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WHEREAS, the applicant, TexGreen Inc., proposes to place a small recycling bin for clothing donation purposes within an existing commercial shopping plaza located at the southwest corner of Foothill Boulevard and Acacia Avenue (APN: 0130-051-51) within the Foothill Mixed-Use Zone (FMUZ) land use district of the Foothill Central Specific Plan; and

WHEREAS, pursuant to Section 18.108.030(B) of the Rialto Municipal Code, the placement of a small collection recycling facility for clothing donation purposes, such as the Project, within the FMUZ land use district requires a conditional development permit, and the applicant has applied for a conditional development permit (“CDP No. 2024-0022”); and

WHEREAS, on August 6, 2025, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2024-0022, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2024-0022; and closed the public hearing; and

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

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

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

SECTION 2. Based on substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CDP No. 2024-0022, including written staff reports,

1 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the  
2 Planning Commission hereby determines that CDP No. 2024-0022 satisfies the requirements of  
3 Section 18.108.030 of the Rialto Municipal Code pertaining to the findings which must be made  
4 precedent to granting a conditional development permit. The findings are as follows:

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

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

9 The Project will provide a benefit to the community and neighborhood by providing  
10 residents and visitors a convenient and accessible location for residents to properly  
11 donate their clothing.

- 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 The properties to the south of the Site consist of existing single-family residential homes  
16 within the Single Family Residential (R-1C) zone. The properties to the north, east &  
17 west of the Site consist of existing commercial developments within the Foothill Mixed-  
18 Use Zone (FMUZ) land use district of the Foothill Central Specific Plan.

19 The proposed small recycling bin is consistent with the FMUZ land use district, Chapter  
20 18.108 (Regulation of Recycling Facilities) of the Rialto Municipal Code, and the  
21 surrounding land uses. A small recycling bin for clothing donation purposes is generally  
22 compatible with the other retail uses and services found on the Site.

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

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

27 The Site is developed with two (2) commercial buildings, parking areas, landscaping, and  
28 street access to Foothill Boulevard and Acacia Avenue. The proposed small recycling  
bin is proposed to be located in an open paved area of the Site that will not disrupt or  
obstruct any vehicular access areas, pedestrian access areas, or landscaped areas.

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

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

2       The Site has adequate access to all utilities and services required through main water,  
3       electric, sewer, and other utility lines that are already hooked up to the Site. The small  
4       recycling bin itself will not require any utilities.

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

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

10       The proposed small recycling bin will be located within an existing shopping plaza that will  
11       be maintained in a manner that is consistent with the FMUZ land use district. The operation  
12       of a small recycling bin is consistent with the FMUZ zone. If all Conditions of Approval  
13       contained within CDP No. 2024-0022 are satisfied, the Project should not negatively impact  
14       any of the neighboring land uses.

15       Additionally, the proposed use is consistent with Goal 3-1 of the General Plan by  
16       contributing to the strengthening of an economic base and employment opportunities.

- 17       6. Any potential adverse effects upon the surrounding properties will be minimized to  
18       every extent practical and any remaining adverse effects shall be outweighed by the  
19       benefits conferred upon the community or neighborhood.

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

21       The Conditions of Approval contained herein will minimize the Project's impacts. The  
22       granting of CDP No. 2024-0022, allowing the placement of a small recycling bin, will  
23       provide residents and visitors an additional option for recycling un-used articles of  
24       clothing. Therefore, any potential adverse effects are outweighed by the benefits conferred  
25       upon the community and neighborhood.

26       SECTION 3. The project is Exempt in accordance with the categorical exemption  
27       requirements of the California Environmental Quality Act (CEQA) Section 15311 Accessory  
28       Structures. The project consists of the placement of a small recycling bin for clothing donation  
purposes within an existing commercial development. No further environmental review is required  
for Conditional Development Permit No. 2024-0022.

