

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2014-26

HEARING DATE: December 15, 2014

DECISION DATE: December 18, 2014

FILE NO.: PCUP14-027

SUBJECT: A Conditional Use Permit to establish a Recyclable Material Salvage Facility for the recycling of Heating, Ventilating and Air Conditioning equipment (Hoppie Recycling, Inc.) within a 3,672-square foot suite of an existing 33,600 square foot industrial building on 1.34 acres of land located at 1341 West Brooks Street, Unit D, within the M3 (General Industrial) zoning district.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

HOPPIE RECYCLING INC, (herein after referred to as "Applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP14-027, as described in the subject of this Decision (herein after referred to as "Application" or "Project").

(a) Project Setting: The project site is comprised of 1.34 acres of land located at 1341 West Brooks Street, and is depicted in *Exhibit A: Aerial Photograph*, attached. Existing land uses, and General Plan and zoning designations on and surrounding the project site are as follows:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Industrial Building	Industrial	M3 (General Industrial)
<i>North</i>	Metal Fencing Manufacturing Business	Industrial	M3 (General Industrial)
<i>South</i>	Southern Pacific Rail Road	Rail Road	M3 (General Industrial)
<i>East</i>	Manufacturing/Wholesale	Industrial	M3 (General Industrial)
<i>West</i>	Machine Shop Business	Industrial	M3 (General Industrial)

Project Analysis:

(1) Background— The Applicant is requesting Conditional Use Permit approval to establish a Recyclable Material Salvage Facility within a 3,672-square foot suite of an existing 33,600 square foot industrial building. The Applicant specializes in recycling heating ventilation and air conditioning (HVAC) equipment.

All processes will be conducted inside the building, which consists of picking up used materials and equipment at an installer's warehouse or job site. The HVAC equipment will then be brought back to the proposed recycling facility, where it is first checked for hazardous chemicals, such as refrigerant and oil. All hazardous chemicals (if any) are removed, placed in recovery tanks, and taken off-site for recycling. The remaining HVAC equipment is broken down using hand tools, such as battery powered drill drivers and saws, and is sorted by metal type and sold to metal recyclers for further recycling.

On occasion, some household appliances collected with HVAC equipment will be recycled by the proposed facility. Additionally, some recyclable materials will be stored at the shop until there is enough quantity to sell at a profitable rate.

In accordance with Ontario Development Code, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), recyclable material salvage is a conditionally permitted use. In addition, this type of facility is required to meet certain requirements, which are listed below:

- Operations must be conducted on a site at least 300 feet away from any dwelling, unless the owner and the occupants of the dwelling consent in writing to the use or operation. The written consent must be submitted with the application for a conditional use permit;
- Open storage areas in conjunction with the use or operation shall be completely enclosed by a fence or wall not less than 8 feet in height, constructed of solid block, masonry, or metal approved by the Planning Director. The fence or wall shall have gates capable of being locked and set back not less than 10 feet from all interior property lines and not less than 10 feet from any property line adjoining a street. No materials within the enclosed area are to be stored to a height greater than 8 feet;
- Except for necessary access drives, all setbacks are to be landscaped with dense growing evergreen plant materials which will achieve a height of at least 8 feet and shall be permanently maintained. Outside storage or recycling operations shall not be conducted within a required setback;

- All compaction operations are to be conducted within a completely enclosed structure designed to minimize the noise generated by the operations;

- A Conditional Use Permit for such use or operation shall be denied if the Planning Commission finds that existing uses or operations of the same type are adequate to meet the City's salvaging or recycling needs;

- The Conditional Use Permit may be reviewed from time to time by the City to verify that conditions of approval are being met. Failure to comply with the conditions of approval is subject to revocation of the Conditional Use Permit in accord with the provisions of Ontario Development Code, Chapter 1 (Zoning and Land Use Requirements), Article 9 (Conditional Use Permits); and

- All such existing uses and operations, regardless of their location with respect to zoning districts, must conform with the requirements of Ontario Development Code, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), within one year after notification by the Planning Director; provided however, the Planning Commission may modify the requirements because unusual circumstances related to the site or its location make full compliance unfeasible.

