

RESOLUTION NO. 21-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2020-0021 AND PRECISE PLAN OF DESIGN NO. 2020-0031 TO ALLOW THE INSTALLATION AND OPERATION OF A SMALL RECYCLING FACILITY WITHIN THE PARKING LOT AREA OF AN EXISTING RETAIL CENTER LOCATED AT 151 WEST BASE LINE ROAD (APN: 0127-311-19) WITHIN THE COMMUNITY SHOPPING CENTER (C-1A) ZONE.

WHEREAS, the applicant, Artashes Balyan, proposes to establish a small collection recycling facility (“Project”) within the parking lot of an existing commercial retail center located at 151 West Base Line Road (APN: 0127-311-19) within the Community Shopping Center (C-1A) zone (“Site”); and

WHEREAS, the Project will include the installation of a 17-foot by 8-foot customer kiosk with two 21-foot by 8-foot material containers, installation of surveillance and alarm systems , and will utilize a maximum of 5 parking spaces on the westerly portion of the site adjacent to the grocer market loading docks in accordance with the site plan submitted to the Planning Division on January 5, 2021; and

WHEREAS, pursuant to Chapter 18.108 (Regulation of Recycling Facilities) of the Rialto Municipal Code, the establishment of a small collection recycling facility, such as the Project, within the C-1A zone requires a conditional development permit and the applicant has agreed to apply for a conditional development permit (“CDP No. 2020-0021”); and

WHEREAS, pursuant to Chapter 18.65.010 (Precise Plan of Design) of the Rialto Municipal Code, the installation of a small collection recycling facility, such as the Project, requires a precise plan of design approval and the applicant has agreed to apply for a precise plan of design (“PPD No. 2020-0031”); and

WHEREAS, on January 27, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2020-0021 and PPD No. 2020-0031, took testimony, at which time it received input from staff, the city attorney, and

1 the applicant; accepted public comments; discussed the proposed CDP No. 2020-0021 and PPD
2 No. 2020-0031; and continued the public hearing to January 27, 2021; and

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

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

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

8 SECTION 2. Based on substantial evidence presented to the Planning Commission during
9 the public hearing conducted with regard to CDP No. 2020-0021 and PPD No. 2020-0031,
10 including written staff reports, verbal testimony, site plans, other documents, and the conditions of
11 approval stated herein, the Planning Commission hereby determines that CDP No. 2020-0021
12 satisfies the requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the
13 findings which must be made precedent to granting a conditional development permit. The findings
14 are as follows:

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

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

19 The Project will facilitate the establishment of a recycling facility to implement the
20 California Beverage Container Recycling and Litter reduction Act. The Project will
21 provide a recycling alternative for the general public to redeem California Redemption
22 Value for beverage containers. The project will provide a recycling service in the area
filling a void at this intersection left by the bankruptcy and closure of Replanet recycling
facilities.

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

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

26 The installation of a small collection recycling facility on the Site is consistent with the
27 C-1A zone, which permits recycling facilities subject to a Conditional Development
28 Permit. To the north of the site, across Base Line Road, is an existing retail shopping
center. To the east of the project site, across Riverside Avenue, is a free-standing fast-

1 food restaurant and a drive-thru fast-food restaurant. To the west is partially a
2 continuation of commercial retail development and partially a multi-family apartment
3 development. To the south is an existing single-family neighborhood. The zoning of the
4 project site and of the properties to the north, east and partial west is C-1A. The zoning
5 of the property to the south of the site is Single Family Residential (R-1B). The property
6 to the southwest of the site is Multi-Family Residential (R-3). The area nearby the project
7 is predominantly zoned for and developed with commercial retail and service-oriented
8 uses. The Project is consistent with the C-1A zone and the surrounding land uses.

9 Pursuant the Chapter 18.108 (Regulation of Recycling Facilities) the project is designed
10 and conditioned herein to meet all the criteria and standards for a small collection
11 recycling facility to promote consistency with the surrounding land uses. The project is
12 anticipated to be a benefit to the community by filling a recycling service need left by the
13 bankruptcy and closure of Replanet recycling facilities.

