

ZONING ADMINISTRATOR DECISION CONDITIONAL USE PERMIT



DECISION NO. 2015-008

HEARING DATE: April 06, 2015

DECISION DATE: April 09, 2015

FILE NO.: PCUP14-030

SUBJECT: A Conditional Use Permit to establish a 495 square foot recycling small collection facility (Cal Green Recycling Center), within an existing 3.28 acre commercial shopping center, located at 1848 South Euclid Avenue, within the C1 (Shopping Center Commercial) and EA (Euclid Avenue Overlay) zoning districts.

STAFF

RECOMMENDATION: Approval Approval subject to conditions Denial

PART A: BACKGROUND & ANALYSIS

DARSHAN S. SANGHA, (herein after referred to as "applicant") has filed an application requesting Conditional Use Permit approval, File No. PCUP14-030, as described in the subject of this Decision (herein after referred to as "application" or "project").

(a) Project Setting: The project site is located within a commercial shopping center at 1848 South Euclid Avenue, with major tenants that include Cardenas Market, Auto Zone, and other in-line tenants, such as a donut shop and other restaurants. (**Exhibit A: Project Aerial**) and surrounded by the following land uses:

	<i>Existing Land Use</i>	<i>General Plan Designation</i>	<i>Zoning Designation</i>
<i>Site</i>	Shopping Center	Mixed Use (Euclid/Francis)	C1
<i>North</i>	Residential	Medium Density Residential/Neighborhood Commercial	R1/R2/C1
<i>South</i>	Residential	Residential	AR/R2
<i>East</i>	Commercial/Residential	Commercial/Residential	C1/R2
<i>West</i>	Residential	Residential	AR/R2

Approved By:

 RZ Principal Planner

(b) Project Analysis:

(1) Background — The applicant (Cal Green Recycling Center), is requesting a Conditional Use Permit to establish a 495 square foot recycling small collections facility. Cal Green Recycling Center is a recycling collection company that contracts with local supermarkets and shopping centers throughout the Inland Empire for the collection of post-consumer glass, plastic, and aluminum containers.

The C1 (Shopping Center Commercial) zone allows small collection recycling facilities to be established through a Conditional Use Permit, provided that it is an ancillary use and will operate in conjunction with a “fixed base host business,” such as Cardenas Market. In addition, the proposed recycling facility is required to meet Article 13 – Development Code requirements for **Reverse Vending Machines** and **Small Collection Facilities**.

(2) Location — The proposed recycling facility will be located approximately 214 feet east of Euclid Avenue and 102 feet south of Francis Street, behind an existing commercial building, within the parking area on the southwest corner of Francis Street and Euclid Avenue. (**Exhibit A-1: Aerial Photograph & Exhibit B: Site Plan**) This recycling facility will be shielded by two commercial buildings and landscaping, and it will not be very visible from Euclid Avenue.

(3) Operation — The recycling facility will consist of a storefront, two (2) removable recycling roll-off containers, two (2) reverse vending machines, and two (2) attendants, who will be present during operating hours. Customers recycling items will be given vouchers for both operations which are redeemable for store credit or cash at Cardenas Market. In addition, cash will not be exchanged at the proposed facility. The proposed operations of the small collections facility and reverse vending machine are detailed further below:

Small Collections Facility

The Small Collections facility will be staffed from 8:00 AM to 5:00 PM, Monday through Sunday with two (2) site attendant who receives, weighs and stores the recycling materials without CRV value. The site attendants will be responsible for sweeping and maintaining a dust-free and litter-free work area on a daily basis and be responsible for the disposal of liquids within the Cardenas Market shopping center.

Reverse Vending Machines

The Reverse Vending Machines will operate from 8:00 AM to 5:00 PM, Monday through Sunday and only receive CRV valued post-consumer glass, plastic, and aluminum containers. Spill buckets will be provided at all times for the disposal of liquids at the recycling center. The site attendant(s) will be responsible for the disposal of liquids within the Cardenas Market shopping center.

The roll-off containers being proposed are constructed of durable, waterproof and rustproof material and are completely enclosed. The containers will be required to be clearly marked and identify the types of recyclables that may be deposited and also be required to display the name and telephone number of the owner and/or manager of the facility (**Exhibit D: Elevations**).

(4) **Parking** — The recycling facility will occupy five parking spaces. The commercial center was developed with five (5) retail buildings, totaling approximately 78,000 square feet. The required parking for this shopping center is about 312 parking spaces and currently, there are 650 parking spaces provided. The Development Code (Article 13 – Land Use and Special Requirements) allows small recycling facilities to have a reduction of five parking spaces if there are more than 200 parking spaces available. Therefore, the proposed recycling facility will not create a deficiency in parking.

