

**MINUTES
ADJOURNED MEETING
SANTA FE SPRINGS PLANNING COMMISSION
June 22, 2015**

1. CALL TO ORDER

Chairperson Johnston called the Adjourned Meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Johnston called upon Commissioner Ybarra to lead the Pledge of Allegiance.

3. ROLL CALL

Present: Chairperson Johnston
Vice Chairperson Madrigal
Commissioner Arnold
Commissioner Ybarra
Commissioner Zamora

Staff: Wayne Morrell, Director of Planning
Steve Skolnik, City Attorney
Paul Garcia, Planning Consultant
Teresa Cavallo, Planning Secretary

Council: Laurie Rios, Mayor
Richard Moore, Vice Mayor
William Rounds, Councilmember
Jay Sarno, Councilmember

4. ORAL COMMUNICATIONS

Oral Communications were opened at 6:02 p.m.

Santa Fe Springs Resident Manny Zavalllos made a statement alleging that Chairperson Johnston had received donations on behalf of the Sister City Committee from the various trash haulers located within the City.

Having no further questions or comments, Chairperson Johnston closed Oral Communications at 6:03 p.m.

5. MINUTES

Approval of the minutes of the June 8, 2015 Planning Commission Meetings.

Commissioner Zamora moved to approve the minutes of the June 8, 2015 meeting; Commissioner Arnold seconded the motion. There being no objections the minutes were unanimously approved and filed as submitted.

6. PUBLIC HEARING – Cont. from the June 8, 2015 Planning Commission Meeting
Conditional Use Permit Case No. 733, Development Plan Approval Case No. 879, Tentative Parcel Map No. 72288, Modification Permit Case No. 1255, and Environmental Document (Mitigated Negative Declaration/Initial Study)

A request for approval to establish, operate and maintain a Material Recovery Facility (MRF), a Transfer Station (TS), and to construct a 20,000 sq. ft. building associated with the MRF, TS, to subdivide/consolidate the two existing parcels into one parcel, and to not provide all of the required number of parking spaces on the 3.81-acre property at 9010 Norwalk Boulevard (APN: 8168-014-015) and 9016 Norwalk Boulevard (APN: 8168-001-014), in the M-2, Heavy Manufacturing Zone. (Roy Furuto for Universal Waste Systems, Inc.)

City Attorney Steve Skolnik explained the procedural process of a Public Hearing for everyone in attendance.

Chairperson Johnston opened the Public Hearing for Item No. 6 at 6:09 p.m. and called upon Director of Planning Wayne Morrell to present Item No. 6 before the Planning Commission. Mr. Morrell drew the Planning Commissioner's attention to the informational handout being provided to everyone by the applicant Universal Waste Systems.

Present in the audience for Universal Waste Systems were Mark Blackburn, President; Matt Blackburn, Vice President; the Architect; Chip Clemens, Environmental Engineering Consultant; and Brian Hamilton, Environmental Project Planner. Also, present on behalf of the City was Tom Lopez, Traffic Engineer.

Mr. Morrell also recognized Mr. Gerry Villalobos, Chief of the Los Angeles County Solid Waste Management program acting as the Local Enforcement Agency for the proposed Transfer Stations/Material Recovery Facility Case No. 733. The County Solid Waste Management program will be taking a separate action on the issuing of a Solid Waste Facility Permit for the project and is available to answer questions regarding solid waste facilities permitting specifications from the public, other entitles or officials in attendance at tonight's meeting.

Mr. Morrell gave a presentation in which he responded to numerous questions which have been raised about the proposed project.

Chairperson Johnston called upon the Commissioners for questions or comments.

Commissioner Arnold commented that the presentation was very informative and he appreciates all the hard work that staff has done to bring this matter before the Planning Commission.

Commissioner Zamora inquired about the wording on the Public Hearing Notice that stated "... The initial maximum tons per day (TPD) will be 750, with 1,500 TPD at maximum capacity." Commissioner Zamora inquired what the timeline/date was for the increase in TPD. Director of Planning Wayne Morrell replied that initially the TPD will be 750 and a timeline/date was not specified because it will be up to the applicant to come back before the Planning Commission to request an increase in the tonnage. The applicant cannot just increase his TPD without coming back before the Planning Commission and should this entitlement be approved it will be for 750 TPD max.