1        SECTION 4. CDP No. 2024-0022 is granted to TexGreen, Inc., in accordance with the  
2 plans and application on file with the Planning Division, subject to the following conditions:

- 3        1. The approval is granted to allow the placement of a small recycling bin for clothing  
4        donation purposes within an existing commercial shopping plaza located at the  
5        southwest corner of Foothill Boulevard and Acacia Avenue (APN: 0130-051-51), as  
6        shown on the plans attached hereto as “Exhibit A”, and as approved by the Planning  
7        Commission. If the Conditions of Approval specified herein are not satisfied or  
8        otherwise completed, the Project shall be subject to revocation.
- 9        2. City inspectors shall have access to the site to reasonably inspect the site during  
10       normal working hours to assure compliance with these conditions and other codes.
- 11       3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,  
12       and/or any of its officials, officers, employees, agents, departments, agencies, and  
13       instrumentalities thereof (collectively, the “City Parties”), from any and all claims,  
14       demands, law suits, writs of mandamus, and other actions and proceedings (whether  
15       legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative  
16       dispute resolutions procedures (including, but not limited to arbitrations, mediations,  
17       and other such procedures), (collectively “Actions”), brought against the City, and/or  
18       any of its officials, officers, employees, agents, departments, agencies, and  
19       instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or  
20       annul, the any action of, or any permit or approval issued by, the City and/or any of  
21       its officials, officers, employees, agents, departments, agencies, and instrumentalities  
22       thereof (including actions approved by the voters of the City), for or concerning the  
23       Project (collectively, the “Entitlements”), whether such Actions are brought under the  
24       California Environmental Quality Act, the Planning and Zoning Law, the Subdivision  
25       Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public  
26       Records Act, or any other state, federal, or local statute, law, ordinance, rule,  
27       regulation, or any decision of a court of competent jurisdiction. This condition to  
28       indemnify, protect, defend, and hold the City harmless shall include, but not be  
     limited to (i) damages, fees and/or costs awarded against the City, if any, and (ii) cost  
     of suit, attorneys’ fees and other costs, liabilities and expenses incurred in connection  
     with such proceeding whether incurred by applicant, Property owner, or the City  
     and/or other parties initiating or bringing such proceeding (collectively, subparts (i)  
     and (ii) are the “Damages”). Notwithstanding anything to the contrary contained  
     herein, the Applicant shall not be liable to the City Parties under this indemnity to the  
     extent the Damages incurred by any of the City Parties in such Action(s) are a result  
     of the City Parties’ fraud, intentional misconduct or gross negligence in connection  
     with issuing the Entitlements. The applicant shall execute an agreement to  
     indemnify, protect, defend, and hold the City harmless as stated herein within five (5)  
     days of approval of CDP No. 2024-0022.
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 keep the exterior of the bin and the immediate surrounding area clear of any debris, trash, clothing items, etc. at all times. Clothing articles may not be allowed to be left outside of the bin or overflowing out of the bin at any time.
6. The applicant shall provide the phone number for bin maintenance services on the exterior face of the bin at all times. The phone number placement on the exterior face of the bin shall be in the form of vinyl numbering with a minimum height of four (4) inches.
7. The applicant shall install security cameras on the Site that cover the area of the bin, to the satisfaction of the Rialto Police Department, prior to issuance of a business license.
8. The applicant shall obtain and maintain a valid City business license at all times.
9. Six (6) months after the date of approval, the Planning Commission may review the approved small recycling bin to determine if the applicant has complied with all conditions of approval of the Conditional Development Permit. Thereafter, the Planning Commission may review the approved small recycling bin on an annual basis.
10. 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.
11. 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 approval. If the applicant fails to commence the project within one year of said effective date, this conditional development permit shall be null, and void and any 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.
12. If the applicant fails to comply with any of the Conditions of Approval placed upon Conditional Development Permit No. 2024-0022, the Planning Commission may initiate proceedings to revoke the Conditional Development Permit in accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. Conditional Development Permit No. 2024-0022 may be revoked, suspended, or modified in accordance with Section 18.66.070 of the Zoning Ordinance at the discretion of the Planning Commission if:

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

9 SECTION 5. The Chairman of the Planning Commission shall sign the passage and  
10 adoption of this resolution and thereupon the same shall take effect and be in force.

11 PASSED, APPROVED AND ADOPTED this 6th day of August, 2025.

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JERRY GUTIERREZ, CHAIR  
16 CITY OF RIALTO PLANNING COMMISSION  
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