

1 Planning Commission hereby determines that CDP No. 2019-0017 satisfies the requirements of
2 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
3 precedent to granting a conditional development permit. The findings are as follows:

- 4 1. The proposed use is deemed essential or desirable to provide a service or facility
5 which will contribute to the convenience or general well-being of the neighborhood
6 or community; and

7 *This finding is supported by the following facts:*

8 The Project will contribute towards reducing the volume of solid waste that enters local
9 and regional landfills, and the project will expand waste recycling opportunities in Rialto,
10 in accordance with General Plan goals 2-34 and 3-10. Additionally, the project will
11 provide new job opportunities within the City of Rialto.

- 12 2. The proposed use will not be detrimental or injurious to health, safety, or general
13 welfare of persons residing or working in the vicinity; and

14 *This finding is supported by the following facts:*

15 To the north of the project site is an approximately 3.08 acre vacant parcel of land, and to
16 the east, across Fitzgerald Avenue, are several industrial buildings including a newly
17 constructed 20,938 square foot concrete tilt-up industrial building. To the south is an
18 approximately 4.87 acre vacant parcel of land, and to the west is an approximately 3.92
19 acre vacant parcel of land. The zoning of the project site and the properties to the north
20 and east is Employment (EMP) within the Renaissance Specific Plan, the zoning of the
21 properties to the south is School (S) within the Renaissance Specific Plan, and the zoning
22 of the properties to the west is Low Density Residential (LDR) within the Renaissance
23 Specific Plan.

24 The conditions of approval contained herein will help ensure that the proposed tire
25 recycling processing facility operates in a manner that is not detrimental or injurious to
26 those residing or working in the vicinity now or in the future. This includes conditions of
27 approval requiring noise mitigation to levels considered acceptable by the General Plan,
28 the Rialto Municipal Code, and Title 24 of the California Health and Safety Code. An
additional condition of approval incorporated herein subjects the Conditional
Development Permit to modification, suspension, or revocation should the Planning
Commission find the use to be detrimental or injurious to the health, safety, or general
welfare of persons residing or working in the area.

3. The site for the proposed use is adequate in size, shape, topography, accessibility
and other physical characteristics to accommodate the proposed use in a manner
compatible with existing land uses; and

This finding is supported by the following facts:

1 The Site was developed in 1981 and contains an existing 19,200 square foot metal industrial
2 building, paving, perimeter fencing, and landscaping along the frontage of the property. The
3 site consists of one (1) parcel of land, approximately 123,250 square feet or 2.83 acres in
4 size, located on the west side of Fitzgerald Avenue approximately 300 feet south of Leiske
5 Drive. The Site currently has 52 parking spaces, which exceeds the amount required by
6 Table 3-6 (Parking Standards) of the Renaissance Specific Plan.

- 6 4. The site has adequate access to those utilities and other services required for the
7 proposed use; and

8 *This finding is supported by the following facts:*

9 The Project will have adequate access to all utilities and services required through main
10 water, electric, sewer, and other utility lines that are already hooked up to the Site.

- 11 5. The proposed use will be arranged, designed, constructed, and maintained so as it
12 will not be injurious to property or improvements in the vicinity or otherwise be
13 inharmonious with the General Plan and its objectives, the Renaissance Specific
14 Plan, or any zoning ordinances; and

14 *This finding is supported by the following facts:*

15 The applicant proposes to conduct all recycling processing operations within an existing
16 building that has been developed and maintained in a manner that is consistent with the
17 EMP zone. The operation of a recycling processing facility is consistent with the EMP
18 zone. If all Conditions of Approval contained within CDP No. 2019-0017 are satisfied and
19 adhered to, the Project should not negatively impact any of the neighboring land uses.

19 Additionally, the proposed use is consistent with Goals 2-34, 3-1, and 3-10 of the General
20 Plan by expanding waste recycling facilities, contributing to the strengthening of an
21 economic base and employment opportunities, and minimizing the volume of solid waste
22 that enters local and regional landfills.

- 22 6. Any potential adverse effects upon the surrounding properties will be minimized to
23 every extent practical and any remaining adverse effects shall be outweighed by the
24 benefits conferred upon the community or neighborhood as a whole.