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

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

18 The site is a rectangular shaped piece of land comprised of one (1) parcel, 9.1 acres in size
19 with approximate dimensions of 656 feet (east-west) by 604 feet (north-south). The site is
20 an existing commercial retail development with approximately 92,000 square feet of
21 building, a free-standing fast-food drive-thru pad approximately 4,000 square feet in size
22 and 425 existing parking spaces.

23 The Project includes the installation of a 17-foot by 8-foot customer kiosk with two 21-foot
24 by 8-foot material containers with surveillance and alarm system occupying no more than 5
25 parking spaces on the west side on the grocer market loading docks at least 50 feet from the
26 residentially zoned property to the west. As conditioned, the operator will be required to
27 maintain the internal drive aisle clear and free of obstruction at all times and maintain the
28 site free of litter, undesirable materials, and cleaned of loose debris on a daily basis.
Materials will be 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.
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:

1 The Site is an existing development that consists of 92,000 square feet of commercial retail
2 building, a free-standing fast-food drive-thru pad, with 425 existing parking spaces and has
3 existing hookups to all utilities and services required through main water, electric, sewer,
and other utility lines.

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

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

8 As previously stated, the proposed use is consistent with the C-1A zone. The Project will
9 include installation a 17-foot by 8-foot customer kiosk with two 21-foot by 8-foot
10 material containers to screen storage from public view and installation of surveillance and
11 alarm systems. The proposed improvements and operational conditions of approval will
ensure the proposed use will not be injurious.

12 Additionally, the proposed use is consistent with Goal 2-34 of the Land Use Element of
13 the Rialto General Plan to achieve waste recycling levels that meet or exceed State
14 mandates and help maximum waste recycling in all sectors of the community: residential,
commercial, industrial, institutional, and construction.

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

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

18 The Project's effects will be minimized through the implementation of the Conditions of
19 Approval contained herein. The Project will provide a recycling opportunity for the
20 general public to redeem California Redemption Value for beverage containers. The
21 project will benefit to the community by filling a recycling service need left by the
22 bankruptcy and closure of Replanet recycling facilities. The Project will also incorporate
23 security measures such as camera surveillance and alarm system to ensure safety and
mitigate any negative impact. Therefore, any potential adverse effects are outweighed by
the benefits conferred upon the community and neighborhood as a whole.

24 SECTION 3. Based on substantial evidence presented to the Planning Commission during
25 the public hearing conducted with regard to CDP No. 2020-0021 and PPD No. 2020-0031,
26 including written staff reports, verbal testimony, site plans, other documents, and the conditions of
27 approval stated herein, the Planning Commission also hereby determines that PPD No. 2020-0031
28 satisfies the requirements of Section 18.65.020E of the Rialto Municipal Code pertaining to the

findings which must be made precedent to approval of a precise plan of design. The findings are as follows:

1. The proposed development is in compliance with all city ordinances and regulations, unless in accordance with an approved variance; and

This finding is supported by the following facts:

The Project will be located within an existing retail shopping center on a 9.1-acre site. The 493-square foot collection facility will utilize no more than five parking spaces on the westerly portion of the site adjacent to the grocer market loading docks at least 50 feet from the residentially zoned property. The recycle material collected will be stored and screened within an enclosed material container. The Project will provide a recycling service for the general public in the area to redeem California Redemption Value for beverage containers and will fill a void at this intersection left by the bankruptcy and closure of Replanet recycling facilities.

