information provided to staff is as follows:

Issue	Analysis
Trash/ debris	<p>A number of complaints from adjacent property owners have been expressed to staff about the trash and debris coming from the Pomona Recycling Center. In the environmental report, there was evidence of plastic bags and paper located on adjacent properties. The applicant has made an effort to resolve the problem by sending employees to the adjacent parcels to clean-up any trash or debris coming from the recycling center. However, the effort of the applicant to maintain the adjacent properties is temporary and will not resolve the issue. As long as the storage area for the recyclable materials is out in the open and not within an enclosed structure, the problem will remain.</p> <p>Staff Recommendation- In order to resolve the problem of trash and debris in the future, staff is requiring that the applicant enclose all structures used for the storage and sorting of recyclable materials. Enclosing the existing structures will ensure that the trash and debris is contained within the structure. The proposed enclosure will contain the majority of the trash and debris within the structure, which will make it easier to maintain the recyclable materials.</p>

Issue	Analysis
Vermin/ Insect Control	<p>The second highest complaint about the recycling center is the vermin/insect problem created by the existing operation. Due to the nature of the business and the type of materials processed, vermin/insect are common problems. One of the major reasons for the vermin/insect problem is that the recyclable materials are not stored within an enclosed structure. In the environmental report, a license pest control company did an inspection of the site in order to determine the severity of the problem. The inspection identified specific conditions that attracted vermin and insects and support their propagation. The facility provides easy access to vermin/insects through holes in the existing structure and perimeter walls. Water source is plentiful from drainage, plumbing leaks and unsanitary restrooms. Rotting food and other waste provides an abundant of food source. The trash and debris provide excellent nesting materials/ protection.</p> <p>Staff Recommendation- From the environmental report, it has been determined that there are factors that attract vermin/insect to the subject site. The above issues found by the inspection can be resolved by minor repair work to the building/perimeter walls and plumbing. Storing all recyclable materials within an enclosed structure will eliminate the food source and nesting materials. Staff has added conditions requiring the applicant to repair the above mentioned items as well as hire a pest control company to control and eliminate the vermin and insect problems. In the Mitigation Measures, the applicant shall implement a program to eliminate vermin/insects by conducting an inspection of the site once a month or increase the number of inspection depending on the severity of the problem. Also, a one-page report shall be provided to the Planning staff every three months to document the status of the vermin/insect problem.</p>
Storm Water Drainage	<p>In order to develop any site in the City of Pomona, a grading and drainage plan must be reviewed and approved by the Building Division. The grading and drainage plan was prepared and filed with the Building Division in 1995. The plan shows runoff on the project site discharges into to the municipal storm drain system at Grand Avenue south of the project site. The proposed site is developed with a large catch basin located at the rear of the subject site used to collect all storm water from the site.</p> <p>The proposed changes will not require any grading that would affect the absorption rates, drainage patterns or the amount of surface water run-off. The site is covered with impervious surfaces (i.e. asphalt, concrete); therefore the proposed project will not affect absorption rates, drainage patterns or the rate and amount of surface water run-off. The project will not affect water supplies, water flows or water availability. No water runoff will be discharged into the groundwater. However, there are new laws regulating storm water drainage, which may make the existing catch basin obsolete.</p> <p>Also, the storm water entering the catch basin was tested to determine if hazardous or toxic materials were being drained into the catch basin from the subject site. The analysis indicated that no hazardous or toxic were present.</p> <p>Staff Recommendation- Staff is recommending that the applicant meet current requirements for Section 402(p) of the Federal Clean Water Act of 1987 and Section 35 of the City of Pomona Storm water requirements.</p>

Issue	Analysis
Noise	<p>The recycling center processes recyclable materials through out the day and generates noise from the dump trucks, compactors, loading/unloading, loud music (played by workers) and maintenance equipment. Samples readings were taken from four (4) different locations during work hours (6:00 a.m. to 6:00 p.m.). The average noise ranged between 50 to 69 dB(A) at the north and east locations and 70 to 72.2 dB(A) on the west and south side of the property. Under the City Ordinance for Noise, 70 dB(A) is permitted in industrial zones. In some instances, the noise level did exceed the Noise Ordinance for a short period, which would not impact the adjacent properties.</p> <p>Staff Recommendation- The environmental report indicates that the level of noise will not significantly impact the adjacent uses. Staff agrees with the environmental report that the proposed project will not have a significant impact on the adjacent uses. However, as part of the Modification to Conditional Use Permit the applicant would like to increase the hours of operation from 6:00 p.m. to 11:00 p.m. If the hours of operation are increase to 11:00 p.m. the noise level may increase the number of times the noise level exceeds the City Ordinance, creating a nuisance to adjacent properties. The best solution for reducing the level of noise is to conduct the work within an enclosed structure. The enclosed structure will serve as a sound barrier, reducing the level of noise on adjacent properties. Staff is aware that enclosing the existing structures will not reduce the noise created by the trucks. However, it is anticipated that the level of noise from the trucks should be within the City's Ordinance.</p>
Odor/Air Quality	<p>The proposed project will create objectionable odors to the surrounding properties due to the type of business and materials processed on the subject site. Although the odor created by the recycling facility will not be completely removed from the site, it is anticipated that the proposed modifications will reduce odors so that the level of odor will be minimal and will not be a nuisance to adjacent properties.</p> <p>Odor is a natural by-product of refuse handling and recycling. Although the Pomona Valley Recycling Center processes recyclable materials, other items such as food waste and landscape materials are often inadvertently co-mingled with recyclable. Odors can also be derived from the decay of organic material in chemical or biological processes. In most cases, the decay process generates much stronger or more unpleasant odors than the materials being recycled. Odors generated from a recycling facility depend on the nature of material undergoing preliminary decomposition as well as the environmental factors that affect chemical or biological process rates. Factors affecting the reaction rate and odor development include moisture, temperature, acidity, oxygen supply. These factors vary widely due to the combination of recyclable materials, resulting in various odors emanating into the air.</p> <p>The project has potential to create odors downwind, especially during period of high wind such as "Santa Ana" conditions. The most objectionable odors from the recycling facility result from the decomposition of damp organic materials such as rotting food from residential waste. This produces the smell so common (and objectionable) behind grocery stores. Due to the size of the existing facility and the new equipment, recyclable materials are expected to be processed within a 24-hour period, reducing the opportunity for any organic matter to decay. Also, the recyclable materials will be stored within the enclosed structure with a misting/ fogging system to reduce odors from escaping into the air.</p>

Odor/Air Quality (Continued)	<p>Dust/Air EM Missions - Dust is primarily generated from wind blowing across the project site creating surface disturbance, truck exhaust, and motorized blowers used on the site to control debris. Fugitive dust particulate matter (PM₁₀) was measured by collecting air samples in four separate on-site locations throughout a full workday cycle, beginning at 9:00 am until 10:30 p.m. The dust particulate matter samples were collected and sent under chain-of-custody to EMS Laboratories, Inc., Pasadena, CA for analysis.</p> <p>Staff Recommendation -In order to mitigate any future impact, staff has added conditions in mitigation monitoring program are as follows: 1) the exterior walls along the south, west and portions of the north and east sides of the existing canopy be enclosed, in order to contain the particulate matter within the facility; 2) the applicant shall be required to provide a misting/fogging system within the collection area, in order to control the odor from the recyclable materials. The proposed misting/fogging system shall be located within the recyclable collection area and shall be in operation during the recycling process. The proposed misting/fogging system shall be equipped with a deodorizer to further counter any odors; 3) All recyclable materials that have not been processed shall only remain for a period of 24 operating hours. All materials that have been processed shall be stored within the existing building until the time that the materials are removed from the site; 4) All materials such as glass, metal or plastic that are stored outside the existing structures shall be stored within a fully enclosed metal container. The doors of the container shall be closed at all times, except during the time that the containers are in use. These conditions in the mitigation monitoring program will ensure that the does not become a nuisance to surrounding properties. The applicant is aware of the conditions in the mitigation-monitoring program and does not oppose these conditions.</p>
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Mitigation Measures

Due to the environmental issues mentioned above, a mitigation monitoring system will be implemented to ensure that the environmental issues mentioned above will not impact the surrounding properties. The Mitigation Measures will address all environmental issues and be monitored and reviewed by the appropriate City Departments and Divisions for compliance (A copy of the Mitigation Monitoring Program is included as part of Attachment B).

Consistency with General Plan and Redevelopment Plan


The proposed use will not adversely affect the General Plan of the City, in that a collection/recycling center is a conditionally permitted use in the subject M-2 (General Manufacturing) zone. The proposed expansion and project changes are consistent with the Reservoir Industrial Redevelopment Plan and the development standards of the M-2 zone.

RECOMMENDATION:

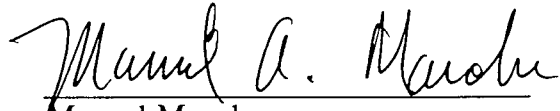
That the Planning Commission adopt Resolution No. 8834 approving Modification to Conditional Use Permit MCUP 00-032, with conditions.

Respectfully Submitted,

Prepared by,



Candida Neal, AICP
Planning and Development
Services Manager



Manuel Mancha
Principal Planner

ATTACHMENTS:

- A - Draft Resolution No. 8834
- B - Mitigation Monitoring Program
- C - Vicinity Map
- D - Plans
- E - Departmental Comments
- F - Resolution Nos. 8312, 2830, 2830-A and 8398
- G - Mitigated Negative Declaration

ATTACHMENT C
COPY OF STAFF REPORT FOR MAY 9, 2001 PLANNING
COMMISSION MEETING

Attachment 3
Planning Commission
May 23, 2001 Staff Report, without attachments



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: MAY 23, 2001

TO: PLANNING COMMISSION

SUBJECT: MODIFICATION TO CONDITIONAL USE PERMIT TO ALLOW
SUNRISE ENTERPRISES TO RECYCLE PLASTICS, CHANGE THE
OPERATING HOURS, AND REDESIGN THE SITE PLAN TO EXPAND
AN EXISTING RECYCLING FACILITY

SUMMARY

Issue - Should the Planning Commission approve a Modification to Conditional Use Permit MCUP 00-032 to allow the recycling of plastics, redesign the site plan, expand the existing facility and change the hours of operation?

Recommendation - The Planning Commission approve the Modification to Conditional Use Permit to allow the recycling of plastics, redesign the site plan, expanding the existing facility and change the hours of operation.

Previous Related Action – On May 9, 2001 the Planning Commission reviewed the requested modification to Conditional Use Permit and continued to the project to allow staff time to analyze the information submitted by an adjacent property owner.

Public Noticing Requirement - Pursuant to Section .571 of the Zoning Ordinance, notice of a public hearing is required to be published in a newspaper of local circulation 10 days prior to the date of the hearing. Said notice was published in the Inland Valley Daily Bulletin.

BACKGROUND

On May 9, 2001, the Planning Commission reviewed and continued a request to Modification an existing Conditional Use Permit. During the meeting there was a lengthy discussion on the conditions in the Mitigation Monitoring program and conditional use permit. The adjacent property owner felt there should be additional conditions included in the monitoring program. On the date of the Planning Commission meeting, a letter was submitted by an environmental consultant hired by an adjacent property owner. The correspondence included additional conditions for the proposed mitigation monitoring program. In response to this letter, staff prepared a number of additional mitigation measures. However, the adjacent property owner did not feel comfortable with the proposed changes and requested additional time to review the

new information. As a result, the project was continued to allow the property owner to up a meeting between the applicant and the adjacent property owner and his consultant to create mitigation measures acceptable to both parties.

In continuing the project, the Planning Commission directed staff to meet with the applicant and the adjacent property owner and his consultant. However, due to difficulties in schedules and prior commitments, staff could not arrange a meeting between the two parties. Staff did have extensive discussions over the telephone with the adjacent property owner and determined that there are three main issues of concern. Staff has addressed the concerns in the Discussion portion of the staff report.

DISCUSSION

Environmental Review

Two Planning Commissioners were concerned that this project might require an Environmental Impact Report. Under the California Environmental Quality Act (CEQA) an initial study was preformed to determine the type of environmental review needed for a proposed project. The environmental checklist and initial study were prepared. Based on this information, it was determined that a Mitigated Negative Declaration would be required for the proposed project. A Mitigated Negative Declaration is used when certain environmental issues can be mitigated to below a level of significance impact. An Environmental Impact Report (EIR) is required when the initial study determines that there are environmental issues that will have a significant impact, which may or may not be mitigated.

Environmental issues

Below are environmental issues/concerns that the adjacent property owner has with the subject site.

Issue	Request/Recommendation
Professional preparation of all surveys or studies	<p>Adjacent Property Owner- That all required surveys or studies are preformed by certified Professionals in their field.</p> <p>Applicant – The applicant had agreed to utilize only professionals who are certified in their field to conduct any surveys or studies required by the City.</p> <p>Staff Recommendation- Staff agrees that the request to utilize professionals certified in their fields is a reasonable and will add the condition to the Mitigation Monitoring Program.</p>

Issue	Request/Recommendation
<p>Limitation on Storage of recyclable materials</p>	<p>Adjacent Property Owner- That all recycled materials required that have been recycled and baled shall remain for a period not to exceed one (1) week.</p> <p>Applicant – The applicant is willing to meet the request of the adjacent property owner halfway. The applicant agrees limit the storage of paper and cardboard to one (1) week and keep the proposed storage period for cans and plastic to two (2) weeks.</p> <p>Staff Recommendation- Staff would agree with the applicant on limiting the storage of some of the recyclable materials on the site. If the applicant agrees to limit some of the recyclable materials, staff will add a condition to the mitigated monitoring program to address the storage limits. However, the proposed two (2) weeks for the storage of recyclable materials is a reasonable request for materials that have been collected and baled.</p>
<p>Vector/Pest Control</p>	<p>Adjacent Property Owner- Is requesting that the applicant provide a guarantee that the current problems with the rats and flies are eliminated from his property and surrounding lots.</p> <p>Applicant – The applicant is willing to work with the adjacent property owners by hiring a professional company to evaluate, recommend and implement a vector/insect program to control or eliminate the existing problem. Once the vector/pest control program is completed and implemented for a period of three (3) months after the installation of the recycling equipment. If after the (3) month implementation period of the vector/pest control program and no improvements have been documented. The applicant is willing to send a professional vector/pest control company to the site to evaluate, recommend and implement methods of controlling/eliminating the vector/pest problem. The applicant will be required to provide this service for a period of three (3) months.</p> <p>Staff Recommendation- Staff has placed conditions in the Mitigation Monitoring Program that will ensure that the applicant does everything in his power to control and eliminate the current problems faced by the adjacent property owners. However, to guarantee that the adjacent properties will never have problems with rats or flies is an impossible request. The project can be conditioned so that the applicant is responsible for eliminating any vectors that are a result of his operation.</p>

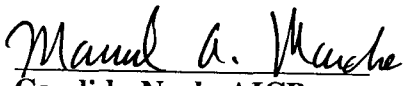
CONSULTANT'S LETTER

As mentioned above, the adjacent property owner had a consultant review the Mitigation Monitoring Program and commented on the conditions. All of the conditions in the consultants letter were addressed at the May 9, 2001 Planning Commission meeting, which was presented to the Commission. (A copy of the response to the consultant's conditions is provided in the staff report)

CONCLUSION


The proposed Mitigation Monitoring Program has been revised to meet the concerns of the applicant and the adjacent property owners. The existing recycling business has created a negative image with the adjacent property owners, which the applicant is proposing to correct. These issues can be mitigated with the proper mitigation measures. Staff feels that the Mitigation Monitoring Program will address all issues and concerns expressed by the adjacent property owners and ensure that the applicant complies with these conditions.

Respectfully submitted,


Candida Neal, AICP
Planning and Development
Services Manager

FOR
CN

Prepared by,


Manuel A. Mancha
Principal Planner

for

ATTACHMENTS:

- A - Draft Mitigation Monitoring Program.
- B - Copy of the letter from the adjacent Property Owner Consultant and Staff's Comments.
- B - Copy of Staff Report for May 9, 2001.
Planning Commission Meeting.

Attachment 4
Summary Table of Planning Commission
Resolutions and Planning Commission Resolutions
of Approval

Summary Table of Planning Commission Resolutions

Application No.	Date	Resolution No.	Action
Not Applicable	January 8, 1969	2830	Approved a conditional use permit to allow scrap metal processing was approved for the eastern portion of the property, 1326 E. Ninth Street.
Not Applicable	April 9, 1980	2830-A	Modified the conditional use permit to allow recycling of glass and paper as well as metal.
MCUP 94-044	January 11, 1995	8312	Modified the conditional use permit to allow expansion of the recycling facility to include the adjacent property at 1352 E. Ninth Street.
MCUP 95-026	November 8, 1995	8398	Modified the conditional use permit to allow expansion of an existing building and construction of a new building.

RESOLUTION NO. 2830

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING APPROVAL OF THIS REQUEST FOR CONDITIONAL USE PERMIT.

A. REQUEST:

1. APPLICATION FOR: Conditional Use Permit to develop a scrap metal processing plant and related equipment within the M-2, General Industrial Zoning District.
2. APPLICANT: George Arrow for Dee-Lyn Corporation, 9016 Norwalk Blvd., Santa Fe Springs, California.
3. LOCATION: Property addressed as 1352 East Ninth Street, Pomona, California.

