

**RESOLUTION NO. 20-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2019-0031 TO ALLOW THE ESTABLISHMENT OF A LARGE RECYCLING FACILITY AT AN EXISTING DEVELOPMENT LOCATED AT 138 WEST BRYANT STREET (APN: 0258-121-39). THE SITE IS A 0.46-ACRE PARCEL OF LAND WITH AN EXISTING 1,520 SQUARE FOOT BUILDING WITH A 490 SQUARE FOOT CANOPY LOCATED WITHIN THE HEAVY INDUSTRIAL (H-IND) ZONE OF THE AGUA MANSA SPECIFIC PLAN.

WHEREAS, the applicant, Edwin Garcia, proposes to establish a large recycling facility on a developed site with an existing 1,520 square foot building, an existing 490 square foot canopy, 11 new parking spaces, new block wall screening, and new landscape frontage (“Project”) on 0.46 gross acres of land (APN: 0258-121-39) located at 138 West Bryant Street within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan (“Site”); and

WHEREAS, the Project will include the construction of a six-foot high block wall on the west and south of the yard with two access gates, installation of surveillance and alarm systems and adequate lighting, parking lot improvements such as striping of 11 spaces, striping other designate spaces per the plan, a minimum 19-foot wide painted drive aisle, and installation of front setback landscaping and irrigation in accordance with the site plan submitted to the Planning Division on February 18, 2020; and

WHEREAS, pursuant to Table 8 (Permitted Uses) of Section 4.2.2.A. of the Agua Mansa Specific Plan, the development of a large recycling facility, such as the Project, within the H-IND zone requires a conditional development permit and is subject to the provisions of Section 18.108 (Regulation of Recycling Facilities) of the Rialto Municipal Code, and the applicant has agreed to apply for a conditional development permit (“CDP No. 2019-0031”); and

WHEREAS, on May 13, 2020, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2019-0031, took testimony, at which time it received input from staff, the city attorney, and the applicant; accepted public comments; discussed the proposed CDP No. 2019-0031; and closed the public hearing; and

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

2 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of  
3 Rialto as follows:

4 SECTION 1. The Planning Commission hereby specifically finds that all the facts set forth  
5 in the recitals above of this Resolution are true and correct and incorporated herein.

6 SECTION 2. Based on substantial evidence presented to the Planning Commission during  
7 the public hearing conducted with regard to CDP No. 2019-0031, including written staff reports,  
8 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
9 Planning Commission hereby determines that CDP No. 2019-0031 satisfies the requirements of  
10 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made  
11 precedent to granting a conditional development permit. The findings are as follows:

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

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

16 The Project will facilitate the establishment of a recycling facility to implement the  
17 California Beverage Container Recycling and Litter reduction Act. The Project will  
18 provide a recycling alternative for the general public to redeem California Redemption  
19 Value for beverage containers as well as other scrap materials such as non-ferrous metals.  
The project will replace a property vacancy in the area with a local business that would  
create employment opportunities and pay a business license tax to the City.

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

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

23 The development of a large recycling facility on the Site is consistent with the H-IND  
24 zone of the Agua Mansa Specific Plan, which permits recycling facilities subject to a  
25 Conditional Development Permit. To the north of the site is a 4-acre parcel with a legal  
26 non-conforming residence. To the east of the project site is an auto repair facility. To the  
27 west is an auto collision facility. To the south, across Bryant Street, is an electrical  
28 contractor facility. The zoning of the project site and all of the surrounding properties is  
H-IND within the Agua Mansa Specific Plan. The nearby area is predominantly zoned  
for and developed with industrial uses. The Project is consistent with the H-IND zone and  
the surrounding land uses.