(2) Business Operation — The proposed recyclable material salvage facility will be located within an existing industrial building, which will have 3 primary areas of operation, including [i] an office/lunch room, [ii] break down area, and [iii] a scrap metal storage bin area (see **Exhibit C: Floor Plan**). The business' hours of operation will be Monday through Saturday, 7:00AM to 7:00PM, and is closed on Sunday. A total of two employees, one full-time and one-part time employee will be working within the proposed facility.

(3) Parking — The proposed recyclable material salvage facility requires 12 parking spaces (one space for each 300 square feet of gross floor area = 12.24). Currently, there are a total of 33 parking spaces available on site. Therefore, the proposed facility will not result in a deficiency in parking.

(4) Land Use Compatibility — The purpose of a Conditional Use Permit review is to evaluate a proposed use's compatibility with adjacent uses, and identify and establish measures to isolate and/or mitigate potential nuisance activities. The location of the recycling facility does not interfere with on-site vehicle or pedestrian circulation. In addition, the proposed facility is located more than 250 feet from the major tenant entrances, which minimizes visual impacts from public areas. Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use, and the businesses within the immediate area will not be exposed to any impacts beyond those that would normally be associated with any other allowed land use within the M3 zoning district.

(b) Airport Land Use Compatibility Plan: This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT. Any special conditions of approval associated with uses in close proximity to the airport are attached to this report.

(c) Departmental Review: Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

(d) Public Notification: The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(e) Correspondence: As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

PART B: RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part A, above; and

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, on November 15, 2014, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) Denny D. Chen, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of Approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) Mr. Brian Hoppie, the applicant, explained the business operation and spoke in favor of the application. He also stated that he has read and reviewed the

Planning Department's Zoning Administrator (ZA) staff report and is in agreement with all the conditions of approval aforementioned in the ZA report. Mr. Hoppie had one question for Ms. Millman. He wanted to know when he can start operating his business at the subject property. Ms. Millman replied to the applicant and said that he could begin his business operations as soon as the ZA decision is approved and signed.

(c) Next, Ms. Millman asked Scott Melendrez, from the Ontario Police Department to state for the record, the two (2) additional conditions of approval from the Police Department. Mr. Melendrez deferred her question to Detective David Schloep, who was present. Detective Schloep stated the following additional conditions:

- A second hand dealer's license is required, prior to the approval and the Business License application;
- No walk-up traffic is allowed at this location. The applicant must not purchase or accept any recyclable materials, such as household appliances (i.e. refrigerators, washers, dryers or air conditioning units) from the public or from anyone else, at this location.

(d) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

WHEREAS, all legal prerequisites to the adoption of this Decision have occurred.

PART C: THE DECISION

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND RESOLVED by the Zoning Administrator of the City of Ontario as follows:

(a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario Plan and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed Recyclable Material Salvage Facility is located within the M3 (General Industrial) zoning district.

(2) Recyclable Material Salvage Facilities are allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

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(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located. The proposed Recyclable Material Salvage Facility lies within the M3 (General Industrial) land use district, which allows such facilities upon approval of a Conditional Use Permit

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The traffic impacts of the industrial building existing on the project site were analyzed in conjunction with the development of the project site, and were mitigated with the development of the project site.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable Municipal Code provisions. The proposed Recyclable Material Salvage Facility is within the M3 (General Industrial) zoning district and has been reviewed for compliance with the land use provisions of the Specific Plan.

(6) For a proposed use in the R2 or R3 Districts, also classified in the EA (Euclid Avenue) Overlay District, the use will be appropriate and consistent with the purposes of the district and will enhance the visual character and quality of Euclid Avenue. The proposed use is not located within the R2 or R3 zoning district, and is not located within the EA Overlay District.