Vice Chairperson Madrigal thanked the Director of Planning Wayne Morrell for his informative presentation and stated that it is all great that the presentation showed the trucks going in and out of the project location but with something like this it is only fair to the residents, who should be our priority, that we show those times that the traffic analysis were taken. On one of those traffic analysis that were taken at 10:00 p.m. at night and I don't know if that was the time it was printed or taken and it was taken twice an hour each time. Why don't you show a little video of traffic at 7:00 a.m. or at 5:00 p.m. Secondly, that area as far as the crossing of Norwalk Blvd.

everybody headed North on Norwalk Blvd. it's great in a sense that nothing bothers the people of Santa Fe Springs but in reality they weren't even informed of it because if they would go South they would raise heck and by going North it was almost seems like if it was kept under the rug and this is another one of his concerns. Right now if you look at Los Nietos Road if you would go there during the day and that road is already packed with trucks backing into the Corrugated business there and you have a third railroad track that has been added in adding more traffic. You mentioned the flooding and that the growth if removed would help with the flooding. Vice Chairperson Madrigal stated that he has lived in the area for over 50+ years and if it was that simple a solution they would have removed the growth a long time ago. Vice Chairperson Madrigal further stated that there are little things like the items he mentioned that need to be addressed and that Mr. Morrell's presentation only presented a positive view but that the reality of the matter was that everyone also had to look at all the negative about this project. Especially, regarding the route that these trucks are supposed to take. Vice Chairperson Madrigal inquired about who would monitor the truck routes since it is not a law that they would have to follow. Vice Chairperson Madrigal also inquired about the tonnage per day beginning at 750 TPD and stated that in reality things are only going to get worse with an increase of tonnage.

Vice Chairperson Madrigal addressed the audience directly and stated if the residents are unhappy with the MRF that they should notify their council and indicate such.

Vice Chairperson Madrigal also indicated that the MRF on Workman Mill Road, less than 6 miles away from the City, is not in danger of closing just the landfill and that there is no reason to bring in this MRF unless the City is hurting for revenue. Vice Chairperson Madrigal further stated that he has heard from the other two trash companies that they are also going to apply for a MRF and used CR&R as an example. If CR&R would be approved for a MRF then their trucks would travel down Bloomfield, down Imperial and North of the City of Norwalk and he believes that the City of Norwalk would not like that but then again the consultant for UWS is Mike Mendez, a Councilmen for the City of Norwalk.

Vice Chairperson Madrigal further stated that the presentation was showing the positive but not the full impact of what is going to happen here at this location. Mr. Madrigal further stated that the reality of the matter is that he is not against a MRF just the location of this MRF.

Director of Planning Wayne Morrell requested to respond to the Planning Commissioner's concerns. Mr. Morrell indicated that in terms of the flooding the proposed MRF was not going to make the flooding better or worse but what the MRF has done is spotlight that there is an issue with flooding at that location and now the City is looking into what can be done to alleviate the flooding in that area. There is a portion of that area that belongs to the County and the City will have to work in conjunction with the County to alleviate the flooding. There is a portion just north of the railroad track, just to the west of Mr. Patsouras' building and at least 4 smaller buildings on the west side of the street that is not Santa Fe Springs, but there is an area by Perkins and where the restaurant is located at is in Santa Fe Springs. The City will have to work with the County to alleviate the flooding problem.

Director of Planning Wayne Morrell also addressed the issue regarding truck traffic. He stated that there are already trucks traveling North on Norwalk Blvd. but what this will do is eliminate a condition that is potentially dangerous right now, to allow the trucks to go South and turn across traffic is not very safe. By adding this condition, it will prohibit that. Now yes indeed it is on paper that is true but I guarantee you that the first time that the applicant's trucks turns right on that street or goes on a street that is not specified there will be someone here to call Luis or call us about it even if we are not out there. The conditions are binding upon the applicant. The

applicant is obligated to do that.

Commissioner Zamora stated that Burke Street route was mention; however, Burke Street only holds 3 tons.

Vice Chairperson Madrigal inquired about a possible rodent problem. Director of Planning Wayne Morrell stated that should someone call in and indicate that they have rodents and they believe that the rodents are coming from Business XYZ an investigation will have to be conducted and if indeed the rodents are coming from that facility then the City will contact the applicant or whomever and say that these are the issues and the applicant will need to address them. Director of Planning Wayne Morrell deferred the question to Mark Blackburn, President of UWS for a reply. Mr. Blackburn stated that if his business caused any rodent problems for nearby properties UWS would be responsible. Mr. Blackburn indicated that he has stated from day one that he would be responsible for anything that happened with this project. He also wanted to make it clear that UWS will not be using Burke Street whatsoever and will strictly be using Norwalk Blvd. which was built for that and rated for that and the number of truck trips have been reduced.