(5) **Land Use Compatibility** — The purpose of a Conditional Use Permit review is to evaluate a proposed use's compatibility with adjacent uses, and to identify and establish measures to isolate and/or mitigate potential nuisance activities. The proposed recycling facility will provide customers with the convenience recycling post-consumer materials when shopping at Cardenas Market. (**Exhibit B: Site Plan**). Staff believes that the recommended conditions of approval will sufficiently mitigate potential impacts associated with the proposed use, and that the businesses within the immediate area will not be exposed to any impacts beyond those that would normally be associated within a commercial zone.

(c) **Airport Land Use Compatibility Plan:** This project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(d) **Departmental Review:** Each City department has been provided the opportunity to review and comment on the subject application and recommend conditions of approval to be imposed upon the application. At the time of the Decision preparation, recommended conditions of approval were provided and are attached to this report.

(e) **Public Notification:** The subject application was advertised as a public hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper). In addition, notices were mailed to all owners of real property located within 300 feet of the exterior boundaries of the property that is the subject of the hearing, as shown on the records of the County Assessor.

(f) **Correspondence:** As of the preparation of this Decision, Planning Department staff has not received any written or verbal communications from the owners of properties surrounding the project site or from the public in general, regarding the subject application.

PART B: RECITALS

WHEREAS, the City of Ontario has received a request for Conditional Use Permit approval as described in Part A, above; and

WHEREAS, Ontario Municipal Code § 9-1.0405(f) provides that the Zoning Administrator has the responsibility and authority to review and act upon Conditional Use Permits for existing structures; and

WHEREAS, all members of the Development Advisory Board of the City of Ontario were provided the opportunity to review and comment on the requested Conditional Use Permit, and no comments were received opposing the proposed use; and

WHEREAS, on April 06, 2015, the Zoning Administrator of the City of Ontario conducted a duly noticed public hearing on the application, as follows:

(a) DENNY D. CHEN, Associate Planner, presented the staff report on the proposed use, indicating the staff recommendation of Approval, subject to conditions. Following staff's presentation, the Zoning Administrator opened the public hearing.

(b) DARSHAN S. SANGHA, the applicant, explained the business operation and stated that he is a first time business owner and operator of such business in the City of Ontario. He also spoke in favor of this business and also how it will help the surrounding businesses and residents to recycle more cans and plastic bottles.

(c) Ms. Millman (Zoning Administrator) stated that this site should always be kept and remain clean. She also mentioned that if people deposited used items (i.e.: clothes, shoes, other donated items) at this location, it will be the applicant's responsibility to dispose of this items and keep the site clean.

(d) There being no one else to offer testimony regarding the application, the Zoning Administrator closed the public hearing.

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

PART C: THE DECISION

NOW, THEREFORE, it is hereby found, determined and resolved by the Zoning Administrator of the City of Ontario as follows:

(a) All facts set forth in this Zoning Administrator Report and Decision are true and correct.

(b) Based upon the evidence presented to the Zoning Administrator during the above-referenced public hearing, the Zoning Administrator hereby finds as follows:

(1) The proposed location of the requested Conditional Use Permit, and the proposed conditions under which it will be operated or maintained, will be consistent with the Policy Plan component of The Ontario Plan and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed Recycling Facility is located within the C1 (Shopping Center Commercial) zoning district, within the Cardenas Market shopping center.

(2) The small collection recycling facility is allowed upon approval of a Conditional Use Permit. The project has been conditioned so that the facility and use are operated in a manner that will not be detrimental to the health and safety of the surrounding community.

(3) The proposed location of the Conditional Use Permit is in accord with the objectives and purposes of the Ontario Development Code and the zoning designation within which the site is located. The use will be operated in accordance with Article 13 – Development Code requirements for *Reverse Vending Machines* and *Small Collection Facilities*.

(4) Traffic generated by the proposed Conditional Use Permit will not overload the capacity of the surrounding street system and will not create a hazard to public safety. The proposed recycling facility will be located more than 200 feet from any street right-of-way does not interfere with on-site vehicle or pedestrian circulation. In addition, this is an ancillary use that provides customers with an added convenience of recycling post-consumer materials when shopping within this commercial center. Small recycling facilities do not create large amounts of traffic.

(5) The proposed Conditional Use Permit will comply with each of the applicable provisions of the Ontario Development Code and applicable municipal codes. The facility would operate as an ancillary use to Cardenas Market and adhere to requirements of the Ontario Development Code (Article 13 - Small Collections Facilities and Reverse Vending Machines).

(c) The Zoning Administrator hereby finds and determines that the project identified in this Decision is categorically exempt from the requirements of the California Environmental Quality Act of 1970, as amended, and the Guidelines promulgated thereunder, pursuant to Section 15301: Class 1 Existing Facilities of the State CEQA Guidelines.