(7) For a proposed office use in the R2 or R3 Districts, also classified in the EA Overlay District, the proposed conditional use will be compatible with any existing residential use in the vicinity, in terms of scales and character, as prescribed in Article 23. The proposed use is not located within the R2 or R3 zoning district, and is not located within the EA Overlay District.

(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the State CEQA Guidelines, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Project consists of interior alterations to an existing facility, involving such things as interior partitions and electrical conveyances, and does not involve any expansion to the existing facility. Any expansion of the facility described herein will require further environmental review pursuant to the State CEQA Guidelines and the City of Ontario Guidelines for Implementing the California Environmental Quality Act.

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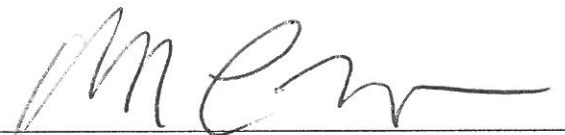
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(d) The Zoning Administrator hereby finds and determines that the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(e) Based upon the findings and conclusions set forth in Parts I, II and III above, the Zoning Administrator hereby approves File No. PCUP14-027, subject to the conditions of approval attached hereto and incorporated herein by this reference.

APPROVED by the Zoning Administrator of the City of Ontario on this 18th day of December, 2014.



Barbara Millman
Zoning Administrator

Exhibit A: Aerial Photograph

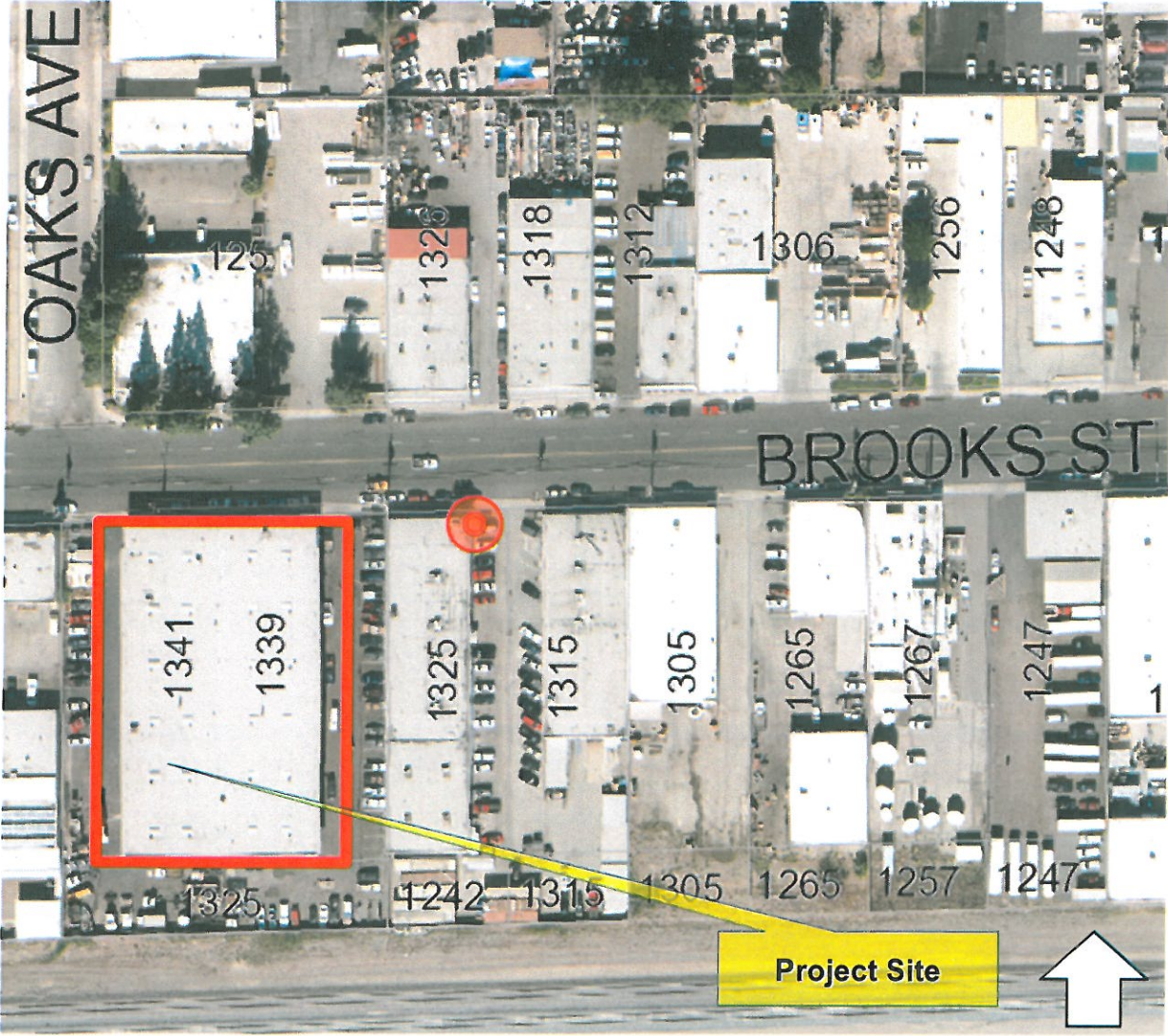


Exhibit B: Project Location



Exhibit C: Proposed Floor Plan (Unit D)