24 *This finding is supported by the following facts:*

25 The Conditions of Approval contained herein will minimize the Project's impacts. The
26 granting of CDP No. 2019-0017, allowing the operation of a tire recycling processing
27 facility, will potentially maintain a long-term tenant and prevent vacancy within an
28 industrial building that historically suffers from high turnover and vacancy. Furthermore,
the use will provide additional job opportunities and promote the recycling of solid waste.

1 Therefore, any potential adverse effects are outweighed by the benefits conferred upon the
2 community and neighborhood as a whole.

3 SECTION 3. Titan Tire Recycling, Inc., is hereby granted CDP No. 2019-0017 to allow
4 the operation of a tire recycling processing facility within an existing 19,200 square foot industrial
5 building located at 1450 N. Fitzgerald Avenue within the EMP zone of the Renaissance Specific
6 Plan.

7 SECTION 4. The project is categorically exempt from the requirements of the California
8 Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities. Furthermore,
9 the project (i) by virtue of the location of affected improvements, will not impact a sensitive
10 environmental resource of hazardous or critical concern; (ii) will not have a cumulative impact on
11 the environment through successive projects of the same type, in the same place, over time; (iii)
12 does not have any unusual circumstances that will have a significant effect on the environment; (iv)
13 does not impact a scenic highway; (v) is not located on a hazardous waste site; and (vi) will not
14 adversely impact a historical resource. Accordingly, none of the exceptions to categorical
15 exemptions set forth in the CEQA Guidelines, Section 15300.2, apply to this project. The Planning
16 Commission directs the Planning Division to file the necessary documentation with the Clerk of the
17 Board of Supervisors for San Bernardino County.

18 SECTION 5. CDP No. 2019-0017 is granted to Titan Tire Recycling, Inc., in accordance
19 with the plans and application on file with the Planning Division, subject to the following
20 conditions:
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- 22 1. The approval is granted to allow the operation of a tire recycling processing facility
23 within an existing 19,200 square foot industrial building located at 1450 N. Fitzgerald
24 Avenue, as shown on the plans submitted to the Planning Division on July 11, 2019, and
25 as approved by the Planning Commission. If the Conditions of Approval specified
26 herein are not satisfied or otherwise completed, the Project shall be subject to
27 revocation.
- 28 2. City inspectors shall have access to the site to reasonably inspect the site during
normal working hours to assure compliance with these conditions and other codes.

3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, its advisory agencies, appeal boards, or legislative body concerning CDP No. 2019-0017. The City will promptly notify the applicant of any such claim, action, or proceeding against the City, and the parties will cooperate fully in the defense.
4. In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this Project, if any, are subject to protest by the applicant at the time of approval or conditional approval of the Project or within 90 days after the date of the imposition of the fees, dedications, reservations, or exactions imposed on the Project.
5. The applicant shall conduct all processing operations within the enclosed building at all times.
6. The applicant shall install and operate all processing equipment on the east end of the building to furthest extent possible. The west side of the building shall only be utilized for the storage/staging of tires to be processed.
7. The applicant shall ensure that all doors remain closed while any machine driven processing occurs inside the building.
8. The applicant shall not conduct any loading or unloading operations on the west side of the building at any time.
9. The applicant shall allow the installation of a solid masonry wall for noise attenuation purposes along the entire length of the western property line by any future development that occurs on the land immediately to the west of the project site.
10. The applicant shall operate in compliance with Chapter 5 (Safety and Noise) of the General Plan, Exhibit 5.5 (Rialto Noise Guidelines for Land Use Planning) of the General Plan, Chapter 9.50 (Noise Control) of the Rialto Municipal Code, and Title 24 of the California Health and Safety Code at all times. The applicant shall be responsible, at their sole expense, for the implementation of any future sound-proofing measures necessary to ensure total compliance with the applicable noise sections listed herein.
11. The applicant shall not store any materials or equipment outdoors overnight, within the exception of vehicles used in conjunction with the operation.
12. The applicant shall submit a formal Landscape Plan to the Planning Division prior to the issuance of building permits. The submittal shall include three (3) sets of planting and irrigation plans, a completed Landscape Plan Review application, and the applicable review fee.

