



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: February 27, 2019

TO: Chairman and Members of the Planning Commission

FROM: Planning Division

SUBJECT: REVOCATION OF ENTITLEMENTS PERTAINING TO A FORMER RECYCLING FACILITY:

A request for revocation of a Conditional Use Permit to allow a metal salvage and recycling establishment (PC Resolution No. 3721); revocation of Renewal of a Conditional Use Permit to extend the operation for another year (PC Resolution No. 3721-A); on a property located at 1341 E. Mission Boulevard in the M-2 (General Industrial) zoning district.

STAFF RECOMMENDATION

Planning Staff recommends that the Planning Commission adopt the attached PC Resolutions (Attachments 1-2) approving revocation of entitlements pertaining to a former metal salvage and recycling establishment, located at 1341 E. Mission Boulevard.

PROJECT/APPLICANT INFORMATION

Project Location: 1341 E. Mission Blvd.
APN Information: 8326-013-001
Project Applicant: City of Pomona
Property Owner: Monroe Real Estate Properties LLC
CC District: District # 3
Historic/CBD: Not Applicable
Specific Plan: Pomona Corridors Specific Plan

PROJECT DESCRIPTION & BACKGROUND

The City of Pomona proposes to revoke two entitlements pertaining to a former metal salvage and recycling facility located on a 1.86 acre site at 1341 East Mission Boulevard (Attachment 3-4). The site was entitled with a Conditional Use Permit (CUP) in 1975 to operate a metal salvage and recycling establishment, and the CUP was subsequently renewed in 1980. Business license records show that Mission Recycling operated on site between 1987 and 2002. The site is currently occupied

by Ram Structural Steel Inc. for office, storage, distribution and contractors yard for metal steel products. The revocation of CUP (PC Resolution No. 3721) and (PC Resolution No. 3721-A) will not affect the operation of this business, as it is compliant with the permitted uses listed in the M-2 Zoning District.

Furthermore, as established by City Council Ordinance No. 4234 in 2017, a “recycling facility” is a prohibited use in the M-2 General Industrial Zoning District. Therefore, revocation of entitlements pertaining to the former recycling facility at this location will meet the intent and standards of the Pomona Zoning Ordinance.

SURROUNDING LAND USES

The properties surrounding the site in all directions are zoned M-2 (General Industrial). The following table summarizes the surrounding land uses, zoning and General Plan designations for Planning Commission consideration.

Table 1. Land Use Summary Table

	Existing Land Use	Zoning Designation	General Plan Designation
Subject Site	General Industrial	M-2	Workplace District
North	General Industrial	M-2	Workplace District
South	General Industrial	M-2	Workplace District
East	Light Industrial	M-1	Workplace District
West	General Industrial	M-2	Workplace District

ENTITLEMENT HISTORY

On May 14, 1975, the Planning Commission approved a Conditional Use Permit to allow a metal salvage and recycling establishment (Attachment 5). On May 14, 1980, the Planning Commission approved the renewal of the Conditional Use Permit (Attachment 6).

Business License records indicate that Martin Iron and Metal operated on site until 1987, and Mission Recycling Center operated from 1987 to 2002. On July 1, 2017, a business license was issued to Ram Structural Steel for a metal steel product storage yard.

WASTE & RECYCLING ORDINANCE

On June 19, 2017, the City Council approved and passed *Ordinance No. 4234* (Attachment 7), which added definitions to the Pomona Zoning Ordinance pertaining to waste and recycling facilities, including the following:

“Recycling Facility” means a business that accepts by donation or purchase, recyclable materials from the general public, other Recycling Facilities, government agencies, and other business enterprises in order to recycle such materials. The facility is used for the collection, sorting, and short-term storage of recyclable materials that would otherwise become Solid Waste. A Recycling Facility is not a Greenwaste, Solid Waste, Hazardous Waste, or Automobile Dismantling Facility. A Recycling Facility does not include the cleansing, grinding, treating or reconstituting of recyclable materials.

Furthermore, the following defined uses now are now prohibited in the M-2 General Industrial zone, among other zoning districts (emphasis added):

*“Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, **recycling facility** (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.”*

REVOCATION PROCEEDINGS

Pursuant to City of Pomona Zoning Ordinance, Section .580-H, *Revocation or Suspension of Conditional Use Permit*, “revocation proceedings may be initiated by a majority vote of the granting body, or majority vote of city council or the community development director.” In granting a revocation, the Planning Commission must determine if any of the following findings of fact are present:

1. That the permit was obtained by fraud;
2. That the permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in violation of any law; or
3. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance; or
4. That the neighborhood has changed substantially since the permit was granted so that the use is no longer compatible with the surrounding neighborhood.

The revocation of entitlements pertaining to the former recycling facility at the subject site was initiated by the Development Services Director. As established by City Council Ordinance No. 4234 in 2017, a “recycling facility” is a prohibited use in the M-2 General Industrial Zoning District. Therefore, the use associated with these entitlements does not comply with the Pomona Zoning Ordinance. While an active recycling facility at this site may continue exercising the privileges of these entitlements as a legally non-conforming use, the facility ceased operations in 2002, and is now currently operating as storage yard for sheet metal products. Pursuant to Pomona’s Zoning code on nonconforming uses, the use has been discontinued for a period of two or more years and therefore any future use would need to be in conformity with current City ordinance; current City ordinance does not permit the recycling center. Therefore, the following finding of fact is applicable to these entitlements:

1. That the permit granted is being, or has been, exercised contrary to any conditions imposed upon such permit, or in violation of any law.

ENVIRONMENTAL REVIEW

Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In compliance with Section 15061(b)(3), the proposed project is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

PUBLIC COMMUNICATIONS

A copy of the public hearing notice was published in the Inland Valley Daily Bulletin on February 16, 2019, and was sent to all property owners and occupants of surrounding properties within a 400-foot radius of the subject site on February 13, 2018 (Attachment 8). As of the date of this staff report, staff has not received any correspondence either for or against the proposed project.

CONCLUSION

Revocation of entitlements pertaining to the former recycling facility at this location will meet the intent and standards of the Pomona Zoning Ordinance. The proposed revocations meet the findings as required by the Pomona Zoning Ordinance for revocation proceedings and will eliminate the ability for a prohibited use to re-establish a presence at this location.

Respectfully Submitted:

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ATTACHMENTS:

- 1) Draft PC Resolution
- 2) Draft PC Resolution
- 3) Location & Aerial Photograph
- 4) Site Photographs
- 5) Resolution No. (3721)
- 6) Resolution No. (3721-A)

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- 7) Ordinance No. 4234 (“Waste & Recycling”)
- 8) Public Hearing Notice & Radius Labels