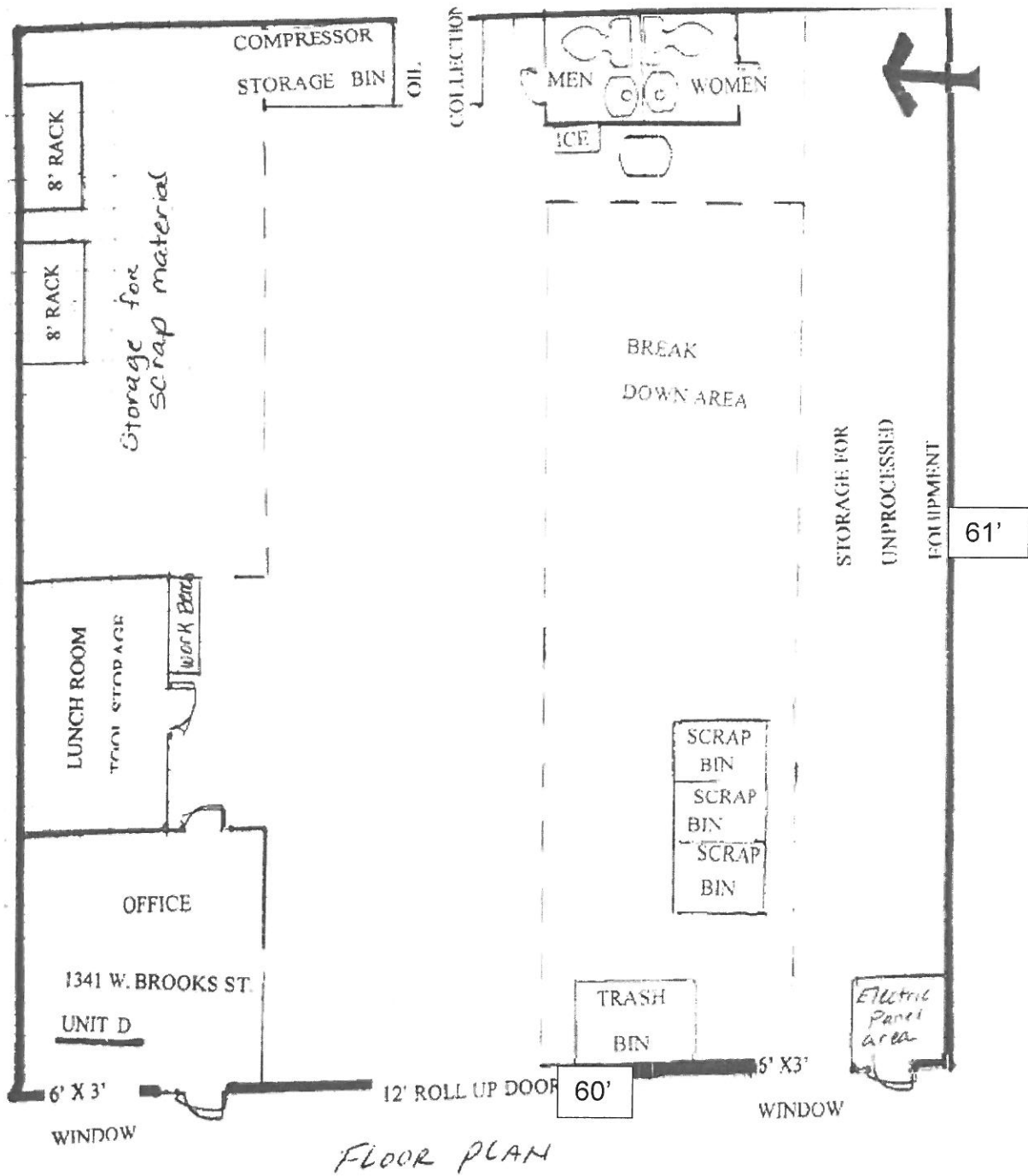


Exhibit D-1: Existing Floor Plan (Unit D)