(d) The Zoning Administrator hereby finds and determines that the proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

(e) Based upon the findings and conclusions set forth in Parts A, B and C above, the Zoning Administrator hereby approves File No. PCUP14-030, subject to the conditions of approval attached hereto and incorporated herein by this reference.



APPROVED by the Zoning Administrator of the City of Ontario on this 9th day of April, 2015.



Barbara Millman
Zoning Administrator

Exhibit A: Project Vicinity

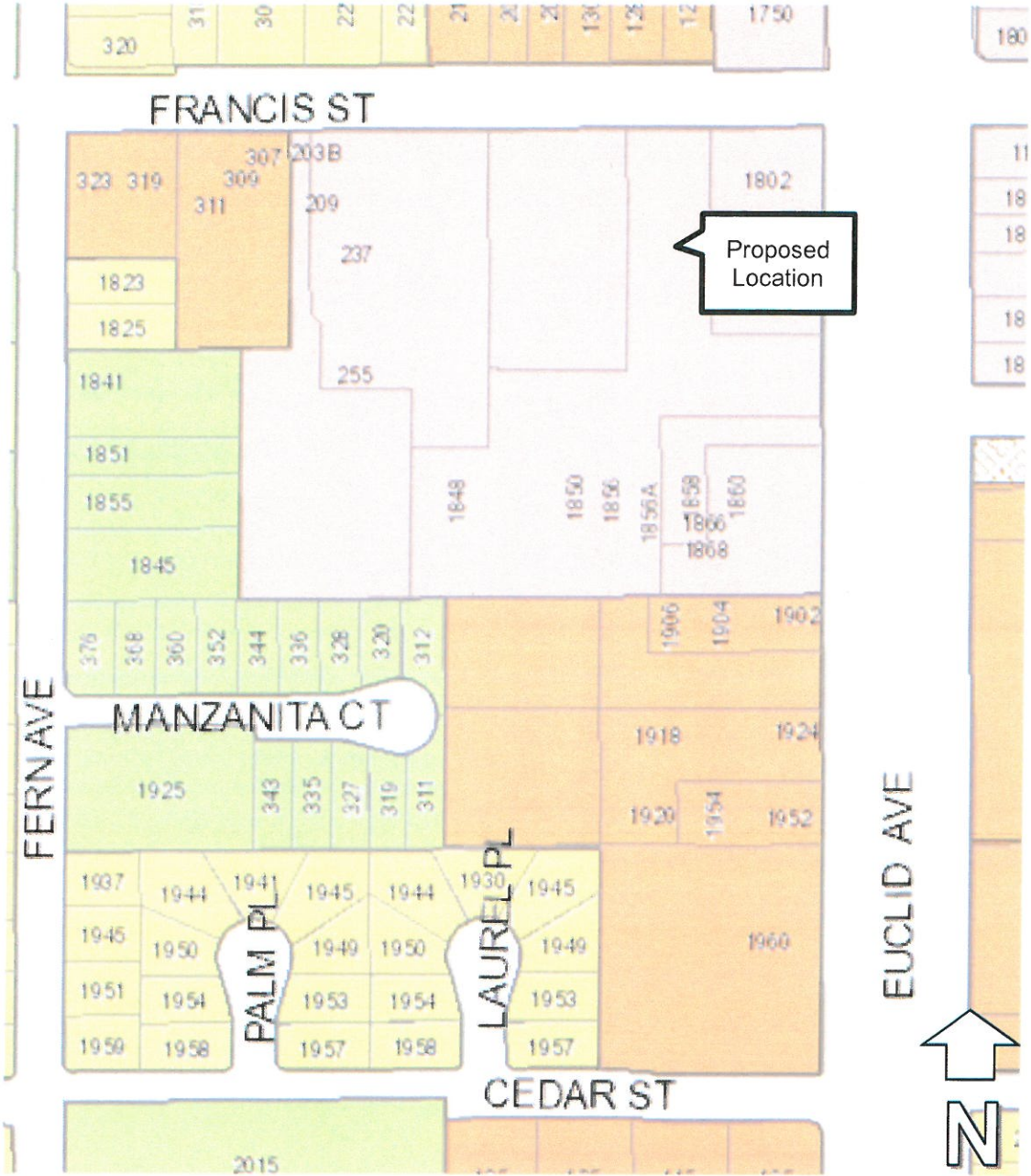
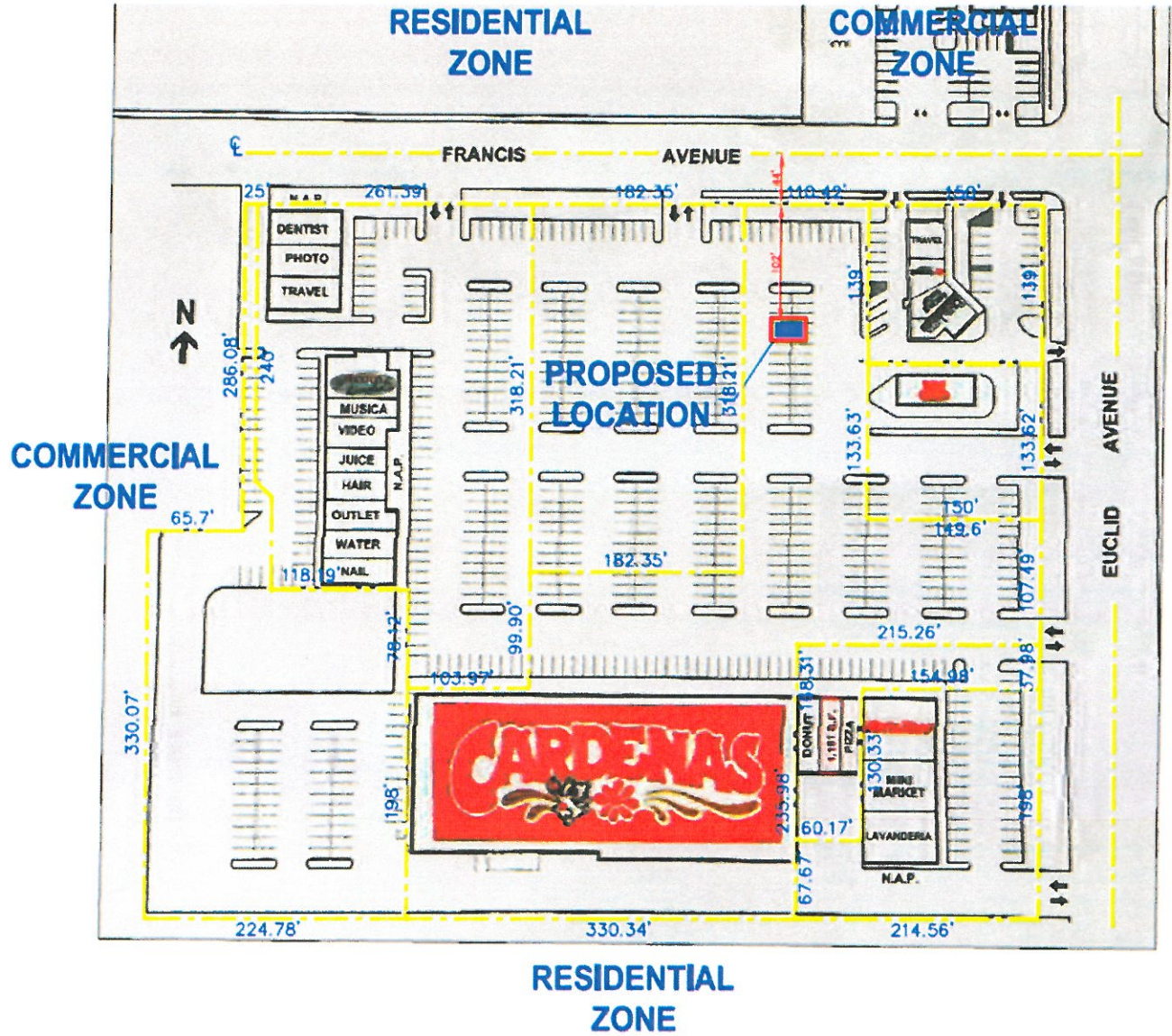