Mr. Blackburn also requested to state that he is unsure that UWS will even reach the 750 TPD as indicated but that they know with the new regulations and new laws, UWS will be recycling not throwing trash away. Over 15 years ago 100% of the trash went to the landfills now only 10-20% goes to the landfills. This facility is really going to be a recycling center.

Vice Chairperson Madrigal indicated that he was told that cities will be required to recycle a certain percentage of our garbage. Mark Blackburn indicated that was correct and that is why facilities are needed like the MRF. Mr. Blackburn further stated that they are already required to divert 75% of all trash but they are currently at 50%. Mr. Blackburn indicated that they will have to take some of the garbage to remove the recyclables to meet the diversion that the State is mandating on all the Cities. It is the only way the City of Santa Fe Springs and the County areas will be able to divert enough waste out of their waste bins.

Vice Chairperson Madrigal stated that he is not against the MRF just the location and that there is already a MRF six miles away. Mr. Blackburn stated that having this facility at this location is an advantage to the City and the County areas.

City Attorney Steve Skolnik instructed Chairperson Johnston to begin calling upon the following persons to address the Planning Commission:

The following persons addressed the Planning Commission opposing the MRF:

Benjamin Martinez, Jr.
Butch Redman
John Hansen
Christine Amira
Steven Vetrone
Isaac Hernandez

Steve Leyva
Jaime Sanchez
Larry Patsouras
Raymond Rojo
Janie Aguirre
Art Escobedo

The following persons addressed the Planning Commission in favor of the MRF:

Ron Saldana
John Pabigian
Tracy Pabigian
Michelle Newsham
Bruce Welsh
Andrea Onate
Roberta Espinoza

Maria Martinez
Gabriela Gonzalez
Carey Merrill
Elvia Rodriguez
Jennifer McBride
Catherine Gutierrez
Ralph Aranda

Having no other members of the public wishing to speak, City Attorney Steve Skolnik called upon Mr. Blackburn and/or one of his representatives wishing to say something regarding this matter.

Chip Clemens, Environmental Engineering Consultant for Universal Waste Systems. Mr. Clemens indicated that he has worked on many of these projects all over the region and there are these types of facilities being built in many of the cities in Los Angeles for the reasons stated tonight. Mr. Clemens further stated that in his experience this is one of the best of these facilities as far as its environmental controls and the rest of those things we talked about but this facility is also one of the smallest facility like this that he has ever worked on because it is for the neighborhood and the community. It is not a big regional facility like the others he has worked on. Mr. Clemens also stated that he has been working on this project for over 3 years with various City Departments and Staff members and each of these departments have closely reviewed this project and are recommending this project be approved. Many of the other regulatory agencies also monitor this MRF from Gerry Villalobos from the Health Department that are present and are probably the number one agency to regulate the MRF. When you think about odors and the things that were brought up it is Mr. Villalobos' agency that makes sure that the MRF is not a nuisance. The MRF cannot be a nuisance. The MRF cannot violate the South Coast AQMD their rules and they are very strict on how UWS operates this site. All the buildings have been designed to meet all the requirements that the AQMD has placed upon UWS. They have made sure that the air is clean, that the air that goes into the building is filtered before it is discharged. One of the other important things about traffic is that during the peak rush hour, someone mentioned that the traffic counts were taken late at night that is incorrect, the traffic counts are taken during the morning and afternoon rush hour when the traffic is most critical. When your kids are going to school and that morning rush hour the traffic is actually going to be less than what it is right now. Universal Waste Systems runs their truck yard out of this location and UWS is relocating these trucks to another facility and most of the traffic that will be coming to this facility will be after rush hour since this facility runs at a different hour.