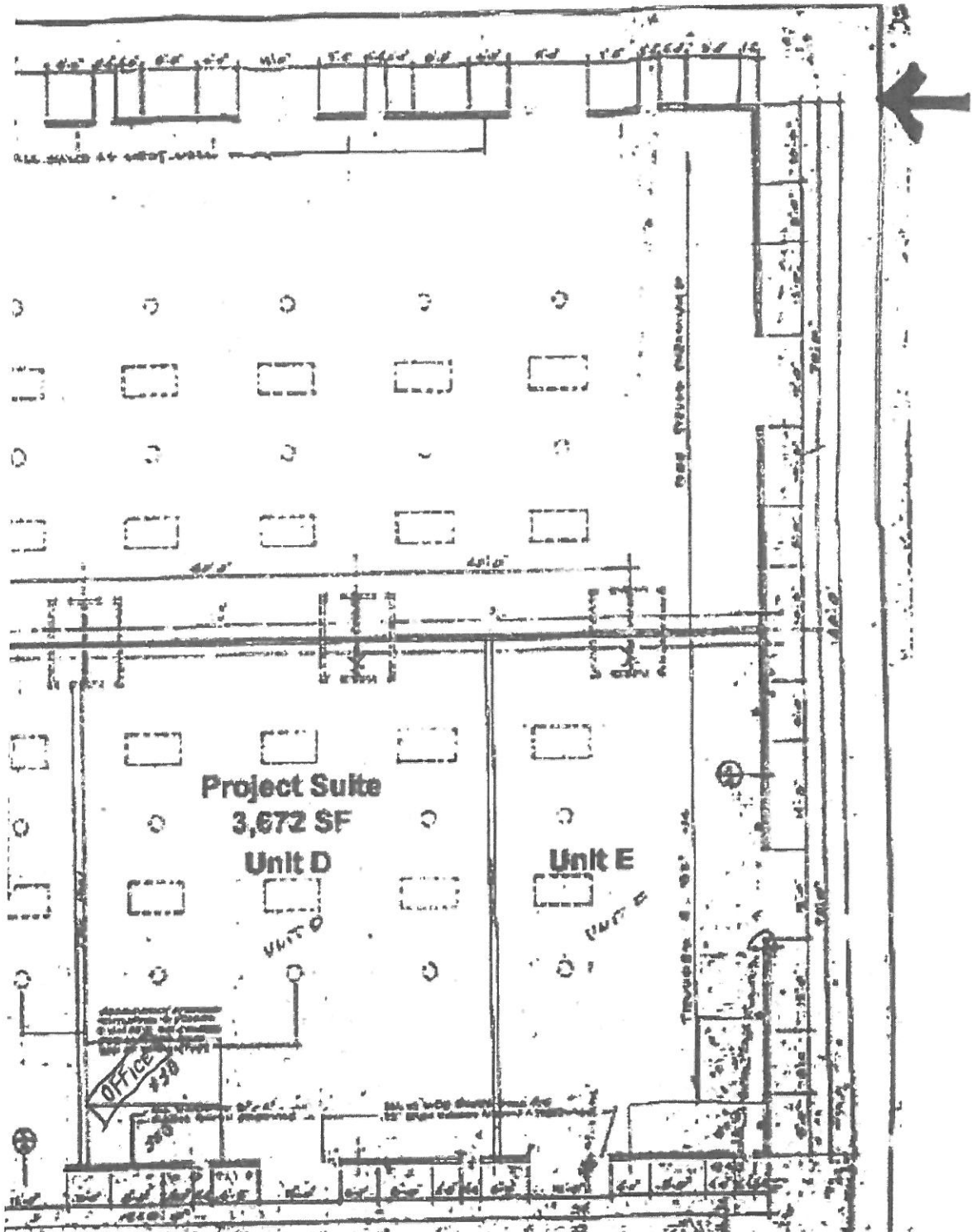


Exhibit E: Site Photos



Building's North Elevation



Main Entrance (Gated Area)

Exhibit E: Site Photos



Office Entrance & Roll Up Door (West Elevation)



HVAC Units - Break Area

Exhibit E: *Site Photos*



HVAC Scrap Metal Bins

CONDITIONS OF APPROVAL
File No(s). PCUP14-027

Date: December 15, 2014

Project Description: A Conditional Use Permit to establish a Recyclable Material Salvage Facility for the recycling of Heating, Ventilating and Air Conditioning equipment (Hoppie Recycling, Inc.) within a 3,672-square foot suite of an existing 33,600 square foot industrial building on 1.34 acres of land located at 1341 West Brooks Street, Unit D, within the M3 (General Industrial) zoning district.

Reviewed by: Denny Chen, Associate Planner
Phone: (909) 395-2424; **Fax:** (909) 395-2420; **Email:** dchen@ci.ontario.ca.us

CONDITIONS OF APPROVAL

The above-described Development Plan application shall comply with the following conditions of approval:

1.0 PLANNING DEPARTMENT.

1.1 Environmental Review.

(a) The proposed Recyclable Material Salvage Facility is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301 (Class 1, Existing Facilities) of the State CEQA Guidelines.

1.2 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Exemption (NOE) filing fee (\$50.00) shall be provided to the Planning Department. The fee shall be paid by check, made payable to "*Clerk of the Board of Supervisors*", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

1.3 Additional Requirements.