13. The applicant shall install one (1) fifteen (15) gallon *Prunus Caroliniana* “Carolina Cherry Laurel” every three (3) feet on-center within the landscape planter that runs along the south property line of the project site.
14. The applicant shall plant one (1) tree every thirty (30) feet on-center within the public right-of-way parkway along Fitzgerald Avenue. All trees within the public right-of-way parkway shall be a minimum of twenty-four (24) inch box in size, upon initial planting. Thereafter, the trees within the public right-of-way parkway shall be permanently irrigated and maintained, as required by the Public Works Department. The street tree species along Fitzgerald Avenue shall be the *Quercus Virginiana* “Southern Live Oak” and/or the *Ginkgo Biloba* “Ginkgo”. The trees shall be identified on the formal Landscape Plan submittal prior to the issuance of building permits.
15. The applicant shall apply for annexation of the underlying property into City of Rialto Landscape and Lighting Maintenance District No. 2 (“LLMD 2”). An application fee of \$5,000 shall be paid at the time of application. Annexation into LLMD 2 is a condition of acceptance of any new median, parkway, and/or easement landscaping, or any new public street lighting improvements, to be maintained by the City of Rialto.
16. The applicant shall install a new sidewalk along the entire frontage of Fitzgerald Avenue, in accordance with Figure 3-12 of the Renaissance Specific Plan, and as required by the City Engineer.
17. The applicant shall submit a tenant improvement plan and application to the Building Division for the installation of the processing machinery and any new interior construction proposed within the existing building, prior to the issuance of a Business License.
18. All signage shall comply with Section 5 (Signs) of the Renaissance Specific Plan.
19. The applicant shall obtain a City Business License prior to the commencement of any operations on the project site.
20. Six (6) months after the date of approval, the Planning Commission will review the approved tire recycling processing facility to determine if the operator has complied with all conditions of approval of the Conditional Development Permit. Thereafter, the Planning Commission will review the approved facility on an annual basis.
21. The applicant shall obtain all necessary approvals and operating permits from all Federal, State and local agencies prior to the issuance of a Certificate of Occupancy.
22. The privileges granted by the Planning Commission pursuant to approval of this Conditional Development Permit are valid for one (1) year from the effective date of

1 approval. If the applicant fails to commence the project within one year of said
2 effective date, this conditional development permit shall be null and void and any
3 privileges granted hereunder shall terminate automatically. If the applicant or his or
4 her successor in interest commences the project within one year of the effective date
5 of approval, the privileges granted hereunder will continue inured to the property as
6 long as the property is used for the purpose for which the conditional development
7 permit was granted, and such use remains compatible with adjacent property uses.

8 23. If the applicant fails to comply with any of the Conditions of Approval placed upon
9 Conditional Development Permit No. 2019-0017, the Planning Commission may
10 initiate proceedings to revoke the Conditional Development Permit in accordance
11 with the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto
12 Municipal Code. Conditional Development Permit No. 2019-0017 shall be revoked,
13 suspended or modified in accordance with Section 18.66.070 of the Zoning
14 Ordinance at the discretion of the Planning Commission if:

- 15 a) The use for which such approval was granted has ceased to exist, been
16 subsequently modified or have been suspended for six (6) months or more;
- 17 b) Any of the express conditions or terms of such permit are violated;
- 18 c) The use for which such approval was granted becomes or is found to be
19 objectionable or incompatible with the character of the City and its
20 environs due to noise, loitering, criminal activity or other undesirable
21 characteristics including, but not strictly limited to uses which are or have
22 become offensive to neighboring property or the goals and objectives of
23 the Employment (EMP) zone, the Renaissance Specific Plan, and the
24 City's General Plan.

25 SECTION 6. The Chairman of the Planning Commission shall sign the passage and
26 adoption of this resolution and thereupon the same shall take effect and be in force.

27 PASSED, APPROVED AND ADOPTED this 14th day of August, 2019.

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JOHN PEUKERT, CHAIR
CITY OF RIALTO PLANNING COMMISSION

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9 STATE OF CALIFORNIA)
10 COUNTY OF SAN BERNARDINO) ss
11 CITY OF RIALTO)
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13 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
14 the foregoing Resolution No. ____ was duly passed and adopted at a regular meeting of the
15 Planning Commission of the City of Rialto held on the ____th day of ____, 2019.

16 Upon motion of Planning Commissioner_____, seconded by Planning Commissioner
17 ____, the foregoing Resolution No. ____ was duly passed and adopted.

18 Vote on the motion:

19 AYES:

20 NOES:

21 ABSENT:

22 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
23 of Rialto this ____th day of ____, 2019.

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27 _____
28 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT

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