Mark Blackburn, President of Universal Waste Systems also addressed the audiences' comments and concerns. Mr. Blackburn wanted to clarify that originally UWS was going to recycle Food Waste, it was going to be a processed system, at this site and they are no longer going to do a process Food Waste system but that doesn't mean in your black barrel that you throw away your trash that they are not going to accept that. All that means is that your black barrel's waste is going to be taken from a small truck and placed into a bigger truck and sent to the landfill. That is the difference between food waste processing and any food waste that you put into your trash. Mr. Blackburn also thanked his employees for coming to speak and supporting the project and that is one good thing about his company is that they have quality people working for UWS and UWS does quality programs like the one being offered in Santa Fe Springs. People have legitimate concerns and Mr. Blackburn respects that but UWS has the reports, it wasn't Mr. Morrell that put all the reports together it was a group of consultants, it was

all the people from the County, AQMD, all the people from other agencies that are saying that this is truly a viable good project. Mr. Blackburn stated that Mr. Morrell did a good job presenting and that is wasn't bias but the truth. Mr. Blackburn further commented on the question was where UWS will send their trucks. UWS is sending their trucks to their South Gate location which has a compost facility and consists of 15-acres and the trucks will be housed there. UWS is not bringing outside waste from Vernon, Commerce and all those cities. UWS has a transfer station in Los Angeles that handles that right now and is unsure were that information came from; however, Mr. Blackburn also wanted to make it perfectly clear, to the audience member that commented on communicating with the school board, that Mr. Blackburn has met with Jonathan Vasquez, the Superintendent of the school district at least six or seven times. When UWS made a model of the project, Mr. Vasquez was the first one that UWS took the model to and Mr. Vasquez kept it for a week so he could show the school board. Mr. Blackburn further stated that he emailed Mr. Vasquez last week and asked if he needed anything else or if anyone on the school board wanted to talk to UWS that UWS would meet whenever and wherever.

Having no further questions or comments, Chairperson Johnston closed the Public Hearing from all public comments at 8:26 p.m. for Item No. 6.

City Attorney Steve Skolnik stated that he has been taking notes on some of the questions brought up at the Public Hearing. Mr. Skolnik wanted to clarify to the gentleman who placed into the record the 2013 AQMD comment letter, that it is Mr. Skolnik's understanding, that the 2013 AQMD letter was received very early in the process on the project and subsequently, AQMD has submitted another letter that supersedes the 2013 AQMD letter that indicates that AQMD no longer have any of those concerns stated within the 2013 letter, essentially it is out of date with the current state of the project as it pertains to environmental documents and deferred to Mr. Morrell for further elaboration. Mr. Morrell elaborated that the 2013 AQMD letter referred to the initial study draft mitigated negative declaration that originally was circulated by the State in 2013. This document was recirculated recently in 2015 and AQMD did respond. Mr. Morrell indicated that the response by AQMD was provided to the Planning Commissioners and that some of the items raised in 2013 are not the ones that were raised in 2015. Mr. Morrell further state that the environmental consultant has responded to all of the comments from AQMD.

Vice Chairperson Madrigal stated that he has no doubt about Mr. Blackburn's integrity and respects him for the man he is, but that was not the problem it has always been about the location and not the situation and that without a doubt if the project was at a different location Mr. Blackburn would have already been building by now. With that being said, Vice Chairperson Madrigal addressed his follow Planning Commissioners and asked the Commissioners to think about what was said and to think about their vote and the impact it will have whether it goes in favor of the MRF, then the residents have 14 days to file an appeal or if it goes in favor of the residents the applicant has 14 days to file appeal but that regardless of the vote by the Planning Commission's he does not feel that this matter will be over until some level ground has been found.

City Attorney Steve Skolnik explained the appeal process to everyone and that the 14 day clock to file an appeal begins running after the Planning Commission makes a decision.

Chairperson Johnston requested clarification on the misters and if the purpose of the misters was to eliminate the odor or to eliminate the dust. Mr. Blackburn replied that the misters are for both and that UWS uses a biodegradable substance and reclaimed water for their system. However, Mr. Blackburn indicated that the misters are more for dust then odor since it is UWS' intent to clean the floor everyday even though the law states you have 48 hours to take the trash

out but if you get the trash out every day then you don't have rodent or odor issues. The trash comes in, any recyclables get pulled out and/or sorted, and then the trash is placed into a big trailer and taken away. At the end of the day the building is empty.

City Attorney Steve Skolnik clarified what was before the Planning Commission for consideration and that there were several different components to the motion and they all get dealt with in one way or another. Mr. Skolnik then proceeded to read each component that was being requested by the applicant.

Vice Chairperson Madrigal stated that if this is really that great of a project, and Mr. Madrigal knows it is, then UWS should consult with their consultant Mike Mendez, who is a Councilmember for the City of Norwalk, and build their MRF in the City of Norwalk so the City can dump over there.