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

It is hereby found and determined that the provisions for granting a Conditional Use Permit as set forth in Section .580, Ordinance 1466, have been met and this request for Conditional Use Permit is hereby recommended for approval subject to the following conditions:

CONDITIONS:

Chamber of Commerce Industrial Committee:

1. An 8' solid masonry wall shall be constructed on all property lines except for access points and front yard setback areas. Said walls shall be well maintained from the exterior view.
2. Solid gates shall be constructed and said gates shall be kept closed, except during working hours.
3. A 3' solid masonry wall shall be constructed alongside property lines within the 25' front yard setback.
4. Materials stored out of doors shall not be stacked so as to exceed the height of the block wall or to be visible from beyond the subject property.
5. The subject property shall be only used for the storage and compacting of scrap metal for shipping.
6. The operation be limited to daylight hours only, due to the noise of the shears.
7. All future building construction must be reviewed and approved by the Planning Commission.

8. A time limit of five (5) years shall be placed upon this Conditional Use Permit, at which time the Planning Commission shall review the operation to be certain it has met all the conditions set forth in this Conditional Use Permit and that the operation of the business as proposed by the applicant is not detrimental to the adjacent property owners.
9. No burning or other processes that may cause nuisance to surrounding properties shall be permitted on the site and the operation shall conform to Sec. .410 of the Zoning Ordinance.
10. The entire yard shall be paved with an asphalt surfacing or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public rights-of-way, provided, however, the Public Works Director may approve other paving materials which provide, in his opinion, the equivalent in service and useful life.

Engineering Department:

1. Sidewalk and drive approaches shall be constructed, and street light, if required, in conformance with the standards and specifications of the Engineering Department.

AYES: Barraza, Schmidt, Lepire, Williams, Shepard, Vlietstra, Solana

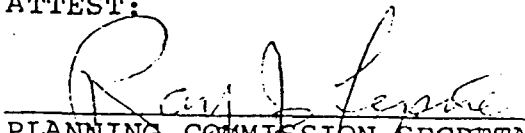
NOES: None

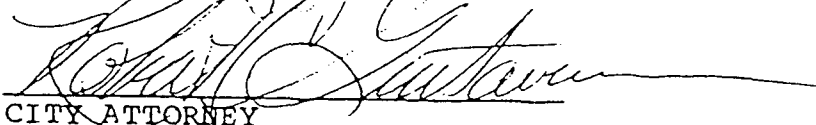
ABSENT: None

APPROVED AND PASSED this 8th day of January, 1969.


PLANNING COMMISSION CHAIRMAN

ATTEST:


PLANNING COMMISSION SECRETARY
APPROVED AS TO FORM:


CITY ATTORNEY

PC 1/8/69

F-7

RESOLUTION NO. 2830-A

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE MODIFICATION OF A CONDITIONAL USE PERMIT.

A. REQUEST:

1. APPLICATION FOR: Modification of a Conditional Use Permit to allow recycling of glass and paper as well as metal.
2. APPLICANT: Shin Duk Kang
3. LOCATION: 1326 East Ninth Street, Pomona, CA

B. ACTION:

BE IT RESOLVED by the Planning Commission as follows:

According to the procedure as set forth in Section .580, Ordinance 1466, the Planning Commission has heard this request for modification of a Conditional Use Permit and it is hereby found and determined that this request be approved subject to all requirements except condition #5 of Planning Commission Resolution #2830 remaining in force.

AYES: Crockett, Perry, Hill, Nabarrete, Siler

NOES:

ABSENT: McKinney, Spano

APPROVED AND PASSED this 9th day of April, 1980


PLANNING COMMISSION CHAIRMAN

ATTEST:


PLANNING COMMISSION SECRETARY

F-8
2-2

RESOLUTION NO. 8312

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING MODIFICATION OF CONDITIONAL USE PERMIT CUP 94-044, WITH CONDITIONS, ~~TO ALLOW~~ AN EXPANSION OF AN EXISTING COLLECTION/RECYCLING CENTER LOCATED IN THE M-2 (GENERAL INDUSTRIAL) ZONE ON PROPERTY KNOWN AS 1326-1352 NINTH STREET

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, there has heretofore been submitted by Sunrise Industries, Inc., a request for a Modification of Conditional Use Permit to expand an existing collection/recycling center in the M-2 (General Industrial) zone located at the above referenced address;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing concerning requested Modification of Conditional Use Permit CUP 94-044;

WHEREAS, the Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

Now, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared and reviewed, finding that the proposed project will not have a significant effect on the environment. The Planning Commission hereby approves said Negative Declaration.

SECTION 2. The Planning Commission hereby finds and determines as follows:

1. The proposed modified use at the particular location is necessary to protect the public peace, health and safety and allows for the reasonable operation of said use, in that the expansion of the existing collection/recycling center will allow for the additional recycling of materials which will promote a healthier and cleaner environment. Additionally, the project will be beneficial to the City and region in that it will conserve existing resources to help the City reach its State-mandated (as per Assembly Bill 939) goals of 25% and 50% solid waste reduction requirements by the years 1995 and 2000, respectively.

F-1

SECTION 3. Modification of Conditional Use Permit MCUP 94-044, as submitted heretofore, is hereby approved subject to compliance of all existing laws and ordinances of this City and the following specific conditions, violations of which (or failure to complete any of which) shall constitute grounds for revocation of the Conditional Use Permit or any portion thereof:

1. Substantial conformance to submitted plans date-stamped January 3, 1995, except as modified herein.
2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval. If the project cannot be initiated within one (1) year, a request for a time extension must be applied for thirty (30) days prior to the one (1) year expiration date.
3. The applicant shall sticky-back all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
4. The project shall be subject to an appeal period of twenty (20) days. A written appeal may be filed by the applicant, any person owning property within four hundred (400) feet of exterior boundaries of the applicant's property, or the City Council on its own initiative by a majority vote, may appeal a decision of the Planning Commission for City Council review.
5. The applicant shall furnish three (3) complete sets of plans for plan check submittal (structural, mechanical, electrical, plumbing, site, floor, building elevations, landscape and irrigation plans) to the Building Division.
6. The plans shall be designed to comply with the following codes and ordinances: 1991 Uniform Building Code, 1991 Uniform Mechanical Code, 1991 IAPMO Uniform Plumbing Code, 1991 Uniform Fire Code, 1990 National Electrical Code, State Title 24 Energy and Handicap Codes, Federal Americans with Disabilities Act Guidelines, and all applicable City of Pomona Ordinances.
7. All utilities, including electrical service drops, shall be located underground, subject to approval of the Building Division.
8. Any graffiti on the property shall be removed or painted over within 48 hours.

E-2

9. The applicant shall submit a lighting plan to the Building Division as part of the plan check submittal. All exterior lighting shall be mounted within tamper proof fixtures.
10. The applicant shall be responsible for the removal of shopping carts that have been abandoned adjacent to the recycling facility within the public right-of-way.
11. The applicant shall provide a minimum of five (5) foot wide landscaping planter along the parking area at the west side of the lot, subject to approval of the City Planner.
12. A total of two (2) accessible parking stalls shall be provided on the additional site and one (1) accessible parking stall shall be located on the existing site, adjacent to the office building, subject to review and approval of the Building Division.
13. The existing drive approach not being utilized shall be removed and reconstructed with curb, gutter and sidewalk per City Standard. New sidewalk shall be constructed along frontage where missing. New drive approaches shall be constructed per City Standard No. A-2-71 III; (W=26, X=4 feet).
14. The applicant shall install a minimum six (6) inch high curb surrounding the areas indicated for future expansion, which shall be hydroseeded and maintain until such time that these areas are utilized, subject to approval of the City Planner.
15. The applicant shall patch and slurry coat the existing parking, driveway and loading areas, so as to conform with all new paving.
16. The applicant shall screen the parking area from the street by providing a six foot high block wall behind the 20' landscaped front yard setback area, subject to approval of the City Planner.
17. The applicant shall remove the existing six (6) feet high chain link fencing on the side and rear property lines and replace same with eight (8) feet high masonry walls beyond the front yard setback, consistent with Condition No. 1 of the previously approved Conditional Use Permit (Planning Commission Resolution 2830).
18. All structures shall be alarmed for burglary and fire services.

19. The property address shall be visible from the street and lit during all hours of darkness.
20. The applicant shall indicate all on-site access drives proposed to the structure. A minimum unobstructed width of 26 feet clear to sky roadway to within 150 feet of all portions of the exterior walls shall be provided.
21. A public fire hydrant shall be located within 200 feet of all portions of the lot frontage and within 400 feet of all portions of the exterior walls, subject to approval of the Los Angeles County Fire Department.
22. The applicant shall complete and return an "Owner's Statement of Intended Use" Form (Form 194) pertaining to high-piled combustible storage to the Fire Department.
23. The applicant shall apply for a Lot Merger with the Public Works Department.
24. The applicant shall provide one (1) new street light along Ninth Street frontage and shall join the City Street Light Maintenance District, subject to review and approval of the Public Works Department.
25. The applicant shall provide a minimum of one (1) new trash enclosure screened from public view. Location of the trash enclosure shall be approved by the City Planner.
26. At the time of development, the applicant shall submit a site plan and grading/drainage plan with hydrology and hydraulic calculations to the Building Division. On-site drainage shall be diverted into City streets and diverted through the curb face via an approved on-site drainage facility. Prior to obtaining a Building Permit, the above noted plans shall be approved by the Building Division and Public Works Department.
27. An approved reduced pressure backflow prevention device shall be installed between the meter and the first point of service in conjunction with the proposed construction.
28. The block wall constructed at the rear of the property shall be constructed in a manner so as to prevent a gap between the subject property and the existing wall along the property to the south.
29. The applicant shall provide additional parking, as determined by the City Planner for phases 2, 3 and 4, as indicated on the submitted site plan.

F-4

30. The applicant shall provide directional signage, either painted on the pavement or otherwise, indicating circulation on the subject property, as approved by the City Planner.
31. All Conditions of Planning Commission Resolution Nos. 2830 and 2830-A shall be met.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED, AND ADOPTED this 11th day of January, 1995.



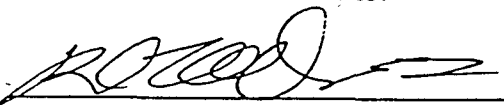
SAM THARPE
PLANNING COMMISSION CHAIRPERSON

ATTEST:



DENNIS R. MACKAY
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:



RICHARD L. ADAMS II
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Russo, Lustro, Jimenez, Tharpe, Tessier, Bruyn
NOES:
ABSTAIN:
ABSENT: Warren

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."

RESOLUTION NO. 8398

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF POMONA APPROVING **MODIFICATION OF CONDITIONAL USE PERMIT CUP 95-026**, WITH CONDITIONS, TO ALLOW A 2,350 SQUARE FEET OFFICE ADDITION AND TO RENOVATE AN EXISTING 2,000 SQUARE FEET OFFICE BUILDING WITHIN AN EXISTING COLLECTION/RECYCLING CENTER LOCATED IN THE M-2 (GENERAL INDUSTRIAL) ZONE ON PROPERTY KNOWN AS 1326-1352 NINTH STREET

THE PLANNING COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

WHEREAS, there has heretofore been submitted by Sunrise Industries, Inc., a request for a Modification of Conditional Use Permit to allow a 2,350 square feet office building and renovate an existing 2,000 square feet office building within an existing collection/recycling center in the M-2 (General Industrial) zone located at the above referenced address;

WHEREAS, the Planning Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing concerning requested Modification of Conditional Use Permit CUP 95-026;

WHEREAS, the Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

Now, THEREFORE, BE IT HEREBY RESOLVED:

SECTION 1. Pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared and reviewed, finding that the proposed project will not have a significant effect on the environment. The Planning Commission hereby approves said Negative Declaration.

SECTION 2. The Planning Commission hereby finds and determines that the proposed modified use at the particular location is necessary to protect the public peace, health and safety and allows for the reasonable operation of said use, in that the addition and renovation will increase the aesthetics of the site and will allow the development of a partially developed lot to achieve its highest and best use. Additionally, the project will be beneficial to the City in that it will upgrade an existing site as well as support businesses expansion, which will promote a positive image for the City.

SECTION 3. Modification of Conditional Use Permit MCUP 95-026, as submitted heretofore, is hereby approved subject to compliance of all existing laws and ordinances of this City and the following specific conditions, violations of which (or failure to

complete any of which) shall constitute grounds for revocation of the Conditional Use Permit or any portion thereof:

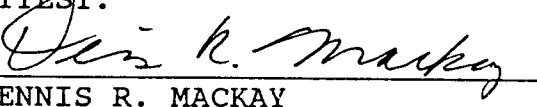
1. Substantial conformance to submitted plans date-stamped September 14, 1995, except as modified herein.
2. This approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one (1) year from the date of this approval. If the project cannot be initiated within one (1) year, a request for a time extension must be applied for thirty (30) days prior to the one (1) year expiration date.
3. The applicant shall sticky-back all approved resolutions related to the project, which shall be placed on the title sheet of construction plans prior to the Plan Check submittal.
4. The project shall be subject to an appeal period of twenty (20) days. A written appeal may be filed by the applicant, any person owning property within four hundred (400) feet of exterior boundaries of the applicant's property, or the City Council on its own initiative by a majority vote, may appeal a decision of the Planning Commission for City Council review.
5. The size of the parking stalls as shown on the site plan shall be change to 9 1/2 X 18 as required by the Zoning Ordinance.
6. All Conditions of Planning Commission Resolution Nos. 8312, 2830 and 2830-A shall be met.

SECTION 4. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED, AND ADOPTED this 8th day of November, 1995.


ED TESSIER
PLANNING COMMISSION CHAIRPERSON

ATTEST:


DENNIS R. MACKAY
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

John G. Henrichs
JOHN HENRICHS
DEPUTY CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES: Warren, Jimenez, Bruyn, Lustro and Tessier.
NOES: None.
ABSTAIN: None.
ABSENT: Russo and Tharpe.

"Pursuant to Resolution No. 76-258 of the City of Pomona the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."

"CUP1352.WP"

Attachment 5
Letters from Adjacent Property
Owners/Businesses Complaints

Resolution
#2001-154

BRUNICK, ALVAREZ & BATTERSBY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

POST OFFICE BOX 6425

SAN BERNARDINO, CALIFORNIA 92412

TELEPHONE: (909) 889-8301

FAX: (909) 388-1889

E-MAIL: bralba@eee.org

215 CAJON STREET

P. O. BOX 1320

REDLANDS, CALIFORNIA 92373

TELEPHONE (909) 793-0818

WILLIAM J. BRUNICK
DONALD R. ALVAREZ
MARGUERITE P. BATTERSBY
STEVEN M. KENNEDY
LELAND P. MCELHANEY
RENE S. ABRAHAM
ELIZABETH G. MERKIN
STEPHEN MILLER

PLEASE REFER TO

April 25, 2001

City of Pomona
Attn. Planning Department
505 S. Garey
Pomona, California 91766

RE: Sunrise Industries, Inc.
1326 E. Ninth Street
MCUP 00-032

Dear Sir or Madam:

This office represents Nick and Cynthia Testa, owners of property adjacent to the applicant's property.

The modification of the conditional use permit is not being issued pursuant to the procedures outlined by the Pomona Municipal Code and is inconsistent with the General Plan as well as the Reservoir Industrial Redevelopment Plan of the City. To allow a conditional use permit, a finding must be made that in the granting of a conditional use permit it is in the vital public interest to do so. No consideration has been given to how the modification or granting of the conditional permit affects the quality of life of everyone in the area of proposed use. This is especially true in light of evidence of purported violations of the original conditional use permit by the applicant. Perhaps the City should revoke the original conditional use permit because of continued violations.

My client has no confidence that the City will enforce any of the proposed conditions as well as the monitoring recommended by the Mitigated Negative Declaration nor do we believe these conditions will be effective. The Planning Commission is requested to request staff to make the necessary findings that the modification allowing expansion of this activity is consistent with the General Plan, Redevelopment Plan and is of vital public interest affecting the quality of life of other property owners, as well as the fair market value of other adjacent property owners.

The City of Pomona should require an EIR instead of a Mitigated Negative Declaration which has been circulated. Clearly there is evidence in the Staff Report as well as the environmental review document which has a significant effect on the environment which cannot

PLANNING DIVISION
2001 APR 25 PM 2:33

City of Pomona
Attn. Planning Department
April 25, 2001
Page 2

be anticipated or avoided. In these particular cases, the Lead Agency must prepare a draft EIR and certify the final EIR prior to project approval. Instead, a mitigated negative declaration is proposed which does not address or adequately monitor these issues. The issues not adequately addressed which should be subject to a comprehensive EIR are as follows:

1. Construction of a 43,220 square foot metal building to accommodate 5 trucks at one time. The construction of a building of this size which allows the sorting of recyclable materials affects existing land uses and will disrupt the existing community.
2. The increase use and the sorting of recyclable materials will affect surface water and run off.
3. Certainly air quality will be affected by the creation of objectionable odors and increased fumes from a more intensified activity. The odor will be a nuisance to the adjacent property owner as it is now. The intensification of use will increase the odor problem. The measures proposed simply do not address the concerns of the neighboring property owners.
4. No adequate analysis was given to the increase of truck traffic resulting from this expansion. Increased truck traffic is merely discounted.
5. The noise issue must be addressed more fully. Noise is currently a problem with the existing operation. An EIR is requested to more fully address these issues.
6. Finally, aesthetics should be considered more fully. Vermin and insect infestation are invading the adjoining property lines causing a major health and environmental problem to neighbors and employees which surround the proposed project. The mitigation measure proposed is that the applicant must implement a program by inspecting the site once a month. This is not adequate. EIR would be much more specific as to the monitoring plan required and a more through recommendation is required.

