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RESOLUTION NO. 2025-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2024-0020 ALLOWING THE PLACEMENT OF TWO SMALL RECYCLING BINS FOR CLOTHING DONATION PURPOSES WITHIN AN EXISTING COMMERCIAL SHOPPING CENTER LOCATED AT 240 W. BASELINE ROAD (APN: 0127-261-07) WITHIN THE COMMUNITY SHOPPING CENTER (C-1A) ZONE.

WHEREAS, the applicant, TexGreen Inc., proposes to place two small recycling bins for clothing donation purposes within an existing commercial shopping plaza located at 240 West Baseline Road (APN: 0127-261-07) in a Community Shopping Center (C-1A) zone; 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, requires a conditional development permit, and the applicant has applied for a conditional development permit (“CDP No. 2024-0020”); and

WHEREAS, on September 3, 2025, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2024-0020, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2024-0020; 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. 2024-0020, including written staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated herein, the Planning Commission hereby determines that CDP No. 2024-0020 satisfies the requirements of

Section 18.108.030 of the Rialto Municipal Code pertaining to the findings which must be made precedent to granting a conditional development permit. The findings are as follows:

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

This finding is supported by the following facts:

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

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

This finding is supported by the following facts:

The properties to the north of the Site consist of existing multi-family residential homes within the Multi-Family Residential (R-3) zone. The properties to the south consist of existing shopping centers in C-1A and Neighborhood Commercial (C-1) zones. The property to the east consists of an existing shopping center in a C-1A zone. The property to the west consists of Eisenhower High School in a Single-Family (R-1C) zone.

The proposed small recycling bins are consistent with the C-1A zone, Chapters 18.58 (Off Street Parking) and 18.108 (Regulation of Recycling Facilities) of the Rialto Municipal Code, and the surrounding land uses. Two small recycling bins for clothing donation purposes are generally compatible with the other retail uses and services found on the Site.

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 developed with twelve commercial buildings, parking areas, landscaping, and street access to North Willow Avenue, West Baseline Road, and North Riverside Avenue. The proposed small recycling bins are proposed to be in one parking space approximately 68 feet north of Taco Bell that will not disrupt or obstruct any vehicular access areas, minimum parking requirements, 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, electric,
3 sewer, and other utility lines that are already hooked up to the Site. The small recycling bin
4 itself will not require any utilities.

- 5 5. The proposed use will be arranged, designed, constructed, and maintained so as it will not
6 be injurious to property or improvements in the vicinity or otherwise be inharmonious
7 with the General Plan and its objectives, the Commercial Shopping Center (C-1A) zone,
8 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 center that will
11 be maintained in a manner that is consistent with the C-1A zone. The operation of two small
12 recycling bins is consistent with the C-1A zone. If all Conditions of Approval contained
13 within CDP No. 2024-0020 are satisfied, the Project should not negatively impact any of the
14 neighboring land uses.

15 Additionally, the proposed use is consistent with Goal 3-1 of the General Plan by contributing
16 to the strengthen and diversify the economic base and employment opportunities, and
17 maintain a positive business climate.

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

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

22 The Conditions of Approval contained herein will minimize the Project's impacts. The
23 granting of CDP No. 2024-0020, allowing the placement of two small recycling bins, will
24 provide residents and visitors an additional option for recycling un-used articles of
25 clothing. Therefore, any potential adverse effects are outweighed by the benefits conferred
26 upon the community and neighborhood.

27 Additionally, the proposed use is consistent with Goal 2-34 of the General Plan by achieving
28 waste recycling levels that meet or exceed State mandates. Achieve maximum waste recycling
in all sectors of the community: residential, commercial, industrial, institutional, and
construction.

29 SECTION 3. The project is Exempt in accordance with the categorical exemption
30 requirements of the California Environmental Quality Act (CEQA) Section 15311 Accessory
31 Structures. The project consists of the placement of two small recycling bins for clothing donation

1 purposes within an existing commercial development. No further environmental review is required
2 for CDP No. 2024-0020.

3 SECTION 4. CDP No. 2024-0020 is granted to TexGreen, Inc., in accordance with the plans
4 and application on file with the Planning Division, subject to the following conditions:
5

- 6 1. The approval is granted to allow the placement of two recycling bins for clothing donation
7 purposes within an existing commercial shopping center at 240 West Baseline Road (APN
8 0127-261-07), as shown on the plans attached hereto as “Exhibit A”, and as approved by
9 the Planning Commission. If the Conditions of Approval specified herein are not satisfied
10 or otherwise completed, the Project shall be subject to revocation.
- 11 2. City inspectors shall have access to the site to reasonably inspect the site during normal
12 working hours to assure compliance with these conditions and other codes.
- 13 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
14 and/or any of its officials, officers, employees, agents, departments, agencies, and
15 instrumentalities thereof (collectively, the “City Parties”), from any and all claims,
16 demands, law suits, writs of mandamus, and other actions and proceedings (whether
17 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
18 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
19 and other such procedures), (collectively “Actions”), brought against the City, and/or
20 any of its officials, officers, employees, agents, departments, agencies, and
21 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
22 annul, the any action of, or any permit or approval issued by, the City and/or any of its
23 officials, officers, employees, agents, departments, agencies, and instrumentalities
24 thereof (including actions approved by the voters of the City), for or concerning the
25 Project (collectively, the “Entitlements”), whether such Actions are brought under the
26 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
27 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
28 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
or any decision of a court of competent jurisdiction. This condition to 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. 2024-0020.

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 bins and the immediate surrounding area clear of any graffiti, 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. The applicant shall inspect and clean the bin and the area surrounding the bin at least five (5) days per week.
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 applicant shall comply with all Federal, State, and local laws and regulations.
12. 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.
13. If the applicant fails to comply with any of the Conditions of Approval placed upon Conditional Development Permit No. 2024-0020, the Planning Commission may initiate proceedings to revoke the Conditional Development Permit in accordance with

1 the provisions of Sections 18.66.070 through 18.66.090, inclusive, of the Rialto
2 Municipal Code. Conditional Development Permit No. 2024-0020 may be revoked,
3 suspended, or modified in accordance with Section 18.66.070 of the Zoning Ordinance
at the discretion of the Planning Commission if:

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

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

14 PASSED, APPROVED AND ADOPTED this 3rd day of September 2025.

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JERRY GUTIERREZ, CHAIR
18 CITY OF RIALTO PLANNING COMMISSION
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
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5 I, Heidy Gonzalez, Administrative Assistant of the City of Rialto, do hereby certify that the
6 foregoing Resolution No. _____ was duly passed and adopted at a regular meeting of the
7 Planning Commission of the City of Rialto held on the 3rd day of September 2025.

8 Upon motion of Planning Commissioner_____, seconded by Planning
9 Commissioner_____, the foregoing Resolution No. _____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this 3rd day of September 2025.

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19 _____
20 HEIDY GONZALEZ, ADMINISTRATIVE ASSISTANT
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EXHIBIT A “SITE PLAN”

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