(a) Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. The Business Plan must be submitted using the California Environmental Reporting System (CERS). The website is located at <http://cers.calepa.ca.gov/>. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8432 (CHSC Section 25503.5)

(b) Prior to occupancy, the Applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401. (CC 23.0602(b))

(c) If appliances are accepted, applicant must apply with the Department of Toxic Substances Control to become a Certified Appliance Recycler. (CHSC Section 25211.4) Contact: Dwane Pianalto, REHS/San Bernardino County Fire Department, (telephone) 909-386-8401 or (email) dpianalto@sbcfire.org.

(d) The Applicant shall complete a City of Ontario Business License application prior to start of the Recyclable Material Salvage Facility business.

2.0 POLICE DEPARTMENT.

2.1 No cash transactions shall be allowed.

2.2 No personal belongings shall be stored in or around the collection facility.

2.3 Photometrics demonstrating 1.0 foot candle minimum shall be provided.

2.4 No walk-up traffic is allowed at this location. The applicant must not purchase or accept any recyclable materials, such as household appliances (i.e. refrigerators, aluminum, copper, or air conditioning units) from the public or from anyone else, at this location.

2.5 A second hand dealer's license is required, prior to final approval of the Business License application for Hoppie Recycling Inc.

Contact Scott Melendrez at 909-395-2292 regarding and questions or concerns.