As proposed, the project will not generate a significant amount traffic or excessive noise levels. Pursuant the Chapter 18.108 (Regulation of Recycling Facilities) the project is designed and conditioned herein to meet all the criteria and standards for a large recycling facility to promote consistency with the surrounding land uses. The project is anticipated to be a benefit to the community and the new landscaping and screen wall will be an aesthetic improvement to the surrounding 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:*

The site is a rectangular shaped piece of land comprised of one (1) parcel, 0.46 gross acres in size with approximate dimensions of 121 feet (east-west) by 165 feet (north-south). The site will have one-way circulation with both a driveway entrance and driveway exit on Bryant Street. The site consists of an existing 1,520 square foot building and a 490 square foot canopy with a fully paved storage yard. The Project includes the installation of eleven (11) auto parking spaces with a 19-foot wide drive aisle, surveillance and alarm system, adequate lighting, and construction of a decorative 6-foot high block wall with a 25-foot landscape setback. The operator is required to maintain an internal driveway to facilitate access and maintain the site free of litter, undesirable materials, and cleaned of loose debris on a daily basis. All materials will be collected and stored within secure waterproof containers. Additionally, the facility will install a sign stating the name and phone number of the facility operator, the hours of operation, as well as notice of no acceptance of after-hours donation of recyclable materials to discourage unauthorized dumping. All of which are physical characteristics that can accommodate the proposed use in a compatible manner.

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

*This finding is supported by the following facts:*

The Site is an existing development that consists of 1,520 square foot building and a 490 square foot canopy and has adequate access to all utilities and services required through main water, electric, sewer, and other utility lines.

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

*This finding is supported by the following facts:*

1 As previously stated, the proposed use is consistent with the H-IND zone of the Agua  
2 Mansa Specific Plan. The Project will include construction of a 6-foot high block screen-  
3 wall on the west and south of the yard with two access gates; installation of surveillance  
4 and alarm systems; parking lot improvements; installation of landscaping within the front  
5 setback; and interior improvements to the existing building to facilitate a cashier office.  
6 The proposed improvements will ensure the proposed use will not be injurious.

7 Additionally, the proposed use is consistent with Goal 2-22 of the Land Use Element of  
8 the Rialto General Plan and Goal 3-1 of the Economic Development Element of the  
9 Rialto General Plan by promoting a well-designed industrial development, and by  
10 strengthening the business climate and by providing additional employment opportunities  
11 in the area.

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

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

16 The Project's effects will be minimized through the implementation of the Conditions of  
17 Approval contained herein. The Project will provide a recycling alternative for the  
18 general public to redeem California Redemption Value for beverage containers as well as  
19 other scrap materials such as non-ferrous metals. The project will replace a property  
20 vacancy in the area with a local business that would create employment opportunities and  
21 pay a business license tax to the City. The Project will provide functional improvements,  
22 aesthetic enhancements and security measures. Therefore, any potential adverse effects  
23 are outweighed by the benefits conferred upon the community and neighborhood as a  
24 whole.

25 SECTION 3. Edwin Garcia, is hereby granted CDP No. 2019-0031 to allow the  
26 development of a large recycling facility on 0.46 gross acres of land (APN: 0258-121-39) located at  
27 138 W Bryant Street within the Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan.

28 SECTION 4. The project is categorically exempt from the requirements of the California  
Environmental Quality Act (CEQA), pursuant to Section 15301, Existing Facilities Projects. The  
Planning Commission directs the Planning Division to file the necessary documentation with the  
Clerk of the Board of Supervisors for San Bernardino County.

SECTION 5. CDP No. 2019-0031 is granted to Edwin Garcia, in accordance with the plans  
and application on file with the Planning Division, subject to the following conditions:

1. The approval is granted to allow the development of a large recycling facility on 0.46 gross acres of land (APN: 0258-121-31) located at 138 W Bryant Street, as shown on the plans submitted to the Planning Division on February 18, 2020, and as approved by the Planning Commission. If the Conditions of Approval specified herein are not satisfied or otherwise completed, the Project shall be subject to revocation. The applicant shall be responsible for maintaining the site and use in accordance with the plans and operational information dated February 18, 2020. No modifications to the site or use shall be made without written approval of the City of Rialto.
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. 2019-0031. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and 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. All operations shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m. every Monday through Friday, and 8:00 a.m. and 2:00 p.m. every Saturday.
6. The use shall be limited to collection of California Redemption Value (CRV) aluminum cans, plastic and glass bottles as well as scrap materials such as non-ferrous metals, copper, steel, scrap aluminum stainless steel, die cast, brass, mattress, paper, and electronic devices from the public. All materials accepted, secured, or otherwise received at the site shall qualify as recyclable material under California Law and Chapter 18.108 (Regulations of Recycling Facilities) of the Rialto Municipal Code.
7. All exterior storage of materials shall be stored in sturdy containers with waterproof lids or cover tops which are closed and locked at night and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. All non-ferrous materials shall be stored within the enclosed building.
8. No materials or storage, excluding truck trailers and enclosed storage containers, shall be visible above the height of the masonry wall enclosure.
9. No containers shall be provided for after-hours donation of recyclable materials.

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2 10. Prior to occupancy, the applicant shall prepare a crime prevention plan to be reviewed  
3 and approved by the City of Rialto Police Department. Should the business suffer from,  
4 become, or generate nuisance conditions, the operator shall work with the Rialto Police  
5 Department to amend the plan as needed. Crime prevention measures to be incorporated  
6 into the design and operation of the business shall include, but not be limited to, the  
7 following:

- 8 a. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as  
9 measured at the ground level of the entire site, from the period of one-half hour  
10 before sunset until one-half hour after sunrise. Lighting fixtures shall be so  
11 situated and shielded as not to direct or reflect lighting glare on adjacent  
12 properties or public rights-of-way.
- 13 b. A locking device shall be installed on the cash register. An adequate floor safe  
14 shall be installed behind the counter. Only a minimum amount of cash shall be  
15 kept in the cash register at all times.
- 16 c. Burglary and robbery alarm systems shall be installed as required and approved  
17 by the Rialto Police Department to discourage unauthorized entry or removal of  
18 materials. A telephone with speaker push button alarm shall be installed. The  
19 telephone must have a separate button that automatically dials into 911 and will  
20 transmit on-going conversations and activity. Alternatively, a panic-button,  
21 which automatically contacts the Rialto Police Department upon activation, may  
22 be installed at each register. A 24-hour security camera system shall be installed  
23 on the premises with camera locations approved by the Rialto Police  
24 Department. All surveillance and security equipment shall be continuously  
25 maintained and in operation during business hours. Surveillance footage shall be  
26 provided to the Rialto Police Department within 12 hours after a request has  
27 been made for said footage. The software or media player required to view the  
28 type of video format shall be provided to the Rialto Police Department, if  
necessary. An R-P card must be filed with the Rialto Police Department  
containing twenty-four (24) hour phone numbers of persons to be contacted.
- d. The business licensee shall maintain a litter control program around the exterior  
of the facility in order to minimize the resultant impacts of litter on properties  
adjacent to the property. An exterior trash receptacle for employee and customer  
use shall be placed near the near the cashier window.
- e. A building maintenance program shall be established for the purposes of  
maintaining the building structure and landscaping on-site in good physical  
appearance.

11. All areas of the site and street frontage shall be cleaned and kept free of litter and any  
undesirable material daily.