Exhibit A-1: Aerial Photograph



Exhibit B: Site Plan

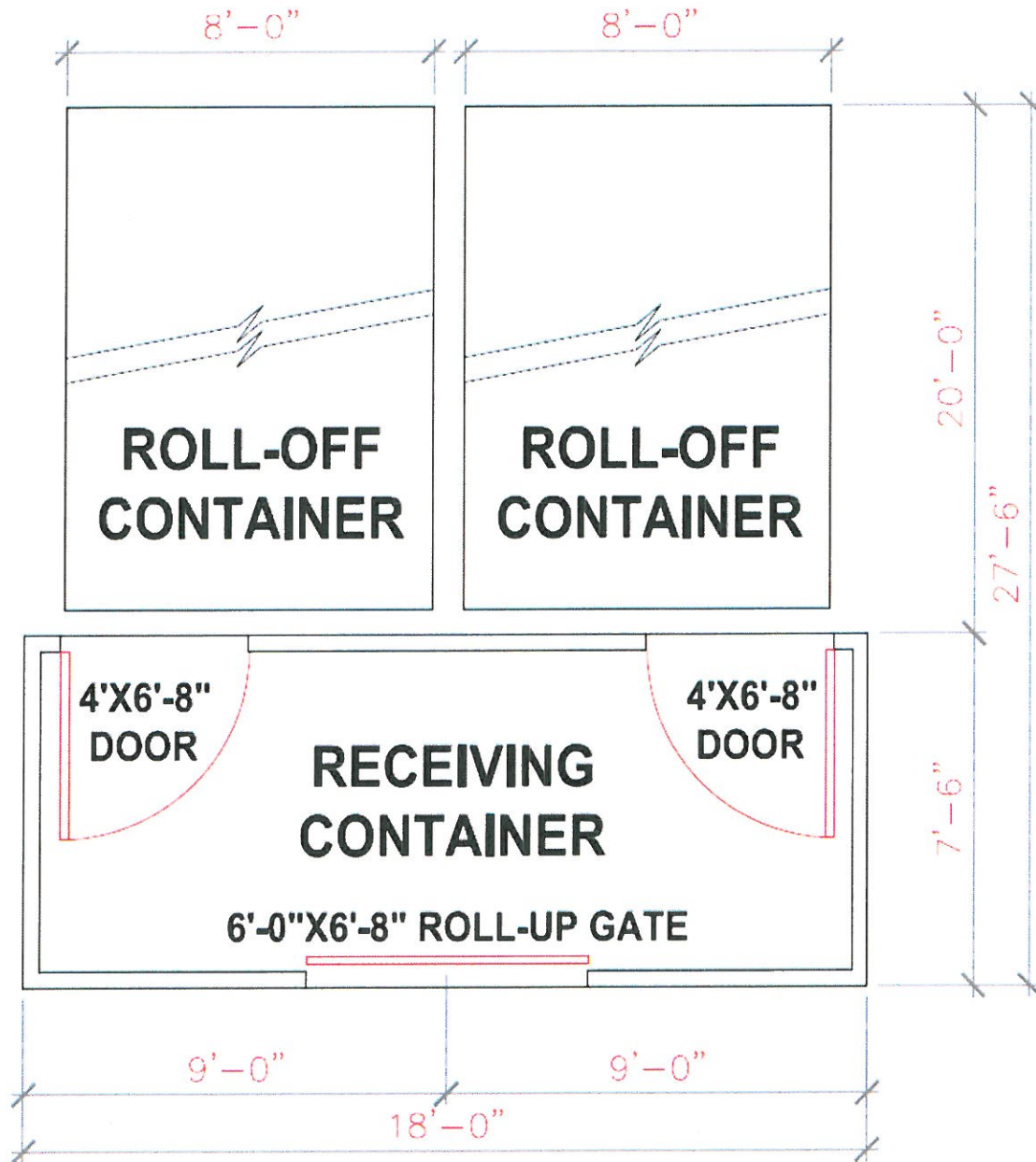


SITE PLAN
 (SCALE: 1"=120')



