



City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE MEMBERS **DATE: JUNE 19, 2019**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARDS: ALL**
DEPARTMENT

SUBJECT: PLANNING CASE PSP19-0030 – MOBILE RECYCLING FACILITIES
(UNITS) - DIRECT SUBMITTAL

ISSUE:

Consider and provide direction to staff regarding City regulations for mobile recycling facilities, and the enforcement and effectiveness of the existing regulations, including but not limited to Riverside Municipal Code – Title 19 (Zoning Code) amendments and/or code enforcement strategies.

RECOMMENDATION:

That the Public Safety Committee consider and provide direction to staff regarding City regulations for mobile recycling facilities, and the enforcement and effectiveness of the existing regulations, including but not limited to Riverside Municipal Code – Title 19 (Zoning Code) amendments and/or code enforcement strategies.

BACKGROUND:

Mobile recycling facilities are a common recycling facility that provide a convenient way for the public to recycle beverage containers for redemption. While mobile recycling facilities offer a benefit and convenience to the community, they also have the potential to negatively impact adjacent properties. In Riverside, there is concern when mobile recycling facilities become unsightly, are poorly maintained, result in litter or noise around the facility, and attract illegal activities.

There are 31 mobile recycling facilities in the City of Riverside (Attachment 1). Mobile recycling facilities are typically located on commercially zoned properties within a retail shopping center, and are usually incidental to a supermarket. They are comprised of outside bins placed in a location that is accessible to the public for the collection of recyclables. Some facilities are located within a parking area, between the front entrance of a supermarket and a public street. Others may be at the rear of a property, in service/loading areas, which often results in them being adjacent to residential properties.

Beverage Container Recycling and Litter Reduction Act

The State Department of Resources Recycling and Recovery (“Department”) assists supermarkets in establishing mobile recycling facilities (Public Resource Code Section 14571.2.). The Beverage

Container Recycling and Litter Reduction Act (Act) requires one (1) certified recycling center within each convenience zone (PRC Section 14571), defined as a one-half mile radius from a supermarket (PRC Section 14509.4) (Attachment 2). More than one supermarket can be served by a single recycling center if the convenience zones overlap. Recycling centers are required to be open at least 30 hours a week, Five (5) days a week, and at least one (1) weekend day. If a recycling center closes, the Department notifies all affected supermarket operators that a new center must be established within 60 days (PRC Section 14571.7).

The Act applies to supermarkets selling packaged beverages with no responsibility placed on a jurisdiction to establish recycling centers. The Act does limit the jurisdiction's ability to regulate recycling centers as a land use because limiting recycling center locations could impede the market's ability to sell packaged containers. The Department provides grants and loans to local jurisdictions to offset potential impacts from container recycling such as litter cleanup activities. If a jurisdiction adopts, or is enforcing, a land use restriction that prevents operation of a recycling center, the Department will not provide payments, grants or loans to that jurisdiction. The Department may also refuse to provide grant funds when a jurisdiction prohibits a supermarket from having a recycling center, causes a recycling center to close, or adopts land use provisions restricting the siting.

Riverside Municipal Code

The Riverside Municipal Code, Title 19 (Zoning Code), regulates recycling uses on private property. The Zoning Code establishes different types of recycling facilities, ranging from large industrial for-profit facilities that pay for the transfer of scrap metal or compost material, to small indoor reverse-vending machines for the collection of beverage containers. The focus of this staff report is mobile recycling facilities, defined as Mobile Recycling Units in the Zoning Code.

DISCUSSION:

Compliance with Riverside Municipal Code Title 19 (Zoning Code)

The Zoning Code, Section 19.910.190 includes several recycling related definitions (Attachment 3), and defines a Recycling Unit – Mobile, as *“a properly licensed automobile, truck, trailer or van that is used for the collection of recyclable beverage containers. Also included in this definition are bins, boxes or containers transportable by said vehicles.”*

The Zoning Code, Section 19.385 - Recycling Facilities establishes regulations for mobile recycling units, including site location, operation, and development standards (Attachment 4). A summary of these regulations includes:

Table 1 - Summary of Existing Mobile Recycling Units Regulations

Description	Standard
Hours	<ul style="list-style-type: none"> • Shall operate a minimum of 30 hours per week & limited to hours between 9 a.m. to 7 p.m. • Shall be staffed at all time during operating hours.
Location	<ul style="list-style-type: none"> • Shall be located on a site occupied by commercial or industrial businesses.

Description	Standard
Setback	<ul style="list-style-type: none"> • Shall be at least 50 feet from any street or residentially zoned or occupied property. • Additional setback may be required to mitigate exposure of the unit to the street or adjacent property.
Size	<ul style="list-style-type: none"> • Total area occupied by the unit shall not exceed 500 square feet (sf).
Screening	<ul style="list-style-type: none"> • Shall be screened from adjacent properties and streets by landscaping or other screening.
Exterior of Unit	<ul style="list-style-type: none"> • All beverage containers shall be stored in opaque enclosures so as not to be readily visible. • No more than three colors shall be used on the unit(s).
Exterior Signage	<ul style="list-style-type: none"> • Limited to one unlighted identification sign and one hours-of-operation sign, each not to exceed 16 square feet per mobile recycling unit.
Other	<ul style="list-style-type: none"> • The unit shall not interfere with pedestrian or vehicular circulation and shall not consume any required parking spaces.