Very truly yours,



WILLIAM J. BRUNICK

BRUNICK, ALVAREZ & BATTERSBY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

POST OFFICE BOX 6425

SAN BERNARDINO, CALIFORNIA 92412

TELEPHONE: (909) 889-8301

FAX: (909) 388-1889

E-MAIL: bralba@eee.org

215 CAJON STREET

P. O. BOX 1320

REDLANDS, CALIFORNIA 92373

TELEPHONE (909) 793-0818

WILLIAM J. BRUNICK
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MARGUERITE P. BATTERSBY
STEVEN M. KENNEDY
LELAND P. MCELHANEY
RENE S. ABRAHAM
ELIZABETH G. MERKIN
STEPHEN MILLER

PLEASE REFER TO

FAX TRANSMISSION SHEET

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. This information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: MANUEL MANCHAORGANIZATION: CITY OF POMONAFAX NO. (909) 469-2082FROM: WILLIAM J. BRUNICKDATE: APRIL 25, 2001TIME: 2:33TOTAL NUMBER OF PAGES SENT (INCLUDING TRANSMITTAL) 3SUBJECT: SUNRISE INDUSTRIES, INC./MCUP 00-032

MESSAGE: _____

If you do not receive all the papers indicated above, or if you have any problems concerning this facsimile, please call the undersigned operator immediately at (909) 793-0819. Thank you.

JUDY SWANSON
Operator

PLANNING DIVISION
2001 APR 25 PM 2:33

May 1, 2001

PLANNING DIVISION

2001 MAY -7 AM 9:42

City of Pomona
Pomona, CA

Re: Sun Rise Industries

To Whom It May Concern:

I am currently an employee of Spray Systems, Inc. located at 1363 E. Grand Ave., Pomona, CA 91766. There is a problem that I would like to have addressed as soon as possible by the City of Pomona. It is in respect to the constant aggravation associated with gnats, flies, and various other insects in and around the above-mentioned property due to Sun Rise Industries. This problem is a direct reflection and is due to Sun Rise Industries and their lack of maintaining their property and its contents in a manner which is appropriate for their industry.

There is a constant influx of insects that plague my office in particular on a daily basis. If you have ever experienced just one gnat, you are aware of how annoying they can be. Just think if you had to endure an onslaught of them on a daily basis as we do here at Spray Systems, Inc. Not only do they insist on flying into you ears, up your nose, and in your mouth when you talk, they also have a fascination with doing the back stroke in my coffee, which I find extremely disgusting. I do not want to have to do a complete investigation of the interior of my coffee cup prior to each drink.

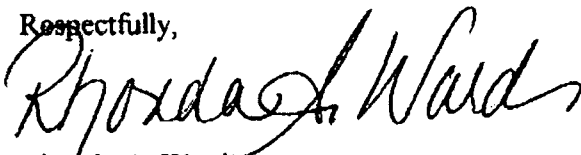
Speaking of the consumption of these various insects whether it is by mouth, nose, or ears, I would like to know what type of diseases they may be carrying around with them considering the environment that they are exposed to over at Sun Rise Industries.

I can no longer endure the pest problem. The other day I had an insect fly into my ear and it felt as if I was never going to get him out. Not only did this frighten me, I actually considered visiting my family doctor.

I hope that The City of Pomona will do everything in its power to relive this problem as soon as possible and do it as quickly as possible as I believe that it poses a health risk. Not only does it pose a health risk it also poses many problems, which make my employment at Spray Systems, Inc. virtually unbearable and possibly short lived.

Thank you in advance for your consideration of my letter/complaint.

Respectfully,



Rhonda A. Ward

May 1, 2001

City of Pomona
505 South Garey Avenue
Pomona, CA 91766

TO WHOM IT MAY CONCERN:

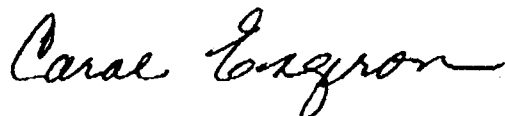
I have been an employee of Spray Systems, Inc. for over six years. I am very proud to be employed by someone who has pride in the product produced, the cleanliness of the factory as well as the appearance of the grounds and facility where the business is located. We frequently receive compliments from our distributors, vendors, and business associates on the cleanliness of the production floor. On lovely spring days we would open the door to the factory and the front door to the office and enjoy a wonderful breeze through the building. Sadly, that is no longer the case. For the last year or so we have been subjected to the disheartening condition, smells and nuisance of "pests" from the adjacent recycling business.

We can no longer keep doors open and have had to install a blower over the door to mitigate the gnats that swarm in the area. The blower has helped but it can't cure the condition. I hope you are able to imagine how frustrating it is to pick up a coffee cup, a glass of water, juice, soft drink or whatever to find gnats doing the back stroke in your beverage. We have found them in the refrigerator, they vie for your lunch, buzz around your face, ears and nose while talking on the phone. I was particularly embarrassed when interviewing applicants for a position in our office. We spent most of the time batting the gnats away from our face. One can only imagine what the applicants thought.

We have had vermin, as well as cats chasing the vermin get trapped in the building setting off our alarms. This does not make the Pomona Police Department happy to respond to a call such as this. Our neighbors have shared with me that the vermin have chewed the interior of their trucks. It is unpleasant to come to work on a warm morning to find the area smelling of stale beer from the accumulated cans.

While I believe in free enterprise, I do not believe that we should infringe on the rights of others. I ask that if the City of Pomona grants a conditional use permit to this business to continue their present operation that it is policed heavily. If they do not keep their facility in the manner that any prudent business person could expect that said permit be revoked as well as their right to do business in like manner.

Sincerely,



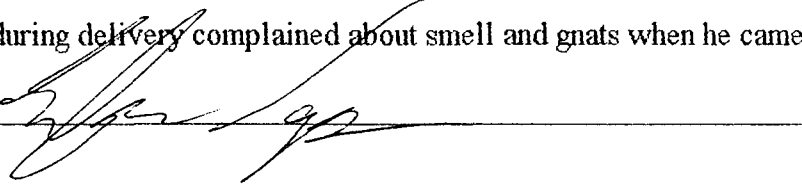
Carol Engeron

PLANNING DIVISION
2001 MAY -7 PM 3:26

4/27/01

UPS driver during delivery complained about smell and gnats when he came in.

Signed: _____

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be a cursive or semi-cursive script. It is positioned to the right of the word "Signed:" and extends across the line.



May 3, 2001

City of Pomona
Planning Commission
505 South Garey Avenue
Pomona, CA 91766

Attn: Candida Neal

Re: Expansion of Recycling Center
1326 East Ninth Street, Pomona

PLANNING DIVISION
2001 MAY -8 AM 8:45

Dear Ms. Neal:

It has come to our attention that the recycling plant, located directly behind our business, is planning to expand. We wish to voice our concerns regarding problems we have encountered with their operation, and the possibility that the expansion would increase these problems.

During the last year, we have experienced an alarming increase of rats. In a period of two weeks, we caught over 40 rats. We called the Health Department and City Hall in an effort to find a solution to the problem. We were told to call Vector Control. Vector Control could not help us, as we are a business, not a residence, and the rats were not inside. They suggested we call a private exterminator. Mr. Paul Dubone with Environmental Site Assessment Professionals did stop by and talked to our superintendent, who took him outside and explained our problem. Although Mr. Dubone was sympathetic, he said the recycling center had a right to conduct their business, and that an inspection of the plant had showed only a few minor areas where improvement could, and would be made.

We have removed much of the vegetation from our property, and have had Terminex set additional bait traps, in an effort to rid ourselves of the rats. None of these measures have been very effective.

Beside the rat infestation, we have experienced a significant increase in the amount of flies, especially on the warmer days.

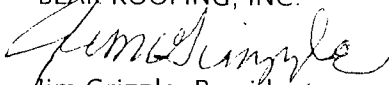
The workers sorting the recyclables, are throwing all types of balls, disks, records, etc., over the fence and into our yard. Plastic bags and other lighter materials are continually blowing into our yard.

Our alarm is being set off at all times of the night, possibly by the rats or the trash, since there is never evidence of human intruders.

We are concerned that if the proposed expansion takes place, these problems will increase.

We would like some assurance that if this expansion is permitted, the City of Pomona will enforce strict compliance in regard to all environmental issues.

Sincerely,
BEAR ROOFING, INC.


Jim Grizzle, President

FAX TRANSMITTAL: 469-2082, 2 PAGES

To: City of Pomona, Planning Commission
From: Cyndi Testa
Date: May 4, 2001
Re: Sunrise Industries

Dear Members of the Planning Commission,

I am writing this letter to you today to express my fears over the conditional use permit potentially being granted to Sunrise Industries. Let me start by saying that we are not opposed to Sunrise Industries being located on Ninth Street. Nor are we opposed to them expanding their hours and their recycling capabilities. However, and this is a big however. During the last couple of years, Sunrise Industries has been recycling materials that they were not licensed to recycle. They have totally ignored the laws pertaining to their business. Several nights they are still sorting trash as late as 2:00 a.m. to 3:00 a.m. They did not for a long time have adequate restroom facilities for their employees. The out houses that were contracted for were not cleaned on a needed basis, rather a scheduled basis. They had music playing so loud that anyone driving by on Grand Avenue would have thought their own headphones were on. Trash was piled so high you could visibly see it from any adjacent property. Trash blows everywhere making all of us adjacent property owners also in the recycling business. Employees, while sorting trash throw balls over any fence they can. We have had a golf ball go through one of our skylights. Because of their greed, they have taken on more trash than they could possibly recycle and let it sit for days on end. The neighborhood now has visible problems with gnats, flies, vermin, odor and who knows what else.

I have taken the time to talk with other businesses in the area. I am appalled at the things I have heard. One business has a rat poster. They cross off one of the many rats shown as they kill them. They stopped at 40, it was no longer a fun little game. Another business has visible problems during the day with rats present in lunch areas. All coffee and supplies must be locked up daily to avoid the rats getting into it. They have had equipment destroyed by the vermin eating wiring. All of the surrounding business' now have flies and gnats disrupting their work productivity and making some potentially dangerous work situations. People working with any kind of machinery should be focused on their job-not swatting bugs. In our own offices we have installed air systems to try to eliminate some of the gnats. You can no longer have a cup of coffee or water sitting at your desk without the fear of drinking one of the little critters. I could go on and on.

We were told we were the only ones to have contacted the City. In reality many of our neighbors have complained and were told by city personnel to contact the health department or vector control. The health department doesn't seem to get involved with this type of issue, because they feel it is a city issue. Vector control brings rat traps and/or poison. The businesses do not receive public notices. Truthfully, how many property owners would alert their tenant to this type of potential problem and risk loosing them?

I have read the staff report and wish that everyone from the City of Pomona could plant their office adjacent to this facility. The proposed mitigations are not enough. Many of the areas require Sunrise to police themselves. They are not the type of company that will follow through. Look at their history. Talk to Pomona Police Department and your own Planning Department. The number of trips they had to make was ridiculous to get Sunrise Industries to clean up even to the point they did. Right now they

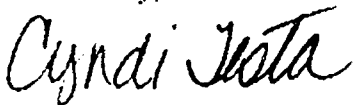
are sort of keeping a cleaner facility but not to the point that it would solve any of the pest problems. Have they solved the restroom facility problem for their employees? They claim they now all of a sudden want to be good neighbors but I question how long that will last. The owner is quite often overseas. What if he changes personnel? Will they want to be good neighbors too? Will everything change if they are granted this permit? There are too many unknowns.

A small environmental study was completed. The staff report even refers to new laws regulating storm water drainage and whether this will still be okay. Will the increased amount of recyclables and subsequent garbage take this over those levels of safety? Sunrise is saying their new equipment will handle up to 160 tons of trash per day. Of this approximately 5% is considered garbage. Do the math. This is potentially 8 tons of garbage a day. The measures call for a 24-hour turn around time. Number games- is this a 24-hour day? Not bad. Is this a 24-hour working period? Based on 12-hour days or eight-hour days. Does this include if they are working on a Saturday. If they get a load on Friday afternoon, and it's based on an eight hour work day, garbage sits for up to five days. Totally unacceptable. The mitigation measures put forth are in many ways ambiguous and do not hold Sunrise Industries accountable. Please, please request that they perform a full environmental impact report. Then there will be state regulated systems in place. There will be measures that they can be held accountable to.

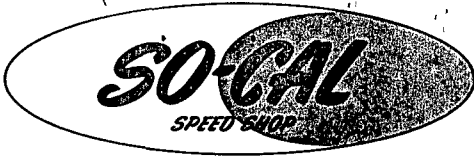
I grew up in Pomona. We own property, and a business in Pomona. We care about Pomona. I know that Sunrise Industries has the contract for the City's recycling. It's easy to turn your head but don't. Don't sell Pomona or this area short. There are many good viable businesses that have developed nice industrial parks and facilities. Request the same from Sunrise Industries. Make and hold them accountable. Don't turn our investments in a good city, upside down.

If you have any questions or would like to take the time to come visit us- please call 623-6944.

Sincerely,



Cyndi Testa



est. 1946

May 7, 2001

Planning Commission of the City of Pomona

To Whom It May Concern:

We are writing to voice our concerns with the matter before the City Council with regard to the recycling facility called Sunrise Industries. As a business located in Pomona, we would like to believe that the rules are enforced equally to all businesses, and not just a select few.

We have been plagued with annoyances from bugs, flying trash, and odors for quite some time. Because of the nature of our business, we have customers in every day and have open house several times a year, and have had negative comments made by our customers and guests with regard to the problems associated with the recycling business.

There are 32 people at this facility and we are unable to conduct our daily business or enjoy our lunch without these bugs flying in our faces, under our glasses, into our mouths, or landing on our food on a daily basis. We have tried all kinds of remedies such as strips, bug bombs, keeping all doors closed, and even trapping and sending samples of the bugs to the entomology laboratory services at the County Health Service. We have enclosed a letter with their findings.

We respectfully ask that the City Council see fit to either return the business as it was prior to the change made in the business practices, or if allowed to continue with the type of recycling they currently are doing, that they be heavily monitored by vector control, the health department, AQMD, and/or city officials.

If they have complaints on a continuing basis, they should have their conditional use permit revoked and cease to do business in such a way as to be detrimental to surrounding businesses.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Chapouris", is written over a large, loopy flourish.

Pete Chapouris
President

PC/cc
Enc

ENTOMOLOGY LABORATORY SERVICES

County of Los Angeles Department of Health Services

Environmental Health

Vector Management Program

2525 Corporate Place

Monterey Park, CA 91754

(213) 881-4046

District Office receiving/processing sample: Monterey Park Headquarters		Contact/Chief/EHS/clerical Delivered Sample
Sample submitted by Nancy from So-Cal Speed Shop		Date April 21, 2000
Address 1357 E. Grand Avenue		
City Pomona	Zip Code 91766	Telephone 909-469-6171

Where was sample collected? From inside business
Comments: Recycling center directly behind site

RESULTS OF ENTOMOLOGY LABORATORY INVESTIGATION:

¹ Sample Identification: adult phorid flies	² Sample Identification
---------------------------------------------------------------	------------------------------------

Adult phorid, or humpbacked flies, are fairly common in many habitats, but are most abundant about decaying vegetation. The larvae can breed in a number of habitats, some occurring in decaying animal or vegetable matter, some occur in fungi, and others are parasitic or commensal in the nests of ants or termites but the adults of these species usually lack wings.

If low numbers of adults were occurring only within your unit, the possible site could be a long-standing water leak inside walls which had permitted the eventual growth of mold or fungi. This is a common breeding site inside structures for this fly.

The apparently heavy population of adult flies found within your building and others within the complex suggests a constant breeding habitat which would support high adult emergence. Based on the breeding habits of this fly, sites to consider would be green-waste recycling, cardboard boxes at the mentioned recycling center which contain vegetable matter (boxes which may have originated from markets or produce sites), or cut grass or weeds in a field which now has standing water due to recent rains.

Checked with our Solid Waste Program, and as of this date, we collect no licensing fees from recycling sites and therefore have no jurisdiction in these matters. The Lead Enforcement Agency is usually the city in which the site exists, or the State of California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento.

Sample Reference Number:

3968-2000

Receipt Reference Number:

Identified by

Gail Van Gordon, Public Health Entomologist

Date

4/27/2000

T M DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tstonramp.com



May 7, 2001

Mr. Nick Testa
Spray Systems inc.
1363 East Grand Avenue
Pomona, CA 91766

PLANNING DIVISION
2001 MAY -9 PM 2:28

Dear Nick:

This letter summarizes my responses to your request that I perform a critical evaluation of the Initial Study, proposed Negative Declaration and the Conditional Use Permit (CUP) modification for Sunrise Industries, Inc.'s Pomona Valley Recycling Center (PVRC). As we discussed, your primary concern is that the operations of the facility create so many conflicts with adjacent industrial and residential users that it may harm the ability of these adjacent uses to continue functioning in a routine or normal occupancy mode. These types of impacts (noise, odors, vectors, etc.) are generally termed land use incompatibilities and are based on the circumstance where operation of one use conflicts so severely with adjacent uses that the impact is inherently significant and mutually exclusive. An obvious example would be a lead battery manufacturing facility adjacent to an a school. In you case this incompatibility occurs because the operations of the PVRC make it impossible for adjacent residential and light industrial uses, such as your facility, to continue operating on property adjacent to the PVRC site without incurring unacceptable levels of noise, odors, air pollutants, and vectors.