EXISTING NO. OF PARKING
 - 650
 REQ'D PARKING:
 - 4

Exhibit C: Floor Plan

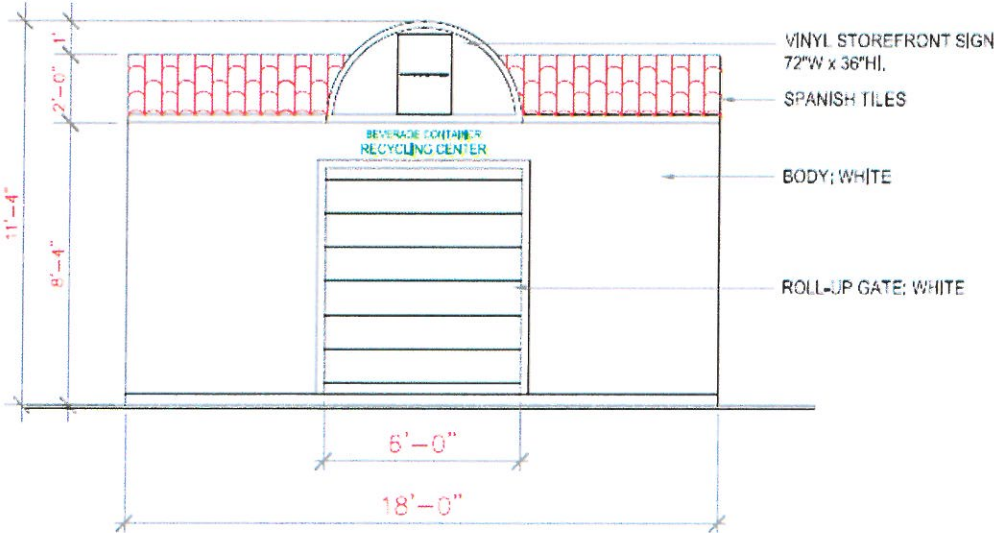


PROPOSED FLOOR PLAN

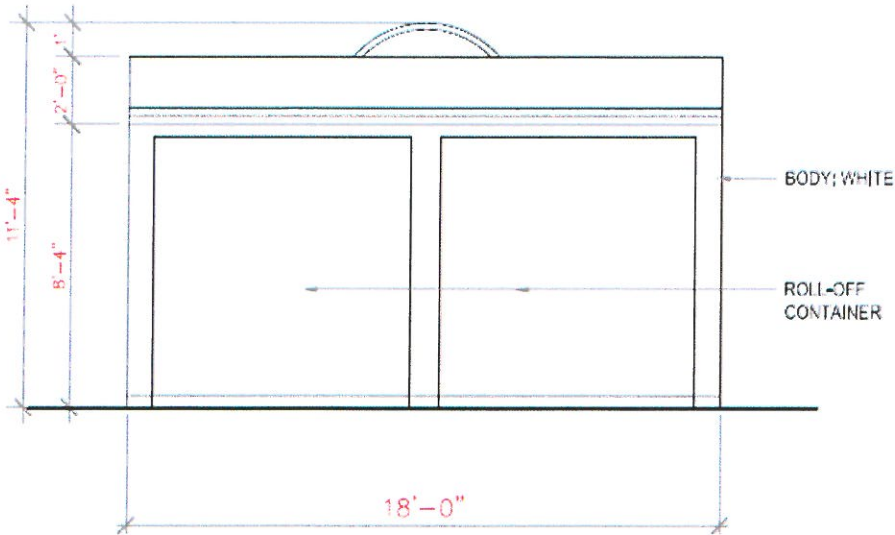
(SCALE: 3/8"=1'-0")



Exhibit D: Elevations

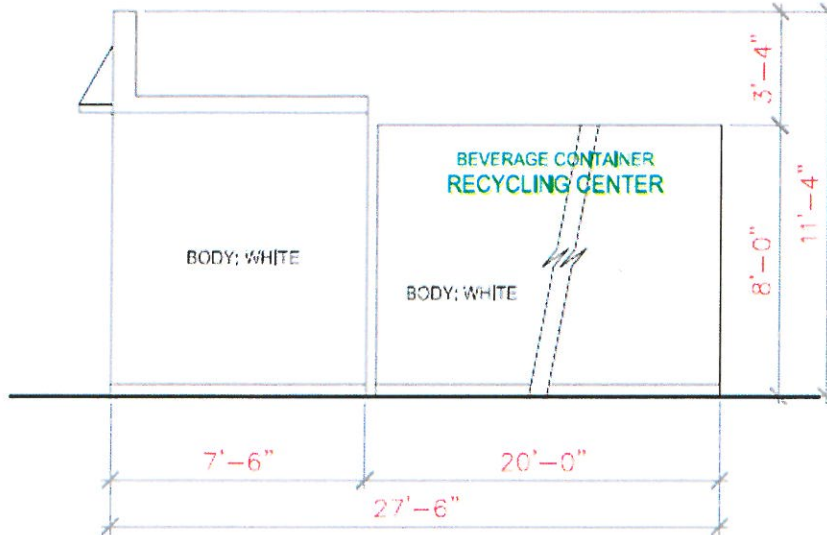


PROPOSED FRONT (WEST) ELEVATION
(SCALE: 1/4"=1'-0")

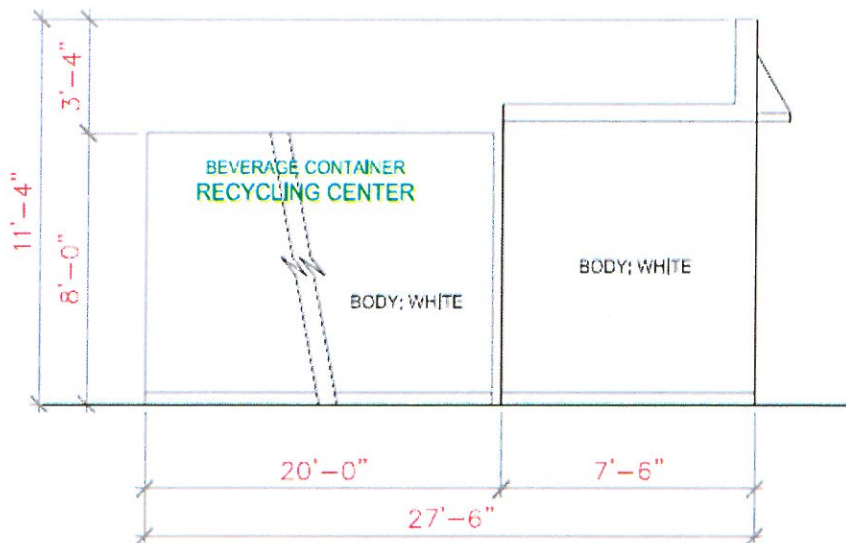


PROPOSED REAR (EAST) ELEVATION
(SCALE: 1/4"=1'-0")

Exhibit D: Elevations



PROPOSED SIDE (SOUTH) ELEVATION
(SCALE: 1/4"=1'-0")



PROPOSED SIDE (NORTH) ELEVATION
(SCALE: 1/4"=1'-0")

Exhibit E: Site Photos



North Elevation/Proposed Recycling Facility Location



East Elevation/Existing Building on southwest corner of Francis St and Euclid Ave.



