



CITY OF POMONA

COUNCIL REPORT

July 15, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mark J. Gluba, Deputy City Manager
Anita Gutierrez, Development Services Director

**SUBJECT: STATUS UPDATE ON CODE ENFORCEMENT CASES FOR
RECYCLING FACILITIES – RECEIVE AND FILE**

RECOMMENDATION:

It is recommended that the City Council review and receive and file this update on code enforcement cases for recycling facilities.

EXECUTIVE SUMMARY:

In August and September of 2016, the Code Enforcement Division, coordinated by then Planning Manager Johnson, conducted inspections of all waste and recycling facilities known to be operating in the City, issued notices of violation when violations were observed and took subsequent Code Enforcement actions, to compel compliance with City Codes amongst these businesses. Staff has included the “Inspection Report” for each of the businesses identified within the 2016 report (Attachment 1) with open Code cases, and provided an updated compliance summary of these businesses below.

FISCAL IMPACT: *None*

PREVIOUS RELATED ACTION: At the Meeting on May 6, 2019, several speakers expressed concerns about a recent fire at an industrial business on South Reservoir Street. The City Council subsequently requested that staff prepare a report with an updated status on open Code Enforcement violations at recycling facilities in the City. At the Meeting on June 3, 2019, upon staff presenting a “receive and file” advising the City Council that six recycling businesses had open cases, the Council requested additional information about the open Code Enforcement case violations remaining at these facilities. At the Meeting on June 17, 2019, the Council directed staff to prepare a Code amendment to the Non-Conforming section of the Zoning Code, for Planning Commission and Council consideration, that would reduce the timeframe in which a use can be discontinued from two years to 180 days.

DISCUSSION:

Prior to the Waste and Recycling Ordinance, recycling centers were permitted in the C-IND, M-Special Industrial, M-1 and M-2 Zones, some facilities would have required a Conditional Use Permit, if they were explicitly defined as a recycling center or were on a property of one acre in size or greater or had a building footprint of more than 20,000 square feet. However, other facilities may not have been explicitly defined as a recycling center prior to 2017, even though it may have been reasonable to infer that they were involved in the recycling goods supply chain. For instance the M-Zones allowed for the manufacturing of plastics and synthetics as a by-right use, which would today be considered part of the recycling goods supply chain. The 2017 Waste and Recycling Ordinance addressed this issue by adding more descriptive and inclusive definitions to capture the full breadth of waste and recycling uses.

Facilities that were legally established prior to the implementation of the Waste and Recycling Ordinance would be considered legal non-conforming and would therefore be allowed to continue operations unless the use discontinued operation for a period of two or more years, in accordance with the City Zoning Code pertaining to legal non-conforming uses. In accordance with previous direction, staff is bringing forward a Zoning Code amendment to shorten the allowable period of discontinued operation to six months, for consideration by the Planning Commission and City Council at a future date.

The Planning Commission may revoke the conditional use permits for any property operating as a recycling center if it has violated the terms of conditions for its entitlements or has ceased operation. In 2019, the Planning Division revoked eight (8) such entitlements all of which were associated with Mission Recycling.

The original “Inspection Reports” from the six remaining businesses included in October 3, 2016, that still have open Code violations are attached (Attachment 1). The following is an update on the status of any open violations and updated comments all six of these business:

MACO – 1820 S. Reservoir St.

This business shares a single industrial parcel with three other businesses, including: <ul style="list-style-type: none">· NUMATECH WEST KMP LLC, NW PACKAGING LLC 1201 Lexington, MANUFACTURE CORRUGATED PLASTIC PACKAGING· TRAXX CORPORATION 1201 Lexington, DISTRIBUTION FLOOR COVERING MATERIALS· DYNASTY TRUCKING SCHOOL 1810 S. Reservoir St., Truck Driving School	
Previous Violation(s)	Notes
Per 2016 report, C.U.P. required	The use was legally established on September 1, 2003 with a business license for import and export of plastic, which was allowed under the manufacturing, compounding, assembly, or treatment of articles or merchandise from

	previously prepared plastic material in the M-1 Zone. The use is now legal nonconforming and a CUP is not required. Violation is void.
Broken windows	Violation corrected
Illegal storage of trash, junk & debris – loading docks	Violation corrected
Site landscaping requirements	Code Compliance does not selectively enforce off street parking landscape requirements at this time. Code will focus on exterior property maintenance and public health/safety issues. Parking requirements, however, will be enforced where it is clear that parking has existed in the past. Violation is void.

Master Recycling Center – 1980 S. Reservoir St.

Previous Violation(s)	Notes
Per 2016 Report, C.U.P. required	The use was legally established on August 17, 2008 with a business license for de-packaging of plastic, which was allowed under the manufacturing, compounding, assembly, or treatment of articles or merchandise from previously prepared plastic material in the M-1 Zone. The use is now legal nonconforming and a CUP is not required. Violation is void.
Illegal storage of trash, junk & debris in offsite parking areas/Offsite parking areas require striping	Previous violations corrected. Additional storage of trash, junk & debris has been observed since 2019 fire incident. Requests for Correction have been issued and progressive enforcement efforts shall continue to achieve compliance.
Installation of signage required	Violation corrected
Installation of mailbox/structure in public right of way	Brick structure surrounding mailbox was removed. Installation of the mailbox in public right of way matches the placement/character of the surrounding properties in this zone/area. Violation corrected
Delivery drivers queuing in lanes of traffic	Business owner has advised drivers to not block traffic and detach from trailers. Recent traffic violations have been observed with delivery drivers cited.