I have reviewed the Initial Study prepared for the CUP modifications, and as the present mitigation measures are crafted, I agree with your comment that the proposed mitigation does not ensure that all potential significant impacts, i.e. incompatibilities, will be effectively reduced to a nonsignificant level of impact.

Let's start with a most obvious issue. The City's conditions or mitigation does not contain any measure that will allow immediate resolution of your historic complaints regarding odors, vectors (insects and rats), sanitary conditions (poorly maintained sanitary facilities for employees), noise or air pollution. With regard to vectors the requirement is that PVRC implement an as yet undefined vector and pest control program and provide a report to the City once every three months. This is unacceptable because it could allow PVRC to implement vector controls once

every three months to meet the mitigation requirement. I would suggest two different measures be implemented in place of the ones contained in the Initial Study and Staff Report. The goal is to achieve sufficient accountability in the vector control program, that PVRC will not allow vectors to get out of hand in the future. These measures would read:

1. The vector/pest control program shall be submitted and approved by the City prior to completing the CUP modification. This program shall at a minimum include monthly inspections by a certified pest control operator and the standard shall be that all vector/pest populations are totally under control, i.e. a performance standard that no vector or pest populations shall be increasing on the property relative to a minimal intrusive population that does not affect neighboring properties. A copy of the pest control report verifying that the above program is being successfully implemented shall be provided to the City on a monthly basis and shall be made available to the public upon written request.
2. PVRC shall establish a complaint response program that will be available to all members of the public. This program shall include a phone number with a point of contact at PVRC that has the ability to commit funds to immediately resolve the complaint. All complaints regarding operating conditions at the site (odors, vectors/pests, noise, and others) shall be resolved within 24 hours by the complainant and company, or the matter will be removed to the City Code Enforcement for action. If legitimate complaints, as determined by the City, are not resolved within seven days, the City shall terminate all PVRC operations until the complaint is resolved.

With implementation of these two measures, the vector control program can be made fully accountable to all parties and if pests cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The next issue of concern is the management of stormwater from the project site. The City has identified one mitigation measure which again does not provide full mitigation in my opinion and does not provide for accountability. The Initial Study does not take into account the sweeping changes that are occurring in the management of nonpoint source pollution, such as stormwater runoff from industrial sites. There are really two problems with the current situation. A catch basin that receives the kind of runoff generated at a recycling facility not only accumulates pollutants, but can serve as an independent source of both vectors (such as mosquitos) and odors (from degrading organic matter). Not only is this a problem on a case by case basis, but the organic matter (including petroleum hydrocarbons) can accumulate over a period of time and result in anaerobic decomposition with generation of very nasty smelling mercaptans and other sulfurous chemicals. To address this issue, I suggest the following measures:

3. Prior to approval of site grading plans, PVRC shall provide a Storm Water Pollution Prevention Plan (SWPPP) for both construction and operations that will identify specific best management practices that will not retain any surface water on the site for more than 24-hours after a storm and the collects organic matter, sediment and trash in a manner that it can be collected and disposed of on a periodic basis. The stormwater discharge from the property shall meet the requirement of Section 402(p) of the Federal Clean Water Act of 1987 and Section 35 of the City of Pomona Stormwater requirements. Further, the stormwater discharged from the site shall not exceed any surface water beneficial use water quality objectives established in the Santa Ana River Water Quality Control Plan of 1995. Grab samples shall be taken from the site discharge point during each storm that generates sufficient runoff to enter the treatment system to verify compliance with these requirements.
4. PVRC shall not allow any accumulated stormwater runoff or collected pollutants on the project site to become septic due to anaerobic decomposition. The generation of any noxious odors from anaerobic decomposition shall be immediately controlled, or the facility shall be shut down until control is achieved.

With implementation of these two measures, the stormwater control program can be made fully accountable to all parties and if water quality and odors cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The third issue is the generation of odor. Odors from normal recycling operations have a musty odor that is natural, but not a septic odor caused by anaerobic decomposition. The former may be offensive to some people but is generally not obnoxious. Odors from anaerobic decomposition are seriously, i.e. significantly, offensive. It is the latter odors that must be controlled. The following mitigation measures are suggested to ensure that odors from recycling operations do not become obnoxious:

5. For the purposes of establishing an odor threshold, PVRC will use appropriate field monitoring equipment (such as Jerome meters and/or Organic Vapor Analyzers, to be verified by laboratory analysis) to monitor the odor from recently delivered recycled material with no septic odors and odor from recently delivered recycled material with septic odors. The company will identify the organic chemical measurements that represent the range of odor conditions for these two conditions. The data from this monitoring effort will serve as the baseline data used to evaluate the significant odor production from areas where recycled material is stored and processed and to determine when management actions are required to return the recycled material to aerobic conditions. PVRC shall submit the results of its study to the City of Pomona for their independent use in monitoring odors from processing operations if required.

6. When PVRC operators notice septic odor production at the facility, or when odor complaints are received from the public, the odors shall be tested and compared to the baseline test conditions. If odors are septic, then the facility shall immediately eliminate or correct the odor producing condition, or shut down until the odor is controlled.
7. As an alternative, PVRC may enclose the structure and install an odor control system based on creating a negative air pressure within the proposed recycling structure and pulling the air in the facility through a filter that can prevent odors from escaping to the general environment on adjacent properties. If such a system is installed, it must be continuously operated during presence of recycled material in the structure and it must be maintained in good operational condition so as not to allow odors to escape to the general environment.
8. None of the outdoor storage facilities (bins or drop boxes) shall be allowed to generate odors that exceed the baseline septic condition.

With implementation of these measures, the odor control program can be made fully accountable to all parties and if odors cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The fourth issue is the generation of noise. Noise is generated from many of the activities conducted at the PVRC facility. These sources include: vehicles delivering employees and material for recycling; processing operations; employee activities, both associated with processing and recreation (radios); and transport of packaged recycled waste to markets. In addition to the measures identified on page 21 of the Initial Study and the City's proposed monitoring program, the following mitigation measures are suggested to ensure that noise from recycling operations do not become obnoxious:

9. No activities associated with PVRC operations shall exceed the City's 70 dB threshold at the property boundary. Noise shall be monitored following completion of the new facility, including full delivery of recycled material, to verify that noise levels do not exceed the 70 dB threshold. If any component of operations exceed this threshold, the company shall either reduce the direct noise generating activity or install sound attenuation walls (or any alternative acceptable to the City) to prevent noise from exceeding 70 dB at the property boundary.
10. When noise complaints are received by PVRC, the noise level at the property boundary with the activity creating the noise shall be measured. If the monitored noise level exceeds the 70 dB threshold, PVRC shall control the noise to below this level or shall install noise attenuation features, including sound attenuation walls, as acceptable to the City.

Note that the existing facility and proposed facility operations are located adjacent to existing residential uses which has a lower noise standard, typically 65 dB. This issue was not addressed in the Initial Study, and if the project is allowed to generated more than 65 dB at these residences, a case could be made that the impact is significant regardless of whether the project can meet the 70 dB threshold. However, these residences may be considered as non-conforming uses for which the 70 dB threshold should be applied. Regardless, with implementation of these measures, the noise control program can be made fully accountable to all parties and if noise cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

The last issue is one of sanitary facilities. Historically, PVRC has not maintained its portable toilets and conditions hazardous to public health have occurred. This is an unacceptable condition for the employees and the surrounding property owners. This issue was not give any attention in the Initial Study, but poses a very significant public health risk. The following mitigation measure shall be implemented to control this situation:

11. Adequate sanitary facilities shall be installed at the PVRC facility and shall be continuously maintained in a manner protective of public health. If sanitary facilities are not so maintained and complaints are received or inspections result in observations of unhealthy conditions, the facility shall be immediately shut down until the problem is corrected.

With implementation of this measure, the sanitary facilities can be maintained in a fully accountable to all parties and if this problem cannot be effectively controlled, the facility would be shut down until an Environmental Impact Report (EIR) can be prepared by the City.

There is an inherent problem with an operator of a facility like the PVRC with whom you and other adjoining property owners have no trust. It is my opinion that the measures outlined above are specific enough and contain adequate performance standards to measure compliance in controlling the above five issues to a nonsignificant level of incompatibility with the adjacent uses. The measures in the Initial Study and proposed in the Staff report do not have such accountability and can not guarantee that significant incompatibilities will be controlled. The City needs to integrate monthly routine inspections for this project until all parties, you, the applicant and the City concur that the past problems are actually under control and the PVRC facility can be operated as a good neighbor without significant impact on you and your neighbors land uses.

I hope the critical review provided above and the proposed mitigation measures provide you with a higher level of confidence that the proposed PVRC operations do not have to pose a significant conflict with you and your neighbor's existing uses. The above measures represent state of the art performance standards that allow for a high degree of accountability for the mitigation measures. Without such measures, the existing environmental document does not provide sufficient substantiation to verify that operation of the facility will not continue to cause significant conflicts (incompatibilities) with adjacent land users. Please feel free to present this letter to the City of Pomona decision-makers as evidence that the existing environmental documentation is not adequate and that the measures outlined above can reduce potential impacts from future PVRC operations to a level of nonsignificance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dodson". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Dodson".

Tom Dodson

cc: Bill Brunick

CHEYENNE PLASTICS
1361-A EAST GRAND AVENUE
POMONA, CALIFORNIA

May 7, 2001

City of Pomona
Planning Department
505 South Garey Avenue
Pomona, California 91766

Attn: Planning Department
Re: CUP Sunrise Industries

Dear Planning Department,

My business, Cheyenne Plastics is located in Pomona and has been for several years. I have recently moved to a new location, 1361 A East Grand Avenue. During my time leasing at this facility I have seen the problems of flies, gnats, rats and trash increase. My business is not one that utilizes materials that would attract these pests. However, on a daily basis I find myself unable to work because some little gnat is in my safety goggles.

It is my understanding that Sunrise Industries is requesting a conditional use permit that would increase their working hours and the amount of recyclables that they would be processing. I am very wary of such a permit being granted. With the weather warming up the gnats increase, making it difficult for anyone working at a machine to safely do so while swatting pests. The odor that permeates at times can be pretty overwhelming. Instead of opening doors and using natural light we are forced to close up everything and use lights and air conditioning (not ideal during a power crunch). I have on occasion had to set traps for the vermin that seem to make their way down to my shop. Always a pleasant experience.

Please use the same discretion that you would use on all other businesses in the City. Require standards that are enforceable and that Sunrise Industries can be held accountable for. I have worked near other recycle facilities without problems. However, it was because they are either fully enclosed or have strict enforceable guidelines set forth. You as the Planning Department can help the City of Pomona reach higher standards or make a lot of businesses unhappy and reluctant to continue business here.

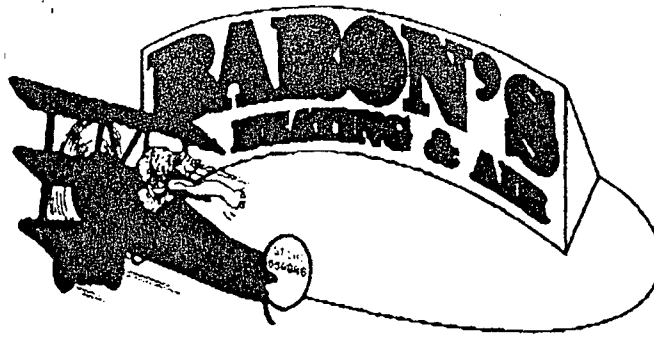
Sincerely,



Paul Bente
Owner

PLANNING DIVISION
2001 MAY - 7 PM 3:26

FILE



May 7, 2001

City of Pomona
Planning Commission
505 South Garey Avenue
Pomona, California 91766

Attn: Candida Neal
Re: CUP Sunrise Industries

Dear Candida and Planning Commission Members,

I am a business owner, located at 1361 B East Grand Avenue, Pomona. I have been in this location since 1993. I have some concerns over the conditional use permit being requested by Sunrise Industries. While I value the recycling process and the number of people they employee I am concerned for their own lack of the environment.

There is quite often trash that blows all over the neighborhood. It has been stacked at times so high it is visible from neighboring businesses. There are way to many flies, gnats and rodents around due to these conditions. Several days a month there are rude odors. The history of Sunrise Industries *has not* been one to keep a well-maintained facility for both employees and the neighborhood. I think that if the City of Pomona does grant this conditional use permit, it should be done with a full environmental impact report completed and state approved regulatory guidelines instituted. A business that only complies while being watched should not be asked to police themselves on issues that affect many surrounding businesses and homes.

I respectfully request that you listen to the concerns of all of the neighboring businesses and place enforceable controls on a potentially viable situation.

Sincerely,

Steve Watson
BARONS HEATING AND AIR

PLANNING DIVISION
2001 MAY -7 AM 10: 47



1374 East 9th Street • Pomona, California 91766 • Telephone: (909) 629-3026
Fax : 629-0852

May 08, 2001

To Whom It May Concern:

We are writing to voice our concerns regarding the application of Sunrise Industries, Inc. to increase the amount of material recycled through their facility, known as Pomona Recycling Center at 1326 East Ninth Street, Pomona.

We are a tenant of BCD Properties and occupy the property adjacent to the recycling facility. Since the opening of their operation, we have experienced continual problems with offensive odor, insects, rodents and the garbage which blows over the wall separating our properties. At times, the problems are so severe that our ability to operate on this property are hindered.

Because of that hindrance and being very concerned about the possible health implications of rodent and insect infestation, we contacted the management of Sunrise Industries, Inc. to ask that they eliminate the existing mess and to request their assistance in preventing the problems by keeping their facility in such a manner as to prevent recurrence.

After our complaints to the management of the recycling center went unheeded, we went directly to the City of Pomona and to every other regulating agency which might have been able to assist us. At this time, no one has sufficiently addressed our concerns and the problems we have experienced persist.

Due to the severity of the current problems we experience and the reluctance of Sunrise Industries to take the necessary steps to resolve the problems, we are extremely concerned that the amount of material processed at this site will increase unchecked. A further increase in the amount of odor, rodents, insects and trash will impact our tenancy and create unlivable conditions around the trash center. It is for these reasons we urge the City of Pomona to recognize and address the problem by forcing Sunrise Industries to properly maintain their facility and to continually monitor them to assure their compliance.

Sincerely,

Clifton Adams
President

CA/kms

BCD PROPERTIES

1374 EAST NINTH STREET, POMONA, CALIFORNIA 91766

May 08, 2001

Esteemed Officials of The City of Pomona and Others Concerned:

As the owner of the property adjacent to the Pomona Recycling Center, operated by Sunrise Industries, Inc., we are concerned about the current level of activity conducted at the facility and the proposal for an increase in that activity.

We are greatly concerned that any increase in activity, especially without proper monitoring by the City of Pomona and other concerned agencies, will impact our ability to maintain our lease agreements with our tenants and render our property un-rentable or at least very difficult to rent causing us to be unable to maintain our property.

Our tenants continue to complain about rodents, insects and odor and the resulting impact on the operation their businesses. In addition, there are added concerns regarding the health of their employees who are subjected to this exposure.

We urge the City of Pomona to address these concerns and consider the impact of this operation on the adjacent properties.

Sincerely

BCD Properties
(909) 629-3026

PLANNING DIVISION

2001 JUN 11 PM 3:46

May 9, 2001

To Whom It May Concern:

This writing is in regards to our neighbor known as Pomona Recycling Center located on the other side of the wall from us at 1326 E. 9th St., Pomona, CA, and our continued concerns related to excessive trash, rodents, insects, and foul odor as a result of the type of business they conduct.

We have learned that Sunrise Industries, Inc., has requested to be permitted to increase the amount of material recycled through their Facility. We are asking that very strict guidelines be set and enforced if said permits are granted. The reason for this request is due to the severity of the current problems we are experiencing and the reluctance of Sunrise Industries to help eliminate them.

In addition, we have had several complaints from Employees that have been suffering from unknown allergies and sinus illnesses that may or may not be related to the un-sanitary conditions of our Neighbor.

We have in the past complained to the City of Pomona and Health Department Agencies regarding our concerns and have yet to be satisfied.

We do not wish to prevent Sunrise Industries from receiving this permit. Our concern is that un-supervised increased productivity on their end will lead to increased un-sanitary situations on our end.

Sincerely,



David O. Holmes,
President

May 9, 2001

To Whom It May Concern:

This letter is in regards to Sunrise Industries, Inc., and our concern for the amount of garbage and rodents we have at our Facility as a direct result of their recycling business.


I am concerned that with their increased production we may incur even more possible health implications and rodent and insect infestation.

For this reason I am asking that the City of Pomona to monitor closely the amount of material processed at this site.

Commercial Door Metal Systems shares the property next to Sunrise Industries along with A/C Folding Gate, and Commercial Door Co., Inc. Representatives of our companies have spent several hours walking the property and speaking to the owners of Sunrise Industries voicing our concerns, however we have not evidenced any compliance by Sunrise Industries to eliminate our spoken requests.