3.0 FIRE DEPARTMENT.

3.1 See Attached Conditions of Approval below.



CITY OF ONTARIO MEMORANDUM

TO: Denny Chen, Planning Department

FROM: Michelle Starkey, Senior Fire Safety Specialist
Bureau of Fire Prevention

DATE: November 3, 2014

SUBJECT: PCUP14-027 A Conditional Use Permit to establish an HVAC Equipment Recycling, Air Conditioners & Furnaces, (Hoppie Recycling) facility that includes the collection of refrigerant and compressor oil within a 3,672 square foot building in the M3 zone, located at 1341 West Brooks Street, Suite D. All work will be done within the enclosed building.

The plan **does** adequately address the departmental concerns at this time.

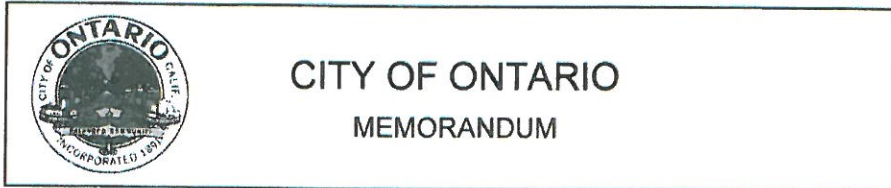
No comments

Report below.

Conditions of approval are as follows:

1. Maintain fire suppression and/or detection systems onsite.
2. Provide secondary containment of refrigerant and compressor oil collected.
3. Properly label containers storing refrigerant and compressor oil.
4. Fill out an Ontario Fire Department Hazardous Materials Information Packet. Packet may need to be submitted based on quantities/type of materials collected and stored onsite.
5. Submit High Pile Storage plans and obtain annual permit if storage meets the following:
HIGH-PILED COMBUSTIBLE STORAGE is defined as storage of combustible materials in closely packed pile or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet in height. When required by the chief, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities, where the top of storage is greater than 6 feet in height. A permit is required to use any building or portion thereof as a high-piled storage area exceeding 500 square feet.

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



TO: Otto Kroutil, Development Director
Scott Murphy, Planning Director
Cathy Wahlstrom, Principal Planner (Copy of memo only)
Charity Hernandez, Economic Development
Kevin Shear, Building Official
Raymond Lee, Assistant City Engineer
Carolyn Bell, Landscape Planning Division
Sheldon Yu, Municipal Utility Company
Scott Melendrez, Police Department
Art Andres, Deputy Fire Chief/Fire Marshal
Brent Schultz, Housing and Neighborhood Revitalization Director (Copy of memo only)
Sigrifo Rivera, Housing Manager
Tom Danna, T. E., Traffic/Transportation Manager
Lorena Mejia, Associate Planner, Airport Planning (Copy of memo only)
Steve Wilson, Engineering/NPDES

FROM: Denny Chen,

DATE: October 24, 2014

SUBJECT: FILE #: PCUP14-027 Finance Acct#:

The following project has been submitted for review. Please send one (1) copy and email one (1) copy of your DAB report to the Planning Department by Friday, November 7, 2014.

- Note:
- Only DAB action is required
 - Both DAB and Planning Commission actions are required
 - Only Planning Commission action is required
 - DAB, Planning Commission and City Council actions are required
 - Only Zoning Administrator action is required

PROJECT DESCRIPTION: A Conditional Use Permit to establish a HVAC Equipment Recycling (Air Conditioners & Furnaces (Hopple Recycling) facility that includes the collection of refrigerant and compressor oil within an 3,672 square foot building in the M3 zone, located at 1341 West Brooks Street, Suite D. All work will done within the enclosed building.
APN: 1011-122-01.

- The plan does adequately address the departmental concerns at this time.
 - No comments
 - Report attached (1 copy and email 1 copy)
 - Standard Conditions of Approval apply
- The plan does not adequately address the departmental concerns.
 - The conditions contained in the attached report must be met prior to scheduling for Development Advisory Board.

Landscape Planning Carolyn Bell Sr landscape Planner
Department Signature Title Date