2. The site is physically suitable for the proposed development, and the proposed development will be arranged, designed, constructed, and maintained so that it will not be unreasonably detrimental or injurious to property, improvements, or the health, safety, or general welfare of the general public in the vicinity, or otherwise be harmonious with the city's general plan and its objectives, zoning ordinances or any applicable specific plan and its objectives; and

This finding is supported by the following facts:

The installation of a small collection recycling facility on the Site is consistent with the C-1A zone and the surrounding land uses. The Project will utilize up to five existing parking spaces on the Site and will not obstruct the any drive aisle. To ensure the recycling facility operates in a safe and clean manner, operational conditions have been included in the draft resolution of approval and address hours of operation, safety measures, noise and cleanliness.

3. The proposed development will not unreasonably interfere with the use or enjoyment of the neighborhood property rights or endanger the peace, health, safety or welfare of the general public; and

This finding is supported by the following facts:

The 493-square foot collection facility will utilize no more than five parking spaces on the westerly portion of the site adjacent to the grocer market loading docks at least 50 feet from the residentially zoned property. The Project includes the installation of a 17-foot by 8-foot customer kiosk with two 21-foot by 8-foot material containers to screen materials and installation of surveillance and alarm system. The operator is required to maintain the internal drive aisle clear and free of obstruction at all times and maintain the site free of

litter, undesirable materials, and cleaned of loose debris on a daily basis. 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. All of which are characteristics that will help preserve the peace, health, safety or welfare of the general public.

4. The development will not substantially interfere with the orderly or planned development of the City of Rialto.

This finding is supported by the following facts:

The Site is an existing development that consists of 92,000 square feet of commercial retail building, a free-standing fast-food drive-thru pad, with 425 existing parking spaces and has existing hookups to all utilities and services required. The Project includes the installation of a accessory structure in a location and manner that will not substantially interfere with the existing development.

SECTION 4. Artashes Balyan, is hereby granted CDP No. 2020-0021 to allow the establishment and operation of a small collection recycling facility within the parking lot area of an existing retail center located at 151 W Base Line Road (APN: 0127-311-19) within the Community Shopping Center (C-1A) zone.

SECTION 5. The Planning Commission is hereby approves PPD No. 2020-0031 to install a small collection recycling facility within the parking lot area of an existing retail center located at 151 W Base Line Road (APN: 0127-311-19) within the Community Shopping Center (C-1A) zone.

SECTION 6. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303, New Construction or Conversion of Small Structures. 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 7. Approval of CDP No. 2020-0021 and PPD No. 2020-0031 is granted to Artashes Balyan, 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 small collection recycling facility within the parking lot area of an existing retail center located at 151 W Base Line Road (APN: 0127-311-19) as shown on the plans submitted to the Planning Division on January 5, 2021, and as approved by the Planning Commission. The applicant shall be

1 responsible for maintaining the site and use in accordance with the plans and
2 operational information dated January 5, 2021. No modifications to the site or use
3 shall be made without written approval of the City of Rialto.

- 4 2. City inspectors shall have access to the site to reasonably inspect the site during
5 normal working hours to assure compliance with these conditions and other codes.
- 6 3. The applicant shall defend, indemnify and hold harmless the City of Rialto, its agents,
7 officers, or employees from any claims, damages, action, or proceeding against the
8 City or its agents, officers, or employees to attack, set aside, void, or annul any
9 approval of the City, its advisory agencies, appeal boards, or legislative body
10 concerning CDP No. 2020-0021 and PPD No. 2020-0031. The City will promptly
11 notify the applicant of any such claim, action, or proceeding against the City and will
12 cooperate fully in the defense.
- 13 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
14 imposition of fees, dedications, reservations, or exactions for this project, if any, are
15 subject to protest by the applicant at the time of approval or conditional approval of
16 the project or within 90 days after the date of the imposition of the fees, dedications,
17 reservations, or exactions imposed on the project.
- 18 5. The use of the facility shall be limited to the following activities:
- 19 a. Collection of California Redemption Value (CRV) aluminum cans, plastic and
20 glass bottles. All materials accepted, secured, or otherwise received at the site
21 shall qualify as recyclable material under California Law and Chapter 18.108
22 (Regulations of Recycling Facilities) of the Rialto Municipal Code for small
23 collection facilities. Collected materials shall be weighed on a scale and
24 purchased from the public by the pound in accordance with State and County laws
25 and regulations;
- 26 b. Storage of collected materials within two roll-off material containers
27 (approximately 8 feet wide by 8 feet tall by 21 feet long); and,
- 28 c. Shipping of collected materials during operating hours to a processing facility, as
needed.
6. All operations, including collection, processing, and shipping of materials, shall be
conducted only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Sunday.
7. The operator shall be responsible for keeping all drive aisles free and clear of any
obstructions at all times and ensuring that customers park only in designated parking
spaces. The operator shall be responsible for ensuring that vehicles, customers waiting
for service, and materials to be recycled do not block drive aisles for any period of time.