**PLANNING DEPARTMENT
ZONING ADMINISTRATOR
CONDITIONS OF APPROVAL**

File No. PCUP14-030

Date: April 06, 2015

Project Description: A Conditional Use Permit to establish a 495 square foot recycling small collection facility (Cal Green Recycling Center), within an existing 3.28 acre commercial shopping center, located at 1848 South Euclid Avenue, within the C1 (Shopping Center Commercial) and EA (Euclid Avenue Overlay) zoning districts. (APN: 1050-371-27); **Submitted By: Darshan S. Sangha**

Reviewed by: Denny Chen, Associate Planner
Phone: (909) 395-2036; **Fax:** (909) 395-2420

CONDITIONS OF APPROVAL

The above-described Development Plan application shall comply with the following conditions of approval:

1.1 Environmental Review.

(a) The proposed project is categorically exempt from environmental review in accordance with Section Section 15301: Class 1 Existing Facilities of the California Environmental Quality Act Guidelines.

1.2 Additional Fees.

(a) Within 5 days following final application approval, the Notice of Determination (NOD), Notice of Exemption (NOE), filing fee shall be provided to the Planning Department. The fee shall be paid by check, made payable to the "Clerk of the Board", which will be forwarded to the San Bernardino County Clerk of the Board of Supervisors, along with all applicable environmental forms/notices, pursuant to the

requirements of the California Environmental Quality Act (CEQA). Failure to provide said fee within the time specified may result in the 30-day statute of limitations for the filing of a CEQA lawsuit being extended to 180 days.

1.3 Additional Requirements.

(a) Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be enclosed.

(b) Containers shall be clearly marked to identify the type(s) of recyclables that may be deposited.

(c) The name and telephone number of the owner or manager of the facility shall be conspicuously posted.

(d) The site shall be swept and maintained in a dust-free and liter-free condition on a daily basis.

(e) The site shall not extend over the parking area into the street or vehicular right-of-way.

(f) The facility shall not impair the landscaping required for any concurrent use or any permit issued thereto.

(g) The noise level shall not exceed sixty-five (65 dBA at any time as measured at the property line of residentially zoned or occupied property.

(h) The facility shall not operate power-driven sorting and/or consolidating equipment, such as crushers or balers.

(i) Use of the facility for deposit of solid waste or hazardous waste is not permitted.

(j) If permits expire without renewal, the collection facility shall be removed from the site on the day following permit expiration.

(k) The small collections facility shall operate only between the hours of 9:00 AM to 5:00 PM, Monday through Sunday with an employee present.

(l) The reverse vending machines shall operate only between the hours of 7:00 AM to 7:00 PM, Monday through Sunday.

(m) No outdoor storage is permitted.

(n) The exterior of the facility shall be painted consistent with the exterior color scheme of the shopping center, to the satisfaction of the Zoning Administrator.

(o) A City of Ontario Business License application must be completed and approved prior to the start of business.

**CITY OF ONTARIO
MEMORANDUM**

TO: PLANNING DEPARTMENT, Denny Chen
FROM: BUILDING DEPARTMENT, Kevin Shear
DATE: December 5, 2014
SUBJECT: PCUP14-030

-
- The plan **does** adequately address the departmental concerns at this time.
 No comments
 Report below.

Conditions of Approval

1. Building permits are required.
2. Handicap access and parking required.
3. Restrooms must be provided.

KS:kb



CITY OF ONTARIO MEMORANDUM

TO: Denny Chen
Planning Department

FROM: Shannon Sanders, Fire Safety Specialist
Bureau of Fire Prevention

DATE: December 10, 2014

SUBJECT: PCUP14-030 A Conditional Use Permit application to establish a small recycling facility accessory structure, less than 500 SF, on 3.28 acres located on the southwest corner of Francis and Euclid at 1848 S Euclid Ave.

-
- The plan does adequately address the departmental concerns at this time.
- No comments
- Report below.

-
1. If Fire hydrants are located near the proposed location they must have an unobstructed clearance of 3 feet.
 2. Provide a minimum 2A10BC fire extinguisher.-

For copies of Ontario Fire Department Standards please access the City of Ontario web site at www.ci.ontario.ca.us, click on Fire Department and then on forms.