Commissioner Arnold stated that Mr. Morrell went through all of the questions that were brought before the Planning Commission and has answered all of them. Mr. Arnold further stated that there were 120 Conditions of Approval that goes through not only the Planning Department but the Public Works Department and the Police Services Department then within those conditions there is a mitigation monitoring and reporting program that has to be implemented and other items that need to get done. Commissioner Arnold inquired on how all of these conditions will get done if we do not have anyone to monitor them. Commissioner Arnold also requested Mr. Morrell to go over the mitigation monitoring and reporting program. Director of Planning Wayne Morrell replied that the mitigation monitoring and reporting program is part of the environmental document. Essentially for each of the items that were found out of that list of twenty-something items there were several items including aesthetics, traffic, etc. that had some type of mitigation. With that mitigation there is a mitigation monitoring program that spells out those mitigations and who is responsible for making sure that those mitigations are met and that is part of staff's responsibility. In terms of the 120 conditions of approval, before the project can be signed off, staff has to sign off on all of those conditions of approval. There may be some conditions that are ongoing and are labeled as such, but before the applicant can be signed off by building to occupy any of those buildings or to start the use, Staff has to go through, not only from the Planning Department, but from Police Services, the Fire Department, and the Public Works Departments all have to sign off on those conditions before the applicant can occupy the building and start the use. Commissioner Arnold also inquired that since the City has a monitoring program of all of these conditions of approval and if the neighborhood is inundated with an odor problem, a vector problem and/or a traffic problem where would they go to report the problem. Director of Planning Wayne Morell replied that they would contact staff so that staff can contact the applicant or the appropriate agency. Mr. Morrell also stated that there is a condition that states that the applicant has to place a sign on the property that will list the local enforcement agency, AQMD and the number of the applicant to report any type of issue. Commissioner Arnold further inquired if the applicant has met and/or agreed with all the conditions of approval. Director of Planning Wayne Morrell replied that the applicant has agreed with all the conditions of approval.

City of Attorney Steve Skolnik wanted to point out that if this project is approved and it turns out that some of the concerns that have been expressed are not being mitigated or cannot be mitigated then the ultimate remedy would be to revoke the use permit and stop the project from operating. The Planning Commission and Council would be well within their rights to do so. A business operator is highly incentivized to make sure that everything works the way it is supposed to work because the penalty for not being able to deliver is so extreme potentially and also, so that the community is informed, there is that ultimate safe guard if these concerns come

to be realized.

Commissioner Zamora inquired if a Neighborhood Action Committee could be created in a joint effort with the applicant. Mark Blackburn wanted to state that UWS takes the responsibility and the risk. If UWS builds it that it is on UWS' nickel and should UWS not live up to their commitments then by all means shut UWS down. That is part of UWS' guarantee and promises if UWS can't mitigate it then UWS will lost their money and it is well over \$2 million dollars and Mr. Blackburn doesn't want to lose that money. Mr. Blackburn suggested getting an ad hoc committee together whether it be a Planning Commissioner, Councilmember or anyone that would want to be a part of that committee and have a meeting once a month at UWS' facility on a Saturday between 8:00 a.m. – 12:00 p.m. where anyone is welcomed to join in and take a tour of the property and the operations and come see us with any issue they may have. Mr. Blackburn personally guaranteed that either he or one of his sons will always be at those meetings. Mr. Blackburn further stated that he is 100% guaranteeing that if he doesn't do what he is saying then the City won't have to tell him but that he himself will shut down personally.

Having no further questions or comments, Chairperson Johnston requested a motion and a second for Item No. 6.

City Attorney Steven Skolnik instructed the Planning Commissioners on their motion options.

Commissioner Ybarra moved to approve all the staff's recommendations; Commissioner Arnold seconded the motion which was passed with the following roll call vote: In Favor: Arnold, Ybarra, and Johnston; Opposed: Zamora and Madrigal.

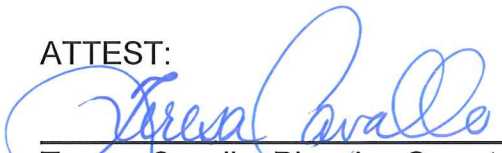
7. ANNOUNCEMENTS

- ♦ Commissioners
None.
- ♦ Staff
None.

8. ADJOURNMENT

At 8:47p.m. Chairperson Johnston adjourned the meeting to Monday, July 13, 2015 at 6:00 p.m.

ATTEST:



Teresa Cavallo, Planning Secretary



Chairperson Johnston