12. All material containers must be clearly marked to identify the type of material that may be deposited.
13. A “No Dumping” sign shall be posted stating that no material shall be left outside the recycling containers.
14. The applicant shall be responsible for maintaining one-way vehicle circulation through the site with an entrance on the easterly side of the Bryant frontage and an exit on the westerly side of the Bryant frontage. Circulation shall be accommodated through a nineteen (19) foot wide drive aisle, which shall be maintained free and clear at all times.
15. A total of eleven (11) parking spaces shall be maintained to accommodate customer and employee parking.
16. Power-driven processing equipment shall not be permitted outside of the building.
17. Prior to occupancy, the name and phone number of the facility operator and hours of operation shall be posted on a sign in compliance with Section 18.102 (Regulation of Signs) of the Rialto Municipal Code.
18. Hazardous materials shall not be accepted or processed within the facility at anytime.
19. The operator shall provide a quarterly report to the Director of Public Works identifying the type and amount of materials recycled by the facility during the quarter which will assist the City in determining the amount of solid waste diverted from its waste stream as required by the California Integrated Waste Management Act of 1989 (AB 939).
20. All new walls, including any retaining walls, shall be comprised of decorative masonry block. Decorative masonry block means tan slumpstone, tan split-face, or precision block with a stucco, plaster, or cultured stone finish. Pilasters shall be incorporated within all new walls. The pilasters shall be spaced a maximum of fifty (50) feet on-center and shall be placed at all corners and ends of the wall. All pilasters shall protrude a minimum six (6) inches above and to the side of the wall. All decorative masonry walls and pilasters, including retaining walls, shall include a decorative masonry cap. All walls and pilasters shall be identified on the site plan, and an elevation detail for the walls shall be included in the formal building plan check submittal prior to the issuance of building permits.
21. The applicant shall submit a formal Landscape Plan for on-site landscaping 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. A minimum of one (1) twenty-four (24) inch box tree shall be installed every thirty (30) linear feet within the landscape setback along

1 Bryant Street. All on-site tree species shall consist of evergreen broadleaf trees. The  
2 trees shall be identified on the formal Landscape Plan submittal prior to the issuance of  
3 building permits. All landscaping shall be maintained in good condition at all times.

4 22. All ground mounted equipment and utility boxes, including transformers, fire-  
5 department connections, backflow devices, etc. shall be surrounded by a minimum of  
6 two (2) rows of five (5) gallon shrubs spaced a maximum of twenty-four (24) inches on-  
7 center, prior to the issuance of a Certificate of Occupancy.

8 23. Any wrought-iron fencing and/or sliding gates shall be painted black prior to the  
9 issuance of a Certificate of Occupancy.

10 24. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto  
11 Municipal Code.

12 25. The applicant shall obtain all necessary approvals and operating permits from all  
13 Federal, State, County, and local agencies prior to the issuance of a Certificate of  
14 Occupancy.

15 26. The privileges granted by the Planning Commission pursuant to approval of CDP No.  
16 2019-0031 are valid for one (1) year from the effective date of approval. If the  
17 applicant fails to commence the project within one year of said effective date, this  
18 conditional development permit shall be null and void and any privileges granted  
19 hereunder shall terminate automatically. If the applicant or his or her successor in  
20 interest commences the project within one year of the effective date of approval, the  
21 privileges granted hereunder will continue inured to the property as long as the  
22 property is used for the purpose for which the conditional development permit was  
23 granted, and such use remains compatible with adjacent property uses.

24 27. If the applicant fails to comply with any of the Conditions of Approval placed upon  
25 CDP No. 2019-0031, the Planning Commission may initiate proceedings to revoke  
26 CDP No. 2019-0031 in accordance with the provisions of sections 18.66.070 through  
27 18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2019-0031 shall be  
28 revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning  
Ordinance at the discretion of the Planning Commission if:

a) The use for which such approval was granted has ceased to exist, been  
subsequently modified or have been suspended for six (6) months or more;

b) Any of the express conditions or terms of such permit are violated;

c) The use for which such approval was granted becomes or is found to be  
objectionable or incompatible with the character of the City and its  
environs due to noise, loitering, criminal activity or other undesirable  
characteristics including, but not strictly limited to uses which are or have



become offensive to neighboring property or the goals and objectives of the Heavy Industrial (H-IND) zone, the Agua Mansa Specific Plan, and the City's General Plan.

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

PASSED, APPROVED AND ADOPTED this 13th day of May, 2020.

JOHN PEUKERT, CHAIR  
CITY OF RIALTO PLANNING COMMISSION