CITY OF ONTARIO
MEMORANDUM
"Excellence Through Teamwork"

TO: Denny Chen, Planning Department

FROM: Scott Melendrez, Police Department

DATE: January 22, 2015

SUBJECT: FILE NUMBER PCUP14-030 - A Conditional Use Permit to establish a small recycling facility accessory structure for recycling located at 1848 S. Euclid Avenue.

This permit is approved with the following conditions:

1. No cash transactions allowed.
2. No loitering permitted.
3. Collection shall be limited to cans and bottles.
4. Facility and roll-off containers shall be emptied or removed daily or shall be secured with locking devices approved by the Police Department.
5. No personal belongings may be stored in or around the collection facility.
6. Photometrics demonstrating 1.0 foot candle minimum shall be provided.
7. Area surrounding and in between structures must be kept neat, clean and free of debris.
8. Structures shall remain free of graffiti. Any graffiti shall be removed immediately.
9. CUP may be subject to review/revocation if business experiences recurring criminal activity or fails to comply with these conditions of approval

The Applicant is invited to call Scott Melendrez at (909) 395-2292 regarding any questions or concerns.

CITY OF ONTARIO
LANDSCAPE PLANNING DIVISION
303 East "B" Street, Ontario, CA 91764

CONDITIONS OF APPROVAL

Sign Off

Carolyn Bell
Carolyn Bell, Sr. Landscape Planner

3/24/15
Date

Reviewer's Name:
Carolyn Bell, Sr. Landscape Planner

Phone:
(909) 395-2237

D.A.B. File No.:
PCUP14-030 rev 1

Related Files:

Case Planner:
Denny Chen

Project Name and Location:
Recycling Facility
1848 S Euclid Ave

Applicant/Representative:
Darshan Sangha
13547 Reva Pl
Cerritos, CA 90703



A site plan (dated 3/4/15) meets the Standard Conditions for New Development and has been approved with the consideration that the following conditions below be met.



A site plan (dated) has not been approved. Corrections noted below are required prior to DAB approval.

CONDITIONS OF APPROVAL

1. Add trees and shrubs where missing from parking lot planters to match existing.
2. Repair irrigation or replace heads that are spraying onto paving. Consider 5' radius stream spray bubblers to avoid wasting water and damaging asphalt.

AIRPORT LAND USE COMPATIBILITY PLANNING CONSISTENCY DETERMINATION REPORT



Project File No.: <u>PCUP14-030</u>	Reviewed By: _____
Address: <u>1848 S Euclid Avenue</u>	Lorena Mejia
APN: <u>1050-371-27</u>	Contact Info: _____
Existing Land Use: <u>Commercial Shopping Center</u>	<u>909-395-2276</u>
Proposed Land Use: <u>Small Recycling Facility</u>	Project Planner: _____
Site Acreage: <u>3.28</u> Proposed Structure Height: <u>12 feet</u>	Denny Chen
ONT-IAC Project Review: <u>N/A</u>	Date: <u>1/8/15</u>
Airport Influence Area: <u>ONT</u>	CD No.: <u>2014-086</u>
	PALU No.: _____

The project is impacted by the following ONT ALUCP Compatibility Zones:

Safety	Noise Impact	Airspace Protection	Overflight Notification
<input type="radio"/> Zone 1	<input type="radio"/> 75+ dB CNEL	<input type="radio"/> High Terrain Zone	<input type="radio"/> Avigation Easement Dedication
<input type="radio"/> Zone 1A	<input type="radio"/> 70 - 75 dB CNEL	<input checked="" type="checkbox"/> FAA Notification Surfaces	<input checked="" type="checkbox"/> Recorded Overflight Notification
<input type="radio"/> Zone 2	<input type="radio"/> 65 - 70 dB CNEL	<input checked="" type="checkbox"/> Airspace Obstruction Surfaces	<input type="radio"/> Real Estate Transaction Disclosure
<input type="radio"/> Zone 3	<input checked="" type="checkbox"/> 60 - 65 dB CNEL	<input type="radio"/> Airspace Avigation Easement Area	
<input type="radio"/> Zone 4		Allowable Height: <u>270-305 feet</u>	
<input type="radio"/> Zone 5			

The project is impacted by the following Chino ALUCP Compatibility Zones:

Zone A
 Zone B1
 Zone C
 Zone D
 Zone E

CONSISTENCY DETERMINATION

This proposed Project is: Exempt from the ALUCP
 Consistent
 Consistent with Conditions
 Inconsistent

The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the policies and criteria of the Airport Land Use Compatibility Plan (ALUCP) for ONT.

Lorena Mejia

Airport Planner Signature: _____

Form Updated: 11/14/2014