	Traffic violations of delivery drivers at the location are Vehicle Code Violations which should be reported and cited when present.
Construction of mechanical/electrical systems without permit	Inspection of Building & Safety jacket for location indicates over 20 electrical permits have been issued for the premises. Violation is void
Site landscaping requirements	Code Compliance does not selectively enforce off street parking landscape requirements at this time. Code will focus on exterior property maintenance and public health/safety issues. Parking requirements, however, will be enforced where it is clear that parking has existed in the past. Violation is void.
Violations Identified after 2016 Report	Notes
<p>As a result of the fire incident, the following violations have been identified with new correction notices issued:</p> <ul style="list-style-type: none"> ➤ Damaged fence to the front of the property (partially repaired) ➤ Damaged siding on the south side of the main building ➤ Broken windows on the south side of the main building ➤ Damaged walls on the south side of the rear building (fire damage) ➤ Outside storage visible to neighboring property ➤ Inoperable vehicles ➤ No off-street parking 	Requests for Correction have been issued and progressive enforcement efforts shall continue to achieve compliance.
*Violations identified by other regulatory agencies	<p>Previous violations by California State Water Board had been corrected. Since the 2019 fire, additional Notice of Violation was issued by California State Water Board. Code Compliance staff has reached out to other regulatory agencies to determine the presence/status of other potential outstanding violations.</p> <p>(See section below on other regulatory agencies.)</p>

Pomona Scrap Metal – 1432 E. First St.

Previous Violation(s)	Notes
Fencing height exceeds standards	Application for variance submitted and approved. Violation closed
Construction without permit	Electrical permit applications were previously submitted and paid, but permit not finalized. Final compliance pending
Violations Identified after 2016 Report	Notes
*Violations identified by other regulatory agencies	Previous State Water Board violations from 2017 were corrected. No known active violations by other regulatory agencies at this time

Recycling Resources – 1406 W. Second St.

Previous Violation(s)	Notes
Per 2016 Report, C.U.P. Required	The use was legally established on in 1972 as cardboard, newspaper, and paper collection center, and public CRV buyback center. The use is now legal nonconforming and a CUP is not required. Violation is void.
Illegal storage of trash, junk & debris	Previous violations corrected. Additional violations observed during recent re-inspection. Requests for Correction have been issued and progressive enforcement efforts will continue to achieve compliance.
Obtain additional C.U.P. for expansion into metal recycling business on neighboring property	1991 C.U.P. to allow 3,774 sf addition to an existing 8,006 sf Truck Freight Facility. Household hazardous materials at the site (e.g. batteries, soaps, etc.) are not unpacked and are unloaded and reloaded to other trailers as part of permitted freight operation. Metal recycling activities were ceased as a result of previous enforcement actions. Violation corrected
Offsite & Site landscaping requirements	Code Compliance does not selectively enforce off street parking landscape requirements at this time. Code will focus on exterior property maintenance and public health/safety issues. Parking requirements however, will be enforced where it is clear that parking has existed in the past. Violation is void.

Unpermitted portable office	Per 2016 report, office would be permitted to remain as long as it's placed on permitted foundation. Correction notice issued. Compliance pending
Unpermitted residential use (2018 violation)	Residential use of trailer was observed on the site. Activity ceased as result of enforcement activities and trailer was removed. Violation corrected.

Stericycle – 2490 Pomona Blvd.

Previous Violation(s)	Notes
Site landscaping requirements	Code Compliance does not selectively enforce off street parking landscape requirements at this time. Code will focus on exterior property maintenance and public health/safety issues. Parking requirements, however, will be enforced where it is clear that parking has existed in the past. Violation is void.
Construction without permit - unpermitted awnings exceeding 120 square ft.	Awnings constructed prior to ban, with property owner provided opportunity to permit structures. Plan check and associated corrections pending
Unpermitted portable office structure	Portable office structure removed Violation corrected
Remove graffiti from site	Violation corrected
Installation of unpermitted security fencing	Additional security fencing removed Violation corrected

Allan Company – 1404 W. Holt Blvd.

Previous Violation(s)	Notes
Storage of trash, junk, debris (dirt pile)	Business owner has been given extension to address, while obtaining bids for relocation of dirt. Code Compliance Industrial Inspector follow up date 7/9/19 (drafting of this report precedes follow up inspection date) Final compliance pending.
2016 Report indicated that company is not a recycler, but a distributor of rolled paper products. Company had previously explored full recycling entitlements, but did not pursue.	Company included in this report solely as follow up to outstanding violations identified and inclusion in the 2016 Report. Business is not functioning as waste/recycling facility. Final compliance pending

In many circumstances, industrial uses are subject to additional inspections and/or regulations by other regulatory agencies outside of the City's scope, such as the State Water Board, CalRecycle, AQMD, LA County Health, etc. Code Compliance staff has reached out to these agencies to determine the presence and/or status of any open violations at these businesses and will include any records received as informational documents within the City's Code Enforcement electronic files. While City Code Compliance is not directly responsible for follow-up enforcement actions pertaining to violations issued by outside agencies, any potential property modifications called for within outside agency requests for correction will be closely evaluated for compliance with the City's Waste and Recycling Ordinance, as improvements, expansion or intensification of these uses is not permitted within the Ordinance.

Prepared by:

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ATTACHMENT: "Inspection Reports" for six waste and recycling businesses with open Code cases from October 3, 2016 Council Report