The Zoning Code, Section 19.870 - Recycling Center Permit (Permit), sets forth procedures for permitting mobile recycling units to encourage recycling activities when compatible with their surroundings (Attachment 4). The Permit is required and must be submitted at least 30 days prior to proposed operation. The application must include a site plan and information on operational characteristics of the facility. Permits are approved by the Community & Economic Development Director, unless the Director refers the Permit to the City Council.

Because there are no regular City inspections of mobile recycling units, violation of the conditions of an approved Permit are typically discovered after a complaint is filed with the City's Code Enforcement Division. Complaints are evaluated based on the conditions in the Permit and, if needed, enforcement occurs. Common violations could include: the site exceeds the area and number of units approved; the hours of operation; and/or distances from residential properties resulting in complaints from neighboring properties.

Additional Issues

Under current regulations there are limited opportunities to address common issues related to property maintenance, litter, shopping carts and noise associated with mobile recycling units. The following identifies some of these issues:

1. **Property Maintenance:** Many mobile recycling units are well maintained and property maintenance is not an issue. Some become littered with shopping carts used to transport recyclables to the recycling center. The shopping carts are not collected because they often belong to business not on the property. In instances where a mobile recycling unit violates property maintenance provisions of the Riverside Municipal Code (e.g., accumulation of garbage and debris, loitering, blocking a sidewalk, etc. - RMC, Section 1.17.020(G)), the City can issue an administrative citation to a "responsible party" with a timeframe to correct the violations. If it becomes a nuisance, the permit can be revoked (RMC Section 19.700.020) with the finding that the use has a negative impact on the public health, safety or welfare. However, revocation could cause a nearby supermarket to become non-conforming with State Law and/or result in the Department of Resources Recycling and Recovery withholding grant funds.

2. **Noise Impacts to Residential Neighbors:** Mobile recycling units are outdoor activities that generate noise during hours of operation. The facilities can also become a place where people congregate. To minimize these impacts on neighbors, the Zoning Code limits hours of operation from 9:00 a.m. to 7:00 p.m., and requires a 50-foot setback from adjacent residentially zoned property. Riverside Municipal Code Title 7 – Noise Control establishes nighttime and daytime noise limits, which are also enforced if noise becomes an issue.
3. **Screening.** The Zoning Code requires mobile recycling units be screened from adjacent properties and streets using landscaping or other materials. The method and level of screening required for the mobile recycling unit is vague, so most facilities in the City are visible from both private property and public streets. Where landscaping exists, it is often not a complete visual screen. Many mobile recycling units in the City are located to the rear of a building and are typically cargo containers. Screening has been the building they are located behind and fencing to the adjacent properties. It may not be practical or beneficial to completely screen and enclose cargo container units as this could create very high screens and places to hide. As a possible solution, the cargo containers could be made to look more like the building. Some facilities have taken this approach and are designed to look like a small building.
4. **Locations.** Mobile recycling units are located in both the front and rear yards of supermarkets. Many of the issues are with those located in the rear as activities can be hidden. This is especially an issue when the mobile recycling unit is adjacent to residential areas. By changing the design of the units, placement in front yards would be possible without having aesthetic impacts on the property. Each case would have to be assessed to determine if locating behind the building is the only desirable or feasible way forward.

Options for Possible Next Steps

1. **Option 1:** Do not amend the Zoning Code and rely on enforcement of the existing regulations.
2. **Option 2:** Consider a Title 19- Zoning Code amendment:
 - a. Clarify screening requirements to include exterior architectural treatment/cladding to enhance the appearance of recycling units (e.g., cargo containers), to be consistent with the architecture of the buildings on site;
 - b. Specify that the recycling center operator and property owner shall be responsible for the daily retrieval and removal of any shopping cart left within 100 feet of the recycling units, and daily litter removal;
 - c. Prohibit facilities from locating in service areas behind buildings when adjacent to residential uses, and/or increasing setback requirements from residentially zoned properties; and
 - d. Require renewal of permits every two (2) years for ongoing review and compliance with permit conditions and allow for changes to the facility when site conditions change.

FISCAL IMPACT

This report is a summary of existing Code requirements related to Mobile Recycling Facilities, their impacts on nearby neighborhoods, and potential changes to the Riverside Municipal Code. There is no fiscal impact to the General Fund associated with this report.

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Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Mobile Recycling Facilities in the City of Riverside
2. Convenience Zone Definitions
3. Zoning Code Recycling Definitions
4. Existing Zoning Code Requirements for Recycling Facilities
5. Presentation