- 1 8. All areas surrounding the facility shall be kept free of litter and any materials and
2 cleaned daily and when needed. No materials may be stored outside the facility or left
3 unattended.
- 4 9. A “No Dumping” sign shall be posted stating that no material shall be left outside the
5 recycling containers.
- 6 10. Power-driven processing equipment shall not be permitted.
- 7 11. Roll-off containers shall be waterproof and secured during non-business hours.
- 8 12. The operator shall consult with the Rialto Police Department and provide adequate
9 safety and security measures related to cash handling, including providing surveillance
10 and alarm systems.
- 11 13. Prior to occupancy, the name and phone number of the facility operator, emergency
12 contact information, and hours of operation shall be posted on the kiosk in compliance
13 with Section 18.102 (Regulation of Signs) of the Rialto Municipal Code.
- 14 14. Hazardous materials shall not be received or processed within the facility at anytime.
- 15 15. The operator shall provide a quarterly report to the Director of Public Works identifying
16 the type and amount of materials recycled by the facility during the quarter which will
17 assist the City in determining the amount of solid waste diverted from its waste stream
18 as required by the California Integrated Waste Management Act of 1989 (AB 939).
- 19 16. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto
20 Municipal Code.
- 21 17. The applicant shall obtain all necessary approvals and operating permits from all
22 Federal, State, County, and local agencies prior to the issuance of a Certificate of
23 Occupancy.
- 24 18. The privileges granted by the Planning Commission pursuant to approval of CDP No.
25 2020-0021 and PPD No. 2020-0031 are valid for one (1) year from the effective date
26 of approval. If the applicant fails to commence the project within one year of said
27 effective date, this conditional development permit shall be null and void and any
28 privileges granted hereunder shall terminate automatically. If the applicant or his or
her successor in interest commences the project within one year of the effective date
of approval, the privileges granted hereunder will continue inured to the property as
long as the property is used for the purpose for which the conditional development
permit was granted, and such use remains compatible with adjacent property uses.

1 19. If the applicant fails to comply with any of the Conditions of Approval placed upon
2 CDP No. 2020-0021, the Planning Commission may initiate proceedings to revoke
3 CDP No. 2020-0021 in accordance with the provisions of sections 18.66.070 through
4 18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2020-0021 shall be
revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning
Ordinance at the discretion of the Planning Commission if:

- 5 a) The use for which such approval was granted has ceased to exist, been
6 subsequently modified or have been suspended for six (6) months or more;
- 7 b) Any of the express conditions or terms of such permit are violated;
- 8 c) The use for which such approval was granted becomes or is found to be
9 objectionable or incompatible with the character of the City and its
10 environs due to noise, loitering, criminal activity or other undesirable
11 characteristics including, but not strictly limited to uses which are or have
12 become offensive to neighboring property or the goals and objectives of
the Community Shopping Center (C-1A) zone, and the City's General
Plan.

13 SECTION 7. The Chairman of the Planning Commission shall sign the passage and
14 adoption of this resolution and thereupon the same shall take effect and be in force.

15 PASSED, APPROVED AND ADOPTED this 27th day of January, 2021.

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JOHN PEUKERT, CHAIR
20 CITY OF RIALTO PLANNING COMMISSION
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