Again, if this permit is granted I ask for constant supervision in making sure that they are maintaining the guidelines set forth by permit standards.

Sincerely,



Randy Inglis,
President

FILE

13200

PLANNING DIVISION

2001 MAY 21 PM 5:28

May 21, 2001

Planning Department
City of Pomona
505 South Garey Ave
Pomona, California 91766

Attn: Planning Commission
Candida Neal
Manny Mancha

Dear Planning Department and Commission Members,

This letter is being written regarding the conditional use permit for Sunrise Industries.

Unfortunately, due to many time schedules of City Personnel, Sunrise Representatives, Tom Dodson (environmentalist), ourselves and neighboring business owners we were unable to meet collectively to define, completely, mitigation measures that have sufficient performance standards to assure Sunrise Industries will function as a compatible neighbor. We feel we are all on the road to understanding the needs of neighboring businesses, Sunrise and environmental concerns. It is with this continued knowledge that we respectfully ask for a continuance of this measure one more time.

Areas of concern of the neighboring businesses to date are the following:

These are in response to the "Revisions of the Mitigation Monitoring Plan" under the Staff response column.

Regarding the vector pest control section:

1. The word "*increasing*" on the property... is unacceptable. The current vector or pest population cannot be used as a baseline to measure from. These problems did not exist before Sunrise began to sort co mingled recyclables. Any amount of insects or vermin that are an intrusion to neighboring properties is a significant incompatibility and makes the expansion of this facility unacceptable.
2. *Quarterly reports*, as the planning department suggests is too long. Monthly reports should be required. This will help eliminate the pests continuing to establish their homes.

Regarding the complaint response program:

1. We are concerned that we will be calling Sunrise Industries and that they are policing themselves. Shown by their previous behaviors, they are not a business that can be trusted to follow through on resolving neighborhood concerns. Maybe this could be the environmental consulting firm retained by the City under the mitigation-monitoring program. If so, they should have the authority to remedy the problem.
2. The City response that the *complaints shall be investigated and resolved in a timely manner*, we feel is too ambiguous. Who is doing the investigation? The word *timely* should be a specific time period (i.e. 72 hours)
3. Again the reports to the city should be on a monthly not *quarterly* basis.

Regarding the storm water issue:

1. We are entrusting that the laws will take care of any problems. However we feel that the language of "the facility shall be shut down until control is achieved" is appropriate as this is a public health and safety concern. It should be taken seriously by all parties involved.

Regarding the odor threshold:

1. The staff response once again asks for *quarterly reporting*. We feel 3 months is long. Monthly reporting is requested.
2. The staff response requires the *applicant prepare an odor analysis*. We feel that all reports should be performed by a certified professional in that field.
3. "*Recyclable materials that have not been processed shall only remain for a period of 24 hours.*" This should be designated as two business days.
4. "*Processed materials must be removed within two weeks.*" Two weeks is a very long time when you figure Sunrise will be processing 160 tons per day. A two-week period would equal 1,920 TONS of recyclables remaining on the property at any one time. Two days maximum is recommended.

Regarding the noise ordinance:

1. What is the City's noise ordinance? The applicable noise threshold should be stated.

Regarding the sanitary facilities:

1. Obviously these are included in the conditions of the CUP. They were included in the previous cup granted in 1994. Additional portables, and a closely monitored service schedule should be maintained immediately and until new facilities are constructed and useable, at that time the portables may be removed.

In addition to the above stipulations being added or changed, Business owners are concerned and would like to see the following issues addressed:

1. The number of trucks entering and exiting the property. I don't know what the load capabilities of the trucks are, but if they are 10 to 15 tons each. You have 160 tons of trash coming in and hopefully 160 tons exiting per day. This is a minimum (figuring they can hold 15 tons) of 20 trucks per day. Are the streets going to hold up to this kind of usage? Has this been considered in the traffic studies? Trucks, because of weight should be figured differently than general vehicle traffic as related in the traffic study.
2. Initially, surrounding properties shall at Sunrise expense, receive pest and vector control treatments. These shall be done with owner approval. We are all concerned of the long-term health effects of continual bug spray.
3. Sunrise has requested a 12-hour workday and stated that 8 hours should be suitable for processing and the remainder for maintenance. With this in mind a specific amount of tonnage should be specified as part of their conditional use permit. Even though they currently have contracts for less than the new machine will process in an 8-hour day, the permit should cover the maximum amount that can be brought in per day based on the capabilities of the new machinery.
4. Emergency procedures should be written with regard to machinery breakdowns and how new trash coming in will be handled while the machine is under repair.
5. Specific language should be written with regard to holiday schedules and Saturday deliveries.

6. We would like to see the entire processing and storage facilities enclosed. This in and of itself would cut down on a lot of the problems for both Sunrise and the neighborhood. It has been the actions of the City of Pomona in the past to reject similar facilities projects, unless totally enclosed.

Most importantly we would like the language in all areas to require maximum accountability on the part of Sunrise Industries. We feel this maximum accountability language should be that if any of the mitigation measures are not upheld they are in violation of the CUP and subject to immediate shut down. The city now states, page two of resolution #8834 that their permit could be revoked but addresses nothing about an immediate shut down. They have been operating without this conditional use permit since at least 1998 and have been in violation of the city ordinance, health and safety issues. Please use language to hold them fully accountable for functioning as a compatible neighbor. There should be no objections by a business that is planning on complying with the terms of the permit.

We respectfully request the Planning Department and the Commission to continue working together with us on this very important issue. We, as business owners would like to resolve the conditions at this level, if that cannot be achieved it will leave us no other option but the legal process.

Sincerely,

Surrounding Businesses of Sunrise Industries

June 7, 2001

PLANNING DIVISION

2001 JUN 11 PM 12:47

Mayor Eddie Cortez
City of Pomona
Post Office Box 660
Pomona, California 91769

PLANNING DIVISION
2001 JUN -7 PM 10:27

Dear Mayor Cortez,

I am writing as a concerned business and property owner in the City of Pomona. I grew up in Pomona. My husband and I chose Pomona as the city for our business. We have been in business on Grand Avenue since 1978.

I am sure you are aware by now that Sunrise Industries, DBA Pomona Valley Recycling had applied for a conditional use permit to expand their recycling capabilities. The Planning Commission denied this request and Sunrise has now appealed to the City Council. I have enclosed copies of the letters written to the planning commission regarding the problems we all now face.

I have many concerns about the issuance of a CUP to Sunrise Industries. It is my understanding that they were granted a CUP in 1994 to expand their facilities, and to include glass along with the paper and cardboard they were receiving at the time. For the last seven years they have been out of compliance with the permit granted in 1994. Approximately two to three years ago they included without a CUP plastic recyclables and started processing co mingled trash. At the same time we and surrounding businesses began battling gnats, vermin, odor and trash. When we went to Sunrise to complain we were rudely shown off of their property. We complained to the City and Manual Mancha was gracious enough to help us in getting them to somewhat clean up their facility. At the time trash was piled so high it was visible to all neighboring properties. Rats are a common sight at many of the adjacent businesses. Rat posters were made to make a game out of killing them. It is no longer a game but a true health concern to all employees and business owners. Flies are present in disturbing numbers. Even with fan systems on a daily basis one cannot eat or drink anything at our desk. They are a constant nuisance as they are flying in your face or traveling with their disease infested bodies on your arms or face.

The owners of Sunrise have come to us and said they now want to be good neighbors, however since this process started we all still have the same problems as we did when they expanded their operation. Tom Suh, Vice President for Sunrise, at a planning commission meeting even said he did not believe our problems were this bad because of all they have done. Its hard to believe that they will follow new guidelines when (a) they don't believe we are experiencing the difficulties and (b) they have a history of ignoring the laws and rules set before them.

We have asked both Sunrise and the Planning Department if with the facility revisions and the new equipment if the problems will go away. Neither will guarantee us that any of the problems will cease. The City for the last seven years has allowed this business to continue and grow without the appropriate permits, poor working conditions for their employees, horrible housekeeping measures and being a

nuisance to surrounding business. They have been in violation then and continue to be. The city is now contemplating on rewarding them with yet another expansion. What kind of precedence does this set for the rest of the City? Why should anyone go through the appropriate procedures to run a business or get building permits? I'm thinking it's a whole lot easier to do what you want when you want. Then go for more.

This facility is less than a half of a mile away from residential neighborhoods in both east and west directions. I am curious if these residents are aware of this new request or if this project is being railroaded in because of the area demographics.

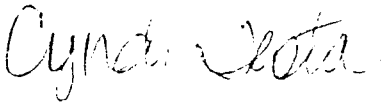
How is it that the City of Pomona gave this business the contract to process City of Pomona's recyclables when they are out of compliance with their first conditional use permit and don't even have a conditional use permit to process co mingled trash?

The new equipment will process 160 tons of trash per day. Of this 5 to 10% can be residual garbage that is 16,000 to 32,000 pounds of garbage per day that will be brought to this location.

I could go on and on. There are so many unanswered questions and ambiguities. Please as the leaders of Pomona do not continue to allow Sunrise free reign in our city. Hold them accountable for not only their history but also their future.

If you have any questions or need further information, please do not hesitate to contact us or come by and visit.

Sincerely,



Cyndi Testa

Enc.

Cc: George Hunter
Marco Robles
Cristina Carrizosa
Paula Lantz
Elliott Rothman
Norma Torres
Candida Neal
Doug Dunlap
Daily Bulletin
Press Enterprise
LA Times
San Gabriel Valley Tribune

June 11, 2001.

Mayor, Edward Cortez
City of Pomona
505 South Garey Avenue
Pomona, CA 91766

6
RECEIVED

JUN 14 2001

CITY MANAGER'S OFFICE

The Honorable Mayor, Edward Cortez:

I have been an employee of Spray Systems, Inc. for over six years. I am very proud to be employed by someone who has pride in the product produced, the cleanliness of the factory as well as the appearance of the grounds and facility where the business is located. We frequently receive compliments from our distributors, vendors, and business associates on the cleanliness of the production floor. On lovely spring days we would open the door to the factory and the front door to the office and enjoy a wonderful breeze through the building. Sadly, that is no longer the case. For the last year or so we have been subjected to the disheartening condition, smells and nuisance of "pests" from the adjacent recycling business.

We have had to install a blower over the back door to mitigate the "gnat/flies" that swarm in the area. The blower has helped but it can't cure the condition. I hope you are able to imagine how frustrating it is to pick up a coffee cup, a glass of water, juice, soft drink or whatever to find gnats doing the back stroke in your beverage. We find them in the refrigerator, they vie for your lunch, buzz around your face, ears and nose while talking on the phone. I was particularly embarrassed when interviewing applicants for a position in our office. We spent most of the time batting the gnats away from our face. One can only imagine what the applicants thought.

We have had vermin, as well as cats chasing the vermin get trapped in the building setting off our alarms causing the Pomona Police Department to respond to an erroneous alarm. Our neighbors have shared with me that the vermin have chewed the interior of their trucks, as well as the wiring to their own personal vehicles. The expense to repair the vehicles has not fallen on Sunrise. Instead their neighbors have had to incur an unnecessary expense which has been substantial.

At the Planning Commission meeting I last attended the Vice President for Sunrise promised, AGAIN, to be a good neighbor and clean up their act. An example of their resolve to do what is required I point out that they were the only one who had their beeper/cell phone ring. Everyone else followed the rule to turn them off. Sunrise has shown by their continuing actions that they have a complete disregard for the laws governing their business and sadly I must say that the City of Pomona has justified their thinking by allowing them to continue to do business as usual. Mr. Wolfe, who is on the Planning Commission, stated that if Sunrise wasn't granted their newest request for expansion they would just continue to do business as they have been. I say "Shame on you Mr. Wolfe". We expect more from our children. Sunrise Industries should receive an immediate cease and desist order as they are in direct violation of their CUP and have been for over seven years. I would also like to know why the City of Pomona did not research this business BEFORE signing a contract with them to do the cities recycling? This only serves to validate their blatant disregard for the city issued CUP. Now they are asking to be rewarded for their poor practices. I find that unconscionable.

One of the speakers voiced the concern about fires. Their Vice President rebutted by saying they had "only had twenty-two fires in their 20 years in Pomona." That's more than one per year. The fire

department does not want to respond to the fire alarms because instead of fighting a fire, they are running from rats.

All the environmental studies in the world can do nothing to show that Sunrise Industries have suddenly "seen the light" and will do everything they are required to do. They want to triple their current output to 160 tons. I remind you the current tonnage is in violation of their CUP.

How much is 160 tons? 160 tons is equal to 320,000 pounds, more than the framework of the Statue of Liberty which is 125 tons, almost twice as much as the copper skin of the Statue of Liberty which weights 100 tons, a 53 ft. trailer can haul in excess of 40,000 lbs., that's 8 53 ft. trailers, a small American saddle bred horse weighs about 900 lbs. that is equivalent to 355 horses, a Toyota Acura weights approximately 3500 lbs which is equal to 91 Acura's, a Ford pickup F-150 weights approximately 4000 lbs (without a load) which equals 80 trucks, or 64,000 5 lb. bags of sugar or flour, 320,000 1 lb. cans of coffee, etc., etc. Can the infrastructure of the streets handle that weight on a continual basis?

Sunrise wants to police themselves by keeping logs of complaints and their response to them. Isn't that like the cat taking care of the canary? Yet if our surrounding neighbors complain too loudly, the City will respond, but will cite those complaining with violation notices if they find it necessary. Seems like punishment for the squeaky wheel. What has the response been to Sunrise by the city?

While I believe in free enterprise, I do not believe that we should infringe on the rights of others or ignore the law. I respectfully ask that the City of Pomona not grant an additional CUP for expansion. Further, if they do not come into compliance with their existing CUP that said permit is to be revoked until they meet the requirements and show prudent business practices for a period of time substantially longer than a few months.

Sincerely,



Carol Engeron
13228 Bunker Hill Pl.
Chino, Ca. 91710
909-623-6944 (days)

cc:	file	
	City Council Members:	George Hunter, Marco Robles, Cristina Carrizosa, Paula Lanta (Vice Mayor), Elliott Rothman, Norma Torres
	City Planning Department:	Candida Neal
	City Manager:	Doug Dunlap
	Newspapers:	Los Angeles, Times, Riverside Press Enterprise, Inland Valley Daily Bulletin, San Gabriel Valley Tribune



RECEIVED

JUN 18 2001

CITY MANAGER'S OFFICE

June 12, 2001

Edward Cortez, Mayor
City of Pomona
505 South Garey Avenue
P.O. Box 40
Pomona, CA 91769

Re: Expansion of Recycling Center
1326 East Ninth Street, Pomona

Dear Honorable Mayor Cortez:

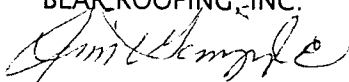
We were pleased to see that the proposed expansion of the Recycling Center, located directly behind our business, was denied at the planning commission meeting on May 23, 2001. However, we are now aware that Sunrise Industries has appealed the City's decision.

We wish to reinforce our position against this expansion. We have not seen any improvement in the conditions concerning the flies and/or the rat infestation that we previously advised the City of. We are reasonable enough to recognize that Sunrise cannot be held accountable for every fly or rat that may come into our area. However, in the 10 years since we located our business in Pomona, we have not had a problem as severe as in the past 12 to 18 months.

We commend the City's efforts to clean up other areas of the community. We assume this effort is due in part, to make the City attractive to businesses. Are some members now willing to ignore the reasonable requests of some businesses, to cater to, and afford, special consideration to others? It would be a shame for the City to lose any business due to intolerable conditions. Especially when these businesses came to the city, and complied with the conditions required of them.

How can we believe that Sunrise Industries will comply with additional conditions set by the City, when it does not appear that they have complied with the original conditions set by our City?

Sincerely,
BEAR ROOFING, INC.



Jim Grizzle, President

Cc: Council Members - George Hunter, Marco Robles, Cristina Carrizosa, Paula Lantz, Elliott Rothman & Norma Torres
Candida Neal, City Planning Department
Doug Dunlap, City Manager
Los Angeles Times
Inland Valley Daily Bulletin
Press Enterprise
San Gabriel Valley Tribune



est. 1946

June 14, 2001

Doug Dunlap
City of Pomona
PO Box 660
Pomona, California 91769

RECEIVED
JUN 18 2001
CITY MANAGER'S OFFICE

Dear Mr. Dunlap:

We are writing to voice our concerns with the matter before the City Council with regard to the recycling facility called Sunrise Industries. As a business located in Pomona, we would like to believe that the rules are enforced equally to all businesses, and not just a select few.

We have been plagued with annoyances from bugs, flying trash, and odors for quite some time. Because of the nature of our business, we have customers in every day and have open house several times a year, and have had negative comments made by our customers and guests with regard to the problems associated with the recycling business.

There are 32 people at this facility and we are unable to conduct our daily business or enjoy our lunch without these bugs flying in our faces, under our glasses, into our mouths, or landing on our food on a daily basis. We have tried all kinds of remedies such as strips, bug bombs, keeping all doors closed, and even trapping and sending samples of the bugs to the entomology laboratory services at the County Health Service. We have enclosed a letter with their findings.

We respectfully ask that the City Council see fit to either return the business as it was prior to the change made in the business practices, or if allowed to continue with the type of recycling they currently are doing, that they be heavily monitored by vector control, the health department, AQMD, and/or city officials.

