

ORDINANCE NO. 2460

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA TO AMEND SUBSECTION (1) OF SECTION 26-685.93 OF CHAPTER 26, ARTICLE XII, DIVISION 14 OF THE WEST COVINA MUNICIPAL CODE RELATING TO SMALL RECYCLING FACILITIES

WHEREAS, the City's provisions regarding small recycling facilities were last updated in 2011; and

WHEREAS, the California Beverage Container and Litter Reduction Act expressly urges "cities and counties, when exercising their zoning authority, to act favorably, on the siting of multimaterial recycling centers, reverse vending machines, mobile recycling units, or other types of recycling opportunities, as necessary for consumer convenience, and the overall success of litter abatement and beverage container recycling in the state." (Pub. Resources Code, § 14500, et seq.) ; and

WHEREAS, on the 12th day of February 2019, the Planning Commission initiated a code amendment to Section 26-685.93 (1) of the West Covina Municipal Code; and

WHEREAS, the Planning Commission, did on the 12th day of March 2019, conduct a study session to consider the initiated zone change; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 9th day of April 2019, conduct a duly advertised public hearing as prescribed by law to make recommendations to the City Council to approve Code Amendment No. 19-01; and

WHEREAS, the City Council, upon giving the required notice, did on the 21st day of May 2019, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection (1) of Section 26-685.93 of Chapter 26, Article XII, Division 14 of the West Covina Municipal Code is hereby amended to read as follows:

- (1) *Small collection facility.* Unless otherwise noted, the following requirements apply to all small collection facilities:
 - a. The center shall be established in conjunction with an existing or planned commercial use, industrial use, or service facility (herein referred to as the "host use") which is in compliance with the zoning, building, and fire codes of the City of West Covina.
 - b. The center shall be no larger than five hundred (500) square feet, and the placement of a small collection facility shall not create a parking deficit.
 - c. The center shall be set back at least fifty (50) feet from a right-of-way line, unless deemed adequately screened by the planning director or planning commission and shall not obstruct pedestrian or vehicular circulation.
 - d. No power-driven processing equipment except for reverse vending machines shall be employed.
 - e. Containers shall be constructed and maintained with durable waterproof, leakproof and rustproof material, covered and locked when the center is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate the materials collected and the collection schedule.
 - f. All recyclable material shall be stored in containers or in the mobile unit vehicle, and no materials shall be left outside of containers when attendant is not present.
 - g. The facility shall be maintained free of vermin, litter and any other undesirable materials, and be swept at the end of each collection day and cleaned weekly.
 - h. Noise levels shall not exceed sixty (60) dBA as measured at the property line of a residentially zoned or occupied site; otherwise, noise levels shall not exceed seventy (70) dBA.
 - i. Attended facilities shall have a minimum distance of two hundred and fifty (250) feet of a site zoned or occupied for residential use. This minimum distance requirement does not need to be met if the facility is at least one hundred fifty (150) feet from a site zoned or occupied for residential use and is separated from that site by an arterial street.
 - j. Attended facilities shall operate only during the hours between 8:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends and holidays.

- k. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the containers.
- l. The facility shall not impair the landscaping required for any concurrent use.
- m. No additional parking spaces are required for customers of the recycling center when located in an established parking lot of the host use; one (1) space will be provided for the attendant, if needed.
- n. Small collection facility shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- o. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
 - 1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.
 - 2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility is in operation.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

Number of Available Parking Spaces	Maximum Reduction
0—25	0
26—35	1
36—49	2
50—99	3
100—299	4
300 and up	5

- p. If the permit expired without renewal, the recycling facility shall be removed from the site on the day following permit expiration.
- q. A twelve-inch by twelve-inch sign which states the redemption value offered shall be posted daily.

- r. The small collection facility shall be screened when determined by the review authority to reduce visibility impacts from off-site and main traffic areas on-site.
- s. Small collection facilities shall only be located on a property with a market that is greater than thirty thousand (30,000) twenty-five thousand (25,000) square feet in floor area.

SECTION 2. That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on the 4th day of June, 2019.




Lloyd Johnson
Mayor

APPROVED AS TO FORM

ATTEST



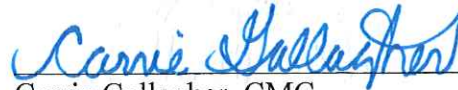
Scott E. Porter
City Attorney



Carrie Gallagher, CMC
Assistant City Clerk

I, CARRIE GALLAGHER, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the forgoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 21st day of May, 2019. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 4th day of June, 2019, by the following vote:

AYES: Castellanos, Lopez-Viado, Shewmaker, Wu, Johnson
NOES: None
ABSENT: None
ABSTAIN: None



Carrie Gallagher, CMC
Assistant City Clerk