If they have complaints on a continuing basis, they should have their conditional use permit revoked and cease to do business in such a way as to be detrimental to surrounding businesses.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Pete Chapouris".

Pete Chapouris
President

PC/cc
Enc.

ENTOMOLOGY LABORATORY SERVICES

County of Los Angeles Department of Health Services

Environmental Health

Vector Management Program

2525 Corporate Place

Monterey Park, CA 91754

(213) 881-4046

District Office receiving/processing sample: Monterey Park Headquarters		Contact/Chief/EHS/clerical Delivered Sample	
Sample submitted by Nancy from So-Cal Speed Shop		Date April 21, 2000	
Address 1357 E. Grand Avenue			
City Pomona	Zip Code 91766	Telephone 909-469-6171	

Where was sample collected? From inside business
Comments: Recycling center directly behind site

RESULTS OF ENTOMOLOGY LABORATORY INVESTIGATION:

¹ Sample Identification: adult phorid flies	² Sample Identification
--------------------------------------------------------	------------------------------------

Adult phorid, or humpbacked flies, are fairly common in many habitats, but are most abundant about decaying vegetation. The larvae can breed in a number of habitats, some occurring in decaying animal or vegetable matter, some occur in fungi, and others are parasitic or commensal in the nests of ants or termites but the adults of these species usually lack wings.

If low numbers of adults were occurring only within your unit, the possible site could be a long-standing water leak inside walls which had permitted the eventual growth of mold or fungi. This is a common breeding site inside structures for this fly.

The apparently heavy population of adult flies found within your building and others within the complex suggests a constant breeding habitat which would support high adult emergence. Based on the breeding habits of this fly, sites to consider would be green-waste recycling, cardboard boxes at the mentioned recycling center which contain vegetable matter (boxes which may have originated from markets or produce sites), or cut grass or weeds in a field which now has standing water due to recent rains.

Checked with our Solid Waste Program, and as of this date, we collect no licensing fees from recycling sites and therefore have no jurisdiction in these matters. The Lead Enforcement Agency is usually the city in which the site exists, or the State of California Integrated Waste Management Board, 8800 Cal Center Drive, Sacramento.

Sample Reference Number:

3968-2000

Receipt Reference Number:

Identified by

Gail Van Gordon, Public Health Entomologist

Date

4/27/2000

RECEIVED
CITY CLERK

2001 JUN 18 PM 3:42

June 15, 2001

The City Council

Re: Sun Rise Industries

To Whom It May Concern:

I am currently an employee of Spray Systems, Inc. located at 1363 E. Grand Ave., Pomona, CA 91766. There is a problem that I would like to have addressed as soon as possible. It is in respect to the constant aggravation associated with gnats, flies, and various other insects in and around the above-mentioned property solely due to Sun Rise Industries. This problem is a direct reflection and is due to Sun Rise Industries and their lack of maintaining their property and its contents in a manner which is appropriate for their industry.

There is a constant influx of insects that plaque my office in particular on a daily basis. If you have ever experienced just one gnat, you are aware of how annoying they can be. Just think if you had to endure an onslaught of them on a daily basis as we do here at Spray Systems, Inc. Not only do they insist on flying into your ears, up your nose, and in your mouth while you are talking, they also have a fascination with doing the back stroke in my coffee, which I find extremely disgusting. I do not want to have to do a complete investigation of the interior of my coffee cup prior to each drink.

Speaking of the consumption of these various insects whether it is by mouth, nose, or ears; I would like to know what type of diseases they may be carrying around with them considering the environment that they are exposed to over at Sun Rise Industries.

I can no longer endure the pest problem. The other day I had an insect fly into my ear and it felt as if I was never going to get him out. Not only did this frighten me, I actually considered visiting my family doctor.

Today, the insects are about to carry me away. I am quite sure that I probably have more insects in my office than there are at the city dump. I feel like one of those Ethiopian children that you see on television with the flies and gnats caked on their eyes and faces. I'm not kidding.

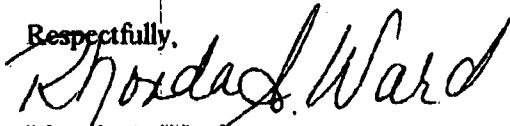
We cannot even bring our lunches to work. Do you know how expensive it is to eat lunch out on a daily basis? I do not live close to my home, which would allow for me to go home for lunch; therefore I am forced to purchase my lunch on a daily basis. If you bring your lunch and put it in the refrigerator, you are sure to have many visitors by the time noon rolls around. Our refrigerator is like an insect graveyard, it's absolutely disgusting. Even if I was to bring my lunch to work, where do you suggest I eat?

Certainly not in my office or outside at the tables. I would most undoubtedly be attacked by god only knows what.

On days like today, the insects are unbearable. I have to constantly swat at my face. I do more swatting than I get work done. It is almost impossible to work in these types of conditions.

I hope that someone, anyone will do everything in his or her power to relieve this problem as soon as possible and do it as quickly as possible as I believe that it poses a health risk. Not only does it pose a health risk it also poses many problems, which may make my employment at Spray Systems, Inc. virtually unbearable and possibly short lived.

Respectfully,



Rhonda A. Ward

cc: The Mayor of Pomona

Buchalter Nemer Fields & Younger

A Professional Law Corporation

895 DOVE STREET, SUITE 400, P.O. BOX 8129, NEWPORT BEACH, CALIFORNIA 92658-8129
TELEPHONE (949) 760-1121 / FAX (949) 720-0182

File Number:
Direct Dial Number: (949) 224-6251
E-Mail Address: rgrable@buchalter.com

June 20, 2001

Honorable Mayor and Members of the City Council
City Council
City of Pomona
505 So. Garey Ave
Pomona, CA 91766

RECEIVED
CITY CLERK
2001 JUN 25 AM 10:48

Re: Sunrise Industries - Modification to CUP - 1326 East Ninth Street

Honorable Mayor and Members of the City Council:

I have been retained as land use counsel to assist Sunrise Industries in processing their pending application for a modification of their existing Conditional Use Permit to permit them to modernize their facility and operations to address the concerns of adjoining property owners. Based upon my review of this matter, I believe that it is the approval of this application which will resolve the operational concerns with this facility. I know that my client has been cooperating with City staff for some time now and has achieved considerable improvement. I was surprised by how clean the operation was when I toured the site last week. They have passed a health department inspection in March of 2001, and an AQMD inspection in May of 2001.

The limitations of the configuration of the current facility and equipment, however, constrain on how much can be done. The new equipment and facilities really are the solution to the issues the neighbors have raised. Sunrise was encouraged to pursue this request by City staff in order to more completely resolve these concerns.

Before addressing the specific concerns with this operation, I think it is important to note that the recycling of materials is of vital importance to the city and citizens of Pomona and indeed the State of California. Under the provisions of the California Integrated Waste Management Act of 1989 (Public Resources Code Section 40000 *et seq.*) each California city must adopt a source reduction and recycling element for the purpose of achieving a reduction in the amount of solid waste generated in the city and deposited in landfills. The current requirement is for a 50% reduction from 1990 levels. In order to achieve this goal, it is imperative that adequate facilities capable of recycling materials be available. The M-2 zone where the existing facility is located is the heaviest zoning designation available in the City. This is the appropriate location for this vital use. The facility employs mostly Pomona residents and provides a convenient source of recycling for local residents and businesses over and above the municipal solid waste recycling requirements of the Integrated Waste Management Act. The \$2.5 million dollar investment in plant and facilities will provide significant tax benefits to the City as well.

Buchalter Nemer Fields & Younger

Honorable Mayor and Members of the City Council

June 20, 2001

Page 2

While recognizing these benefits, it is also important to assure that the operation of this facility can be conducted in as environmentally sensitive manner as possible. The new facilities and equipment will permit Sunrise to achieve this objective. Essentially, the proposed operation will substitute a high-tech system for the existing low-tech manual operation. The increased operating speed of the new system will largely eliminate the storage of recyclable materials for more than 48 hours. The recycling facility itself will be relocated on the site away from adjoining properties. The new facility will be fully enclosed on three sides protecting the stored materials from the elements and permitting the application of pesticides and deodorants at a level not now possible.

The following are the issues that have been raised with respect to this operation and our responses as to how the proposed operation will serve to eliminate these concerns.

1. Air Quality Impacts - As noted above, the facility is in compliance with existing AQMD requirements. With the approval of the new facility and equipment, the materials awaiting sorting will be protected from the elements and can be treated with deodorants. This should eliminate wind dispersal of materials and odors. Staff has proposed conditions of approval which will monitor the impacts of these efforts and provide staff with an enforcement mechanism to require additional mitigation, if necessary. See Conditions of Approval 1, 1a, 2, 3, 8, and 9.

2. Pest Control - The reduction in the amount of time unsorted materials are permitted on the site should reduce the amount of biodegradable materials which in turn attract pests. In addition, the City staff has required the applicant to implement a program of vermin and pest control which includes routine monitoring by City staff as well as the services of a professional pest control company should the standards created in the pest control program not be met at the end of three months. See Conditions of Approval 1, 2, 3, 8, 16, 16a and 18.

3. Noise Impacts - The City currently has a noise ordinance capable of objective enforcement. The current operation is in substantial compliance with this standard. The proposed operation will be significantly quieter due to the enclosure of the facility and the fact that the newer equipment is much quieter than the existing system. A reduction in operating hours will also be possible as a result of the increased operating speed of the new equipment. Staff has conditioned the project to require compliance with this standard. See Conditions of Approval 4a, 5 and 6.

4. Traffic - The existing traffic conditions are already at level A along Ninth Street. The new facility is projected to generate approximately 170 vehicle trips per day, substantially less than other uses permitted in the M-2 zone. Ninth Street has a capacity of 12,000 trips per day. Current usage is at approximately 3,000 trips per day. Traffic is simply not an issue.

5. Storm Water - The property will be required to comply with strict new federal water quality standards and the SWPPP. The technology exists to achieve these standards and City staff has conditioned the project to require that the appropriate best management practices be incorporated into the project.

Buchalter Nemer Fields & Younger

Honorable Mayor and Members of the City Council

June 20, 2001

Page 3

6. Enforcement - One of the issues raised by an adjoining property owner is the concern that the applicant will not comply with the conditions of approval. The fact is the applicant has been working cooperatively with City staff to address these issues for almost a year now. Significant progress has been made. The applicant has also worked with County health and AQMD staff to make sure that their concerns have been addressed as well. There have been operational concerns in the past. The parent of Sunrise Industries has been made aware of these and intends to take an active role in ensuring that the requirements of the City are complied with. Evidence of their commitment is reflected in the \$2.5 million investment they are making in the facility and equipment. They would not make this investment if they did not believe that it would improve the operational characteristics of the facility and resolve the ongoing issues with this operation. Just as important, however, is the fact that the City staff has recommend very strict conditions of approval for the proposed project. The CUP, as modified, would afford the City far greater power to enforce the provisions of the CUP than currently exists.

We are also mindful of the fact that some of the neighbors of the facility continue to oppose the project despite the fact that the proposed modifications appear to be the best means of resolving their concerns. We have attempted to meet with them and clarify their concerns and to determine if there are other measures we can take to assist them. To date, they have been unwilling to meet with us. Unfortunately, it appears that they have decided to seek to have Sunrise punished for their perceived lack of concern for their neighbors rather than to attempt to resolve the issues they had raised. They had retained an environmental consultant who recommended a number of additional conditions, almost all of which we are willing to accept and most of which have been incorporated into the project conditions by City staff. We have since heard that they may have now disavowed this consultant. We remain willing to work with them. The fact is, it is this revised project that will provide the mechanism for addressing their legitimate concerns. In this regard, though, it must be born in mind that a recycling use will necessarily have some impact on neighboring properties. That is why they are located in heavy manufacturing zones and are subject to conditional use permits. The neighboring properties cannot expect a pristine environment in such a zone. Indeed, other heavy industrial use with far more intrusive impacts are permitted in this zone as a matter of right. Examples include: automotive assembly uses, battery manufacture, paint spray shops, machine shops, boat construction, fuel and feed yards, and food processing plants.

We are also concerned with the suggestion that one means of limiting the impacts of the facility is to limit the amount of materials that can be processed. Sunrise is being asked to invest \$2.5 million dollars in upgrading the plant and facilities of the Pomona Valley Recycling Center. No business can be expected to invest that kind of money without the ability to recover their investment. Moreover, given the speed of the new equipment, a limitation on capacity would have the effect of forcing the plant to operate at less than the authorized hours converting our work force from full time to part time. This would have a dramatic impact on our employees and their families who rely on full time employment to meet their needs.

The limitation on the hours of operation and the other numerous conditions of approval will serve to resolve the concerns of the neighbors. A capacity limitation would make it infeasible to invest the kind of money required to upgrade the facility and would adversely

Buchalter Nemer Fields & Younger

Honorable Mayor and Members of the City Council

June 20, 2001

Page 4

impact the families of our employees. We urge the City Council not to impose any capacity restriction on the plant beyond that which would result from approved hours of operation.

In summary, Sunrise asks the City Council to approve its request for a modification of its existing conditional use permit. Sunrise recognizes the legitimate concerns of its neighbors and is willing to make a significant investment in its plant and equipment in order to meet their concerns. Sunrise and its parent company are committed to the necessary oversight to ensure that their operations will be in conformance with the numerous and stringent conditions of approval recommended by City staff. At the same time, Sunrise acknowledges that any failure in this regard will be met with strict enforcement procedures by the City. Sunrise welcomes the oversight and is resolved to be as good a neighbor as it can be within the limitations of the nature of its operations. We look forward to presenting our application to the City Council on July 2.

Very truly yours,

BUCHALTER, NEMER, FIELDS & YOUNGER
A Professional Corporation


By



ROGER A. GRABLE

RG:rag

cc: Sang Kang, Esq.
I.P. Kim

FAX COVER SHEET PLEASE DELIVER IMMEDIATELY				895 Dove Street, Suite 400, P.O. Box 8129, Newport Beach, California 92658-8129 Telephone (949) 760-1121 / Fax (949) 720-0182	
		A Professional Law Corporation			
Date		June 21, 2001			
To		City Clerk		Company	City of Pomona
Fax Number		(909) 620-3710		Voice Number	
		LOCAL	X	LONG DISTANCE	INTERNATIONAL
From		Roger A. Grable		Voice Number	(949) 224-6251
		Number of Pages (Excluding this Cover Sheet)		4	
Comments		Letter to Honorable Mayor and Members of the City Council re Sunrise Industries - Modification to CUP - 1326 East Ninth Street <u>Please distribute this letter to the Honorable Mayor and Members of the City Council.</u> If you should have any questions, please don't hesitate to give me a call. Thank you.			
THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the US Postal Service. Thank You.					
Client		BNF&Y		Matter	Misc. Firm Business
File Number		77707-0010			
Operator					
Start Time		a.m.		p.m.	
Finish Time		a.m.		p.m.	
IF THERE ARE ANY PROBLEMS DURING TRANSMISSION, PLEASE CALL (949) 760-1121.					

 RECEIVED
 CITY CLERK
 2001 JUN 21 AM 11:32

Brenda Naugle
1312 E. 9th Street
Pomona CA., 91766

June 22, 2001

To: Whom It May Concern:

I am writing this letter to support Sunrise Industries Inc. dba Pomona Valley Recycling Center (Sunrise) and their plan for improvement of their facility located at 1326 E. Ninth Street.

We have resided at 1312 E. Ninth Street for over 15 years, first as a renter and now as a property owner. In 1998, we made the decision to purchase our home. During this time, we also made an effort to get to know our neighbors and discuss some of our concerns with our neighbors.

The rats were our #1 problem at that time. We heard and saw them at night climbing on the piles of recyclables on the other side of the block wall, which separates our property from Sunrise. We had problems with the rodents inside of our home. At the time we found a bait bars, purchased at a local feed store, effectively managing the problem within the confines of our home. When we addressed our problem and progress to Sunrise, they offered to reimburse us for our expenses. Even with their willingness to assist, we felt the need to involve the city and vector control because we felt the rodents came not only from Sunrise but also from the railroad and other business areas, which provided potential environments for nesting. Since that time, we have seen a steady decrease in the number of rats. We no longer see or hear them and most importantly we see no indication of them on our property.

I believe this to be a result of the cooperative effort of all the area businesses involved by removing vegetation, reducing food sources and baiting to destroy the vermin. I also believe that this effort needs to continue to maintain and possibly eliminate any further infestation.

I understand other issues with neighboring businesses concerning Sunrise are trash, odors and flies. I would like to address each of these separately as they also have an impact on my home environment. But I do not believe Sunrise to be the solely responsible for causing these problems.

In terms of foul odors that have been mentioned in an article in the Daily Bulletin, we feel that the complaints were over exaggerated. As I stated earlier, we live adjacent to Sunrise with only a cement block wall between us. Even when recyclables have been piled up to and passed the top of the block wall, odors that could be attributed to these have been minimal. I have been bothered more often by odors from Cal Spas, which I believe to be the smell of the material they use to manufacture their spas. Another odor that has consistently plagued us over the years is the scent of cows, which we have attributed to Chino's dairy industry. Granted we have not made any formal complaints concerning any of these odors because none of them, including those generated by Sunrise, are present on a persistent basis. I became aware of them only periodically and usually for short periods of time.

Trash and debris generated from Sunrise is normally a problem during a windy weather. In the past, when this became a problem, all I needed to do was pick up the phone and call Sunrise's office to have someone come over and cleanup my yard. That was 15 years ago. Presently, whenever the wind picks up or on the morning after a windy night, Sunrise automatically sends a cleanup crew. Also, with as much foot and car traffic as they see, we have always found Sunrise's street facade to be well tended due to their own efforts. At the end of each business day, debris produced from their day to day are handled by Sunrise's employees. On many occasions, I have found pleasure taking children that I baby-sit, for walks past Sunrise's facility. I have never been concerned about the health or safety of my children as they walk along the well-landscaped sidewalks. We have even stopped to sit on the grass area that borders the sidewalk without concern.

The gnats and other airborne insects are numerous and annoying around my home as well. However, we did not consider these insects to be solely a product from Sunrise's business practices. We consider the flies to be seasonal and most persistent and numerous during late spring and summer season. I have no problem controlling them inside my home with the use of sticky fly strips and Raid Flying insect spray, despite the fact that we keep our windows and doors open because we do not have air conditioning.

I would also like to point out that we have been battling these flies for 15 years. In comparison with the years past, and based on number of fly strips and cans of spray replaced we have seen a decrease in the number of flies this year. Our neighbor who rents the house behind us, agreed this same sentiment stating, "There are not half as many flies this year as there were last year."

Sunrise's management has always shown a willingness to assist their neighbors with problems that may have been generated by them. They have never denied a request that we have made and have always shown willingness to improve and nurture a relationship with us as a good neighbor. They have explained their plans for improvements to us when we inquired upon receiving the initial notice of a public hearing last year. More recently, upon requesting some cardboard for a project we were working on, we were offered the opportunity to review their plans for improvements, blue print by blue print.

Based on our past experience with Sunrise and after reviewing their plans we honestly believe that Sunrise is working towards improving, not only their ability to do business, but also, their impact on the environment. Most importantly to us, that they are trying to improve community relations and become better neighbors by spending the money to make things better for all of us. I would much rather they be allowed to make their improvements then to consider their alternatives. One being business as it is at present which although tolerable, there is definite room for improvement. The second alternative is Sunrise closing their doors and 100 employees losing their jobs. I do not want to think about the vermin and other things associated with a vacant lot.

So we urge you to please allow these improvements that our "good neighbor" would like to make. We feel that it is a win-win situation, not only for us but also for the future of Sunrise and our community of Pomona.

As a footnote, I would also like to comment on two things. The first being that the work that Sunrise has planned, as we understand it, does not involve expansion of their perimeters or of the amount of recyclables they handle immediately. A better

terminology that I have used throughout this letter is "Improvement." It appears that their plans are for the sole purpose of improving their ability to manage the workload that they have now and to improve the impact that workload has on their surrounding environment.

The second being my personal interpretation of "community" and the responsibilities of homeowners and business in creating a community that we can all be proud to live in. I believe that to allow our community to grow and flourish, we must cooperate. This cooperation, not only involves taking care of what is ours but also in working together through dialogue and action to achieve mutual goals. I am concerned that businesses in this area are only now voicing their objections to Sunrise Industries. There has been no communication of their displeasure to the city or city government, let alone, Sunrise before their plans for improvements were announced. If they would have opened a dialogue, if they made attempts to be neighborly as we did with Sunrise years ago, they may have avoided all this ugliness. I feel surrounding Sunrise's plans, If we had been a true community all along this would be a cooperative effort and there would be no animosity about their plans.

Brenda Kough

SUNRISE INDUSTRIES INC.
D.B.A. POMONA VALLEY RECYCLING CTR.
1326 E. 9TH STREET
POMONA, CA 91766-3831268

Tel: 909-629-5265 Fax: 909-623-0141

06/26/01

Ms. Janice Shrender
Administrative Assistant
Pomona City Council
The City of Pomona

RE: Sunrise Industries, Inc. – MCUP 00-32

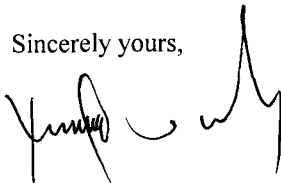
Dear Mr. Shrender:

Enclosed please find the letter from our employees.

Please distribute this letter to: - Mr. Edward S. Cortez, Mayor
- Mr. George E. Hunter, Councilmember
- Mr. Marco Robles, Councilmember
- Ms. Cristina Carrizosa, Councilmember
- Ms. Paula Lantz, Councilmember
- Mr. Elliott Rothman, Councilmember
- Ms. Norma J. Torres, Councilmember
- Mr. Doug Dunlap, City Manager
- Ms. Candida Neil, Manager, Planning Division

Your prompt assistance would be greatly appreciated.

Sincerely yours,



Tom Suh


CC. Mr. Manuel Mancha, Planning Division

June 22, 2001

Pomona Valley Recycling Ctr.

This is a list of the names of employees and thier signatures who support the plan to improve and upgrade the operation facility and belived the problems with rats, flies and odors have been greatly exaggerated by the adjacent property owners. These employees need to continue to work and are grateful that the company has been in existence for more than 20 years. The employees want the company to continue on with its operation, they will do their utmost to have a top-notch operation, and believe it is not fair for the adjacent property owners to try to close down the operation.

Esta es la lista y las firmas de los empleados que respaldan la compania aserca del problema de las ratas, moscas y mal olores que los vesinos sequegan. Los empleados de esta compania nesecitan seguir trabajando porque dependen de esta compania y estan agradecidos que la compania esta avierta al publico por mas de 20 anos. Los empleados quieren que la compania siga adelante, estamos asiendo lo mas posible para mantener todo en orden y cremos que no es gusto que los duenos de las otras companias quieran cerar nos la operacion .

<u>Name</u>	<u>Address</u>	<u>Signature</u>
1. Silvano Calderon	14244 E Grand AV. Pomona	
2. Maria Jimenez	1329 W. Mission Pomona	Maria Jimenez
3. Gudelia Bacilio	4850 Bundy St Pomona	Gudelia Bacilio
4. Elias Samuel	1761 E Mission Blvd Pomona	Elias Samuel
5. Rodrigo Sanchez	1641 E Kingsley AV. Pomona	Rodrigo Sanchez
6. Martin Sanchez	1641 E Kingsley AV Pomona	Martin Sanchez
7. Jaime Sandoval	1885 N. San Antonio Pomona	Jaime Sandoval
8. Samuel Calderon	2459 Covejoy St Pomona	Samuel Calderon
9. Ramon A. Morales	2459 Covejoy St Pomona	Ramon Morales
10. Jose Chavez	392 W 8th St Pomona	Jose Chavez
11. Argelio Corona	2472 Valhalla St Pomona	Argelio Corona
12. Enrique Acevez	2459 Covejoy St Pomona	Enrique Acevez
13. Angel Valdivia	329 E Pear St Pomona	Angel Valdivia
14. David Mauricio	1111 7th St Pomona	David Mauricio
15. Felix Soto	1839 Garland Pomona	Felix Soto
16. Jose de la Cruz	724 N. Windsor Ontario	Jose de la Cruz
17. Gabriel Aguilera	11292 Roswell Pomona	Gabriel Aguilera
18. Jesus Soto	4138 E Mission Pomona	Jesus Soto
19. Ramon Estrada	10330 Lehigh St Montclair	Ramon Estrada
20. Oscar Navarro	11292 Roswell Pomona	Oscar Navarro
21. Cynthia Eserra	1638 Kingsley Pomona	Cynthia Eserra
22. Faimunda Martinez	1641 E Kingsley AV Pomona	Faimunda Martinez
23. Laura Calderon	4138 E Mission Blvd Montclair	Laura Calderon
24. Estela Aguilera	11292 Roswell Pomona	Estela Aguilera
25. Adriana Pena	1025 Lehigh Montclair	Adriana Pena
26. Imelda Gonzalez	2476 Mahalla Pomona	Imelda Gonzalez
27. Laura Cega	2476 Mahalla Pomona	Laura Cega
28. Reina Velazco	1111 E 7th St Pomona	Reina Velazco
29. Tomas C.	1832 W Siesta Fontana	Tomas C.
30. Raven Perez	Pomona	Raven P.
31. Oliver Perez	2266 Marguerite Pomona	Oliver P.
32. Abel Sandoval	10330 Lehigh Montclair	Abel Sandoval
33. Jose Virgen	10330 Lehigh Montclair	Jose Virgen
34. Carlos Iglesias	1111 E 7th Pomona	Carlos Iglesias
35. Juan Carlos	10330 Lehigh Montclair	Juan Carlos
36. Adalberto Corona	10330 Lehigh Montclair	Adalberto Corona
37. Uriel Virgen	10330 Lehigh Montclair	Uriel Virgen
38. Elvis Gonzalez	10330 Lehigh Montclair	Elvis Gonzalez

Name	Address	Signature
39. Luz Juarez	113058 Lehigh Chino	Luz Juarez
40. Jose E Zalazar	4158 E Mission Bl Antclait	José Zalazar
41. Ramiro Rodriguez	1111 E 7th St. Pomona	Ramiro R.
42. Arturo Calderon	1761 E Mission Pomona	Arturo Calderon
43. Rene Calderon	4124 E 8th St Pomona	Rene Calderon
44. Jose J Romero	4138 Mission St #24	Jose J Romero
45. Ruben Serrano	5181 Merle St #A Pomona	Ruben Serrano
46. Julio Lopez	5181 Merle St #A Pomona	Julio Lopez
47. Luis Peraza	966 3rd St Pomona	Luis Peraza
48. Manuel Martinez	2466 1st St	Manuel Martinez
49. Paula	2466 1st St	Paula
50. Jose Sandoval	10351 Light Ave	José
51. Irma Gonzalez	2459 Lovejoy St. Pomona	Irma Gonzalez
52. Mirilla Carrillo	14351 Light Ave	Mirilla Carrillo
53. Julia	14351 Light Ave	Julia
54. Juana Maria Glez	Roswell Ave. Pomona #1182	Juana Maria Glez
55. Guadalupe Montoya	1371 S Reservoir Pomona	Guadalupe Montoya
56. Alma Rodriguez	1375 S Reservoir St Pomona	Alma Rodriguez
57. Salbador Martillo	586 9th St Pomona	Salbador Martillo
58. Alfonso Espinoza	1839 Garlan St CA	Alfonso Espinoza
59. Abel Virgen Ceja	10310 Hound C	Abel Virgen Ceja
60. Michael T. Carson	14351 Light Ave #5 Pomona	Michael T. Carson
61. Julian Soto	7th Mission Ave Pomona	Julian Soto
62. Ernestina Delgado	18 Mission Ave Northland	Ernestina Delgado
63. Patricia Aceves	2464 Lovejoy St. Pomona	Patricia Aceves
64. Gail Mendez	1108 S San Antonio Ave	Gail Mendez
65. Marcelo	2464 Lovejoy St	Marcelo
66. Isabel Piro Benitez	1244 Kingsly Ave Pomona	Isabel Piro Benitez
67. Nidia Delgado	11085 Roswell Ave Pomona	Nidia Delgado
68. Karla Camacho	1705 W Bumbania Pomona	Karla Camacho
69. Marcela Andrade	1761 E. Mission Bl Pomona	Marcela Andrade
70. Yolanda A Cabral	618 W. 8th St Pomona	Yolanda A Cabral
71. Sarrario Estrada	11274 Chico Av Pomona	Sarrario Estrada
72. Juan Martinez Flores	1329 W Mission Bl Pomona	Juan M Flores
73. Maria R Gonzalez	1761 E Mission Bl Pomona	Maria R Gonzalez
74. Leonar G Perez	1329 W Mission #6 Pomona	Leonar Garcia
75. Ana Yely Gonzalez	141 Kingsly #17 Pomona	Ana Yely Gonzalez
76. Ana Rosa Gonzalez	9239 Dinyon Ct Fontana	Ana Rosa Gonzalez
77. Lorenzo Gonzalez	9239 Dinyon Ct Fontana	Lorenzo Gonzalez
78. David R Gorman	1444 E. Kingsly #5	David R Gorman
79. Benjamin Hernandez	10343 #3 Antclait	Benjamin Hernandez
80. Luis Hernandez	1329 W Mission #6 Pomona	Luis Hernandez
81. Rosario Hernandez	1329 W Mission #6	Rosario Hernandez
82. ONEIDA J TORAL	1329 W Mission #2	ONEIDA J TORAL
83. Benjamine Meza	10937 Kadota Ave Pomona	Benjamine Meza
84. Pedro Montoya	1371 S Reservoir St Pomona	Pedro Montoya
85. Elizabeth Perez	1705 S San Antonio Pomona	Elizabeth Perez
86. Luis A Martinez	11222 Roswell Ave Pomona	Luis Martinez
87. Miguel A Alvarez	700 E 7th Ave Pomona	Miguel Alvarez
88. Oscar Camacho	1358 N Stavey upland	Oscar Camacho
89. Rafael Gonzalez	2459 Lovejoy St	Rafael Gonzalez
90. Manuel	2147 Arroyo Dr	Manuel
91. Manoel RIVERA	1444 K. SLEX. A. BATES	Manoel RIVERA
92. Rosa Garcia	826 9th St Pomona	Rosa Garcia
93. Anel Virgen	1146 W 1st	Anel Virgen
94. Rita	4124 E 8th St	Rita
95. Francisco	1329 W Mission #12	Francisco
96. Merco	10937 Kadota Ave	Merco
97.		
98.		
99.		
100.		



MANGOLD ENGINEERING, INC.

1304 E. Ninth Street
Pomona, California 91766

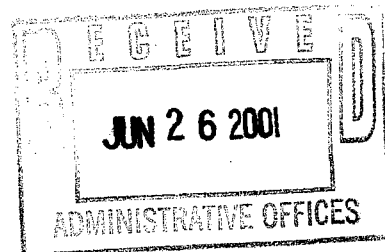
(909) 622-1091
FAX (909) 623-2021

Manufacture, Rebuild and Service Industrial Ovens and Furnaces

June 26, 2001

Pomona City Council
Pomona City Hall
Pomona, CA 91766

RE: Sunrise Resources Co.
1326 E. Ninth Street
Pomona, CA 91766



Gentlemen:

As the Business and Property Owner on the West adjacent property of Sunrise Resources, I feel that the people at the recycling center have made much needed improvements in controlling the dust, trash and rodent problems.

I am also of the opinion that if Sunrise Resources is allowed to build the building as proposed, this improvement will take care of a lot of problems that occur when the Santa Ana winds blow.

This improvement would help the neighborhood, not hurt it.

Sincerely,

M.H. Mangold
President
Mangold Engineering, Inc.

RECEIVED
CITY CLERK

CC: M+CC
7 Doug
Arnold
Candida

June 27, 2001

2001 JUN 28 PM 3: 57

To Whom It May Concern:

I'm writing about a new project proposed by our neighbor, Sunrise Industries Inc.
dba Pomona Valley Recycling Center.

My business is located on the south side of Sunrise Industries and we manufacture
furniture. I do not have any problem with the improvement of their facility. As a matter
of fact, I believe this improvement will benefit all the neighbors surrounding Sunrise
Industries Inc., including my company.

Sincerely,
Rivas Furniture

David Rivas / Owner
1339 E. Grand Ave
Pomona, CA 91766



RECEIVED

JUN 28 2001

CITY MANAGER'S OFFICE

RECEIVED

JUN 28 2001

Administrative Offices

ROYAL CATERING

A COMPLETE 24 HOUR FOOD SERVICE

RECEIVED
CITY CLERK

7

2001 JUN 28 PM 3:57

June 28, 2001

To Whom It May Concern:

We have been providing catering truck service to Pomona Valley Recycling Center for the past five years.

During the past year we have seen a great improvement in their facility. It appears much cleaner and better maintained.

We have also been informed that they intend to improve their facility further by installing new machines in an enclosed area.

We support their improvements; they will definitely improve the neighborhood and the environment.

If you should have any questions or require any further information please feel free to contact me at (626) 280-9780.

Sincerely,



Dee Gallardo
Account Manager

RECEIVED

JUN 28 2001

Administrative Offices

7
RECEIVED
CITY CLERK

2001 JUN 28 PM 3:57

June 28 2001

To whom it may concern:

My name is Kimberly Juarez I have been a resident of Pomona all twenty-three years of my life, I also am an employee of Pomona Valley Recycling Center. My intentions of this letter is just to share my views of the new equipment Sunrise Industries wants to establish and how, I think it will benefit our city, our neighbors and, our environment. The improvement of Sunrise Industries would help get rid of recyclable materials quicker than before, which was one of the main concerns of our surrounding neighbors

There were a couple of things mentioned about restroom facilities and strange odors coming from the plant. Since I have worked here I have not had any experiences with strange odors, and I work at the window so I do not miss much. As for restroom facilities, I personally keep track of the maintenance workers and one of their duties is to maintain clean permanent restroom facilities. We also provide portable toilets for the employee's working on curbside conveyer belt. These restrooms are cleaned by the portable rental service three times a week.

Another reason I was writing this letter, is to inform you that I have seen management of Sunrise Industries try to comply with the neighbors when they have complaints about the trash blowing onto their property. Since these complaints we now have the maintenance crew go over to the surrounding properties and cleans up trash on a daily basis.

Pomona Valley Recycling Center is not trying to sell our city short; they are actually cleaning it up. Sorting out recyclables is a very difficult job, but someone has to do it. Most average households do not care what they through in the trash bins or where it goes to that is not their problem. Here at the recycling center that is what we do. It is not the city job to decrease amount of trash we make. It is each one of our jobs. Just keep in mind Sunrise Industries is trying to improve our environment by speeding up the process of disposal of recyclables, and to eliminate neighbor's complaints.

Thank You

Kimberly Juarez
767 San Bernardino St.
Pomona Ca. 91767



RECEIVED

JUN 28 2001

Administrative Offices

JAMES W KANG

3803665

RECEIVED
CITY CLERK

2001 JUL 11 PM 3:55

LAW OFFICES

SANG HYUN KANG AND ASSOCIATES

ATTORNEYS AT LAW

3435 WILSHIRE BOULEVARD

SUITE 1950

LOS ANGELES, CALIFORNIA 90010

TELEPHONE: (213) 380-8135

FAX: (213) 380-8264

VIA FACSIMILE AND FIRST CLASS U.S. MAIL

July 10, 2001

Candida Neal

Planning and Development Services Manager

The City of Pomona

City Hall

505 South Garey Avenue

Pomona, CA 91766

Re: Modification of Conditional Use Permit
(MCUP 00-032) for Sunrise Industries, Inc.,
D/B/A Pomona Valley Recycling Center

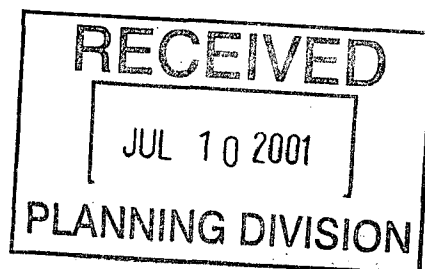
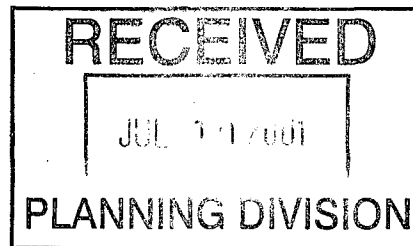
Dear Ms. Neal:

This is to inform you of the finalized plan and positions of Sunrise Industries, Inc., with respect to the above-referenced matter.

As you are well aware, we are not in a position to accept the 100-ton average per day restriction, (Section 3, condition 17), as such restriction would reduce our operation to part time and result in our employees working and receiving part time wages. Also, such a limitation would defeat the whole purpose of us investing 2.5 million dollars and installing a state-of-the-art automated operation system for cleaner environment and improved facility.

Additionally, please again note that we have decided to construct a fully enclosed structure to house the new, state-of-the-art system and to store and sort the residential curbside recyclable material. Therefore, Mitigation Measure Nos. 3, 4, and 7 should be combined into one and state as follows: "all unsorted recyclable materials shall be kept indoor at all times. Even all sorted and non-baled recyclable materials must be stored in the building. Except for baled old newspapers and other baled paper recyclable materials, all other recyclable materials, whether sorted or not, shall be stored indoor. Public collection bins shall be covered up during all non-operational hours."

Also, we request that the requirement of a "revocation hearing" as additional condition be set aside. Section 3, Condition 16. To characterize a proceeding as a revocation hearing implies that someone had determined that we may not be compliance. This unduly



LAW OFFICES OF SANG HYUN KANG AND ASSOCIATES**Attorneys at Law**

Ms. Candida Neal

July 10, 2001

Page Two

prejudices a fair consideration of our operations and may well create false expectations among adjacent property owners. We request that this condition be modified to read as follows:

"The planning commission shall conduct a noticed public hearing to review the operations of the facility no later than six months after the installation of the new equipment."

In addition, we submit that Section 3, Condition 15 should be modified to make it clear that a mere allegation of a violation will not be enough to trigger the sanctions contained in the condition. We suggest that the word "verified" be inserted before the term violation on lines 1 and 4 of the Condition.

Also, as we have made known to you and the adjacent property and business owners many times in the past, we will take all necessary and appropriate actions, at our expense, to correct any vector or pest problems of the adjacent property and business owners, if upon inspection, it has been determined that we caused the problems. Accordingly, Mitigation Measure Nos. 16, 16a, 16b, and 16C should be consolidated into one measure as stated herein.

Again, we are fully committed to correcting any and all vector and pest problems that may be caused by our operations, and we strongly believe that our fully enclosed structure and the new state-of-the-art equipment will solve any and all vector and pest problems.

Lastly, it is not possible to require "all repairs" for the new equipment to be completed within 24 hours. See Section 3, Condition 11. The manufacturer of the equipment has informed us that it would take at least two working days to make the repairs. Therefore, the condition should be modified to state that "all repairs to the new equipment shall be completed within two working days, if possible and reasonable, as determined by the equipment manufacturer."

It is our desire to proceed with the hearing on July 16, 2001, and accordingly, please be so kind as to incorporate this letter into your staff report for the hearing. Also, our new and modified site plan showing the full enclosure should be submitted to you today or tomorrow.

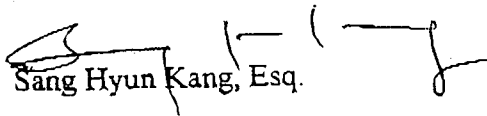
Thank you for your courtesy and cooperation.

LAW OFFICES OF SANG HYUN KANG AND ASSOCIATES
Attorneys at Law

Ms. Candida Neal
July 10, 2001
Page Three

Respectfully,

LAW OFFICES OF SANG HYUN KANG AND ASSOCIATES


Sang Hyun Kang, Esq.

SHK/ek

cc: Mr. I.P. Kim, Sunrise Industries, Inc.
Roger Grable, Esq., BUCHALTER, NEMER, FIELDS & YOUNGER

RECEIVED 7/16/01

MR. Mayor and Honorable Members of the city Council.

My name is In Pyung Kim.

I am the owner of Sunrise Industries, Inc.

In the past 20 years, we have been located in the City of Pomona.

I have exerted all my efforts to improve our company.

We want to improve our current operation in a manner,
which will be compatible with the activities of our neighbors.

I am confident that the \$2.5 million we are prepares to invest in
faster, more efficient machinery, along with improvements to
contain noise and odor will virtually eliminate any disturbance
or inconvenience to our neighbors.

I also believe the extensive conditions proposed by the staff will
allow for thorough and objective monitoring of our activities.

Currently, we are doing our best to create a clean working
environment for our employees as well as our visitors and
neighbors.

You have my commitment to work with our neighbors to assure
compliance with the terms and conditions of this proposed permit.

We have prepared a series of presentations to highlight the
specifics of our proposal, the advantages of the new equipment,
the improved environmental controls and the community and
neighborhood support for our project.

Thank you to each of you and staffs for the time and attention
you have given to our request.

I hope you can support our proposed Conditional Use Permit.

Thank You!

8

RECEIVED 7/16/01 30

Let it be known that the community surrounding Sunrise Industries-Pomona Valley Recycling is not opposed to any building improvements that are in accordance to the City of Pomona Building Codes. We are however against any expansion of their existing conditional use permit. We, as evidenced by our signatures below do not feel Pomona Valley Recycling should be rewarded with an expansion but rather made to comply with their existing permit - of which they have been out of compliance for seven years. This would not eliminate any jobs as evidenced from their past employment history.

La comunidad alrededor de Sunrise Industries/Pomona Valley Recycling estan de acuerdo a los mejoramientos de cualquier edificio de acuerdo a La Ciudad de Pomona y los edificios de codigos. Per NO estamos de acuerdo que les den mas permisos de los que ya tienen. Nosotros con las firmas de abajo no sentimos que Pomona Valley Recycling deberian ser premiado con mas permisos, sino que permanecer con los permisos que tienen desde hace siete (7) anos. Esto no deberia afectarle a ningun empleado en ningun momento.

NAME

ADDRESS

SIGNATURE

Rds Robertom	1480 E Grand ave pomona ca.	[Signature]
SUSAN GOMEZ	1480 E. GRAND AVE	Susan G. Gomez
JUDITH KRAUSE	1480 E. GRAND AVE.	Judith Krause
JEFF Hunter	91480 E GRAND AVE	Jeff Hunter
Veronica Rios	2248 Carlton Ave	Veronica Rios
Elizabeth Olivarez	11250 Ramona Ave	Elizabeth Olivarez
Rene Lugo	587 W. 11 TH ST	Rene Lugo
Jim Thayer	1028 E Mission PMAA	Jim Thayer
FILIBERTO SANTIAGO	1480 E Grand Ave Pomona	Filiberto Santiago
Maria G Rojas	1068 E LEXINGTON	Maria G Rojas
Maria Lugo	850 E Hawthorne pomona ca.	Maria Lugo
MARTIN CASTILLO	541 W. Flora st. ONTARIO CA	Martin Castillo
Antonio Flores	1721 MAIN ST	Antonio Flores
Maria Pirela	10985 ROSWELL AV.	Maria Pirela
Cristina Lopez	1068 E LEXINGTON	Cristina Lopez
ERERARDO CARRASCO	2827 Camble Ave pomona	Ererardo Carrasco
Rafael Mendez	Philadelphus #3	Rafael Mendez
Felimon Carlos	1490 E. LINCOLN AV	Felimon Carlos
Emilia Aguirre	1060 E. Lexington pomona	Emilia Aguirre
Lidia Bonales	858 Hawthorne Pomona	Lidia Bonales
Yanessa Bernal	1650 S. Campus Ave #92	Yanessa Bernal
Valentina Siorchia	1614 E Kingsley Ave. #7	Valentina Siorchia
Carlos Bonales	1028 E Mission Blvd	Carlos Bonales
Silvia Rivera	208 E. Neilan Pomona	Silvia Rivera
Maria L. Mayorga	4226 Monte Verde	Maria L. Mayorga
Alfonso Paredes	397. Paloma Dr	Alfonso Paredes
Otoniel M.	1444 E Kingsley Ave	Otoniel M.
Martin Aguado	208 E MAITLAND ST ONTARIO CA 91764	Martin Aguado
Golden Diamond	1376 E. Grand Ave. #1 Pomona, CA 91764	Golden Diamond
Cyndi Gota	1313 E. Grand Ave	Cyndi Gota

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NAME


ADDRESS

SIGNATURE

<u>PETE CHAPOURIS</u>	<u>6940 ORIDGE LA VERNE</u>	<u>Pete Chapouris</u>
<u>JAMES D. FALSCHLEINER</u>	<u>321 EUBRETT - ORANGE</u>	<u>James D. Falschleiner</u>
<u>TONY SQUADROLI</u>	<u>7253 JURY RD. RIVERSIDE</u>	<u>Tony Squadrola</u>
<u>MICK JENKINS</u>	<u>1222 SOUTH VICTORIA AVE. CORONA</u>	<u>Mick Jenkins</u>
<u>ANGY LUTUM</u>	<u>1672 SARBROOK LN HUNTINGTON BEACH</u>	<u>Angy Lutum</u>
<u>SHANE K. GORE</u>	<u>4162 N. SUNSET ST ORANGE</u>	<u>Shane K. Gore</u>
<u>DAVID BRANTLEY</u>	<u>27941 VIA DEL AGUA WAGUNA WAGUEL</u>	<u>David Brantley</u>
<u>RAY SCH</u>	<u>2620 CALLAWAY CANTERVA</u>	<u>Ray Sch</u>
<u>DAVE STEWART</u>	<u>1742 SUNSET LN CORONA CA</u>	<u>Dave Stewart</u>
<u>THOMAS SMITH</u>	<u>7200 N 40E00 ORANGE</u>	<u>Thomas Smith</u>
<u>Peter Chapouris IV</u>	<u>915 W PALM AVE MONROVIA</u>	<u>Peter Chapouris IV</u>
<u>ALEX MALDONADO</u>	<u>9421 WOODRUFF AVE TEMPECAIN</u>	<u>Alex Maldonado</u>
<u>ARON HANSEN</u>	<u>1448 MORTON CLE. CLAREMONT</u>	<u>Aron Hansen</u>
<u>WALT HANSEN</u>	<u>12250 54TH ST MIRA LOMA</u>	<u>Walt Hansen</u>
<u>DANA TAYLOR</u>	<u>90 WAXWING LN. ALISO VIEJO, CA 92658</u>	<u>Dana Taylor</u>
<u>RON READ</u>	<u>4607 CEDAR EL MONTE 91732</u>	<u>Ron Read</u>
<u>Rob McMahon</u>	<u>90 WAXWING LN ALISO VIEJO</u>	<u>Rob McMahon</u>
<u>ERIK CHAPUTA</u>	<u>680 GOLDEN PRADOS DIAMOND BAR</u>	<u>Erik Chaputa</u>
<u>JUAN FIGUEROA</u>	<u>510 Hibiscus dr Redlands, Ca</u>	<u>Juan Figueroa</u>
<u>Shawn Snow</u>	<u>9079 LA LOMA ALA LOMA CA</u>	<u>Shawn Snow</u>
<u>MIKE FLYNN</u>	<u>1771 RESAVOIR, POMONA, CA</u>	<u>Mike Flynn</u>
<u>MIKE NELSON</u>	<u>1965 Coulton St. Loma Linda CA</u>	<u>Mike Nelson</u>
<u>Nestor Cobreros</u>	<u>11092 DALLINS DR G. GENE. CA</u>	<u>Nestor Cobreros</u>
<u>WADY AHAMAM</u>	<u>1720 Ybarra Dr Rowland HTS Ca 91748</u>	<u>Wady Ahamam</u>
<u>BROSE QUINN</u>	<u>1110 Hendricks Ave LA 90022</u>	<u>Brose Quinn</u>
<u>CAROL CHAPOURIS</u>	<u>8991 CHANNING, West. Ca. 92683</u>	<u>Carol Chapouris</u>
<u>NANCY KELLEY</u>	<u>7054 LA RONDA CE. ALTA LOMA CA. 91701</u>	<u>Nancy Kelley</u>
<u>TONY THACKER</u>	<u>6940 ORIDGE AVE LAVERNE 91750</u>	<u>Tony Thacker</u>
	<u>1578 LOMA AVE LAVERNE 91750</u>	
	<u>5043 N. BARRETT AV.</u>	
	<u>SAN GABRIEL CA 91776</u>	

Concerning : Pomona Valley Recycling Center.

This is a list of the names of employees and their signatures who want to file a complaint against Pomona Valley Recycling Center "Sunrise Industries" regarding safety, Health and Environmental concerns and being a nuisance to the community.

1. 
2. John Foreman
3. Ted Nye
4. Cat B...
5. J. B...
6. - 7. Shaun Riddle
- 8. Danny Camp
- 9. - 10. - 11. - 12. - 13. - 14. - 15. - 16. - 17. - 18. - 19. - 20. Wages Jones
- 21. Tom Willard
- 22. Robert ...

23. - 24. Carol ...
- 25. Barbara Strubler
- 26. Randy Miller
- 27. - 28. David Holmes
- 29.
- 30.
- 31.
- 32.
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- 37.
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- 40.
- 41.
- 42.
- 43.
- 44.
- 45.

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SIGNATURE

Suzi Adley

made E. K. ...
Mary P. ...
Wm. ...

James P. King

James P. King

Bob Kirby

Blueberry

Bernie Lee

Mike Haley

Let it be known that the community surrounding Sunrise Industries-Pomona Valley Recycling is not opposed to any building improvements that are in accordance to the City of Pomona Building Codes. We are however against any expansion of their existing conditional use permit. We, as evidenced by our signatures below do not feel Pomona Valley Recycling should be rewarded with an expansion but rather made to comply with their existing permit – of which they have been out of compliance for seven years. This would not eliminate any jobs as evidenced from their past employment history.

La comunidad alrededor de Sunrise Industries/Pomona Valley Recycling estan de acuerdo a los mejoramientos de cualquier edificio de acuerdo a La Ciudad de Pomona y los edificios de codigos. Per NO estamos de acuerdo que les den mas permisos de los que ya tienen. Nosotros con las firmas de abajo no sentimos que Pomona Valley Recycling deberian ser premiado con mas permisos, sino que permanecer con los permisos que tienen desde hace siete (7) anos. Esto no deberia afectarle a ningun empleado en ningun momento.

NAME

ADDRESS

SIGNATURE

Stan Lopez
Rick Mattheus

904 S. ENCLID AVE, CALI.
1301 - St E. Glendale Ave. Pan
11 11

Stan Lopez
Paul Bente
Rick Mattheus

3

NAME _____

SIGNATURE

Darlene Aschese
Carolyn Roberts
Richard Roberts

1445 EAST GRAND QUE POMAHA CO
1445 E. GRAND POMAHA CO
1445 E. Grand Pomahe

Juliana Cascaes
Campus I - Boticão

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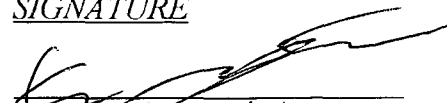
NAME

ADDRESS

SIGNATURE

Ken Matsuyama
Sachiko Mukai
MIEKO MUKAI

1344 E. Grand Ave
1344 E Grand Ave
1344 E. GRAND AVE


Sachiko Mukai
Mieko Mukai

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LORI UNDERWOOD

1521 E. GRAND AVE. POMONA

Sharon Coan

1521 E. Grand Ave Pomona

CHARLES HALL

1521 E. GRAND AVE POMONA

PERRY COAN

1521 E. Grand Ave Pomona

Shawn Underwood

1521 E GRAND AVE POMONA

Theresa Hall

1521 E GRAND AVE POMONA

