

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2023-0031 TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION FROM A PROPOSED 3,700 SQUARE FOOT CONVENIENCE MARKET BUILDING ON 1.46 ACRES OF LAND (PARCEL 2 OF TENTATIVE PARCEL MAP NO. 20602) LOCATED ON THE EAST SIDE OF PEPPER AVENUE APPROXIMATELY 185 FEET SOUTH OF THE SR-210 FREEWAY WITHIN THE COMMUNITY COMMERCIAL (CC) LAND USE DISTRICT OF THE PEPPER AVENUE SPECIFIC PLAN.

WHEREAS, the applicant, Newcastle Rialto Associates, LLC, proposes to sell beer, wine, and distilled spirits for off-site consumption (“Project”) on 1.46 acres of land (Parcel 2 of Tentative Parcel Map No. 20602) located on the east side of Pepper Avenue approximately 185 feet south of the SR-210 Freeway within the Community Commercial (CC) land use district of the Pepper Avenue Specific Plan (“Site”); and

WHEREAS, Pursuant to Table 5-2 (Permitted Uses) of the Pepper Avenue Specific Plan, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2023-0031 (“CDP No. 2023-0031”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Tentative Parcel Map No. 2023-0005, also referred to as Tentative Parcel Map No. 20602, (“TPM No. 20602”), to facilitate the subdivision of two (2) parcels of land (APNs: 0264-191-02 & -04) into three (3) new parcels of land – Parcel 1 (1.18 acres), Parcel 2 (1.46 acres), and Parcel 3 (11.65 acres); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2023-0026 to allow the development and operation of a 3,915 square foot restaurant building with drive-thru service on Parcel 1 of TPM No. 20602 (“CDP No. 2023-0026”); and

WHEREAS, in conjunction with the Project, the applicant has applied for Conditional Development Permit No. 2023-0027 to allow the development and operation of a vehicle fuel station,

1 consisting of six (6) fuel dispensers and a 4,042 square foot overhead canopy on Parcel 2 of TPM No.
2 20602 (“CDP No. 2023-0027”); and

3 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
4 Development Permit No. 2023-0028 to allow the development and operation of a 3,700 square
5 foot convenience market building on Parcel 2 of TPM No. 20602 (“CDP No. 2023-0028”); and

6 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
7 Development Permit No. 2023-0029 to allow the development of a 1,458 square foot automated
8 car wash building on Parcel 2 of TPM No. 20602 (“CDP No. 2023-0029”); and

9 WHEREAS, in conjunction with the Project, the applicant has applied for Conditional
10 Development Permit No. 2022-0015 to allow the development and operation of a 224,566 square
11 foot industrial warehouse building on Parcel 3 of TPM No. 20602 (“CDP No. 2022-0015”); and

12 WHEREAS, in conjunction with the Project, the applicant has applied for Precise Plan of
13 Design No. 2022-0017 (“PPD No. 2022-0017”) to facilitate the development of a 224,566 square
14 foot industrial warehouse building, a 3,915 square foot restaurant building with drive-thru service,
15 and a vehicle fuel station comprised of six (6) fuel dispensers, a 4,042 square foot overhead
16 canopy, a 3,700 square foot convenience market building, a 1,458 square foot automated car wash
17 building, and associated paving, landscaping, fencing, lighting, and drainage improvements on
18 Parcel 1, Parcel 2, and Parcel 3 of TPM No. 20602; and

19 WHEREAS, Section 18.110.050 of the Rialto Municipal Code provides separation criteria
20 between establishments that engage in the sale of alcohol for off-site consumption, and sensitive
21 uses, such as churches, schools, etc., which separation is measured by the airline from the closest
22 edge of any sensitive use structure to the closest edge of the premises or parking lot or area of the
23 establishment for off-sale of alcoholic beverages, using whichever distance is shorter; and

24 WHEREAS, the Site, in which beer, wine, and distilled spirits will be available for sale for
25 off-site consumption, exceeds the minimum separation criteria as required by Section 18.110.050
26 of the Rialto Municipal Code; and

1 WHEREAS, the applicant will seek, or has sought, to obtain a Type 21 license from the
2 California Department of Alcoholic Beverage Control (ABC) for the sale of beer, wine, and
3 distilled spirits for off-site consumption at the Site; and

4 WHEREAS, on April 3, 2024, the Planning Commission of the City of Rialto conducted a
5 duly noticed public hearing, as required by law, on CDP No. 2023-0031, TPM No. 20602, CDP
6 No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-0028, CDP No. 2023-
7 0029, and PPD No. 2022-0017, took testimony, at which time it received input from staff, the city
8 attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2023-0031,
9 TPM No. 20602, CDP No. 2022-0015, CDP No. 2023-0026, CDP No. 2023-0027, CDP No. 2023-
10 0028, CDP No. 2023-0029, and PPD No. 2022-0017; and closed the public hearing; and

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

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

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

16 SECTION 2. Based on substantial evidence presented to the Planning Commission during
17 the public hearing conducted with regard to CDP No. 2023-0031, including written staff reports,
18 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
19 Planning Commission hereby determines that CDP No. 2023-0031 satisfies the requirements of
20 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
21 precedent to granting a conditional development permit. The findings are as follows:

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

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

25
26 The Project will provide a benefit to the community and customers within the vicinity by
 providing sales of beer, wine, and distilled spirits, in addition to typical convenience goods.
 Beer, wine, and distilled spirits sales are commonly conducted within convenience
 markets, including others in the nearby area. Additionally, crime prevention measures
 contained within the conditions of approval herein will ensure that the establishment

1 contributes to the well-being of the community and that it does not become a nuisance or
2 hazard to the public.

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

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

6 The project site is bound by Pepper Avenue on the west. To the north of the Site is
7 approximately 1.18 acres of vacant land planned for the development of a restaurant
8 building with drive-thru service, and to the east is approximately 11.65 acres of vacant land
9 planned for the development of a 224,566 square foot industrial warehouse building. To
10 the south is approximately 23.82 acres of vacant land entitled for the development of a
11 470,000 square foot industrial warehouse building, and to the west, across Pepper Avenue,
12 is approximately 3.83 acres of vacant land.

13 The conditions of approval contained herein require the applicant to implement and
14 permanently maintain all the safety measures documented within the Crime Prevention
15 Plan prepared for the Project. Proper maintenance of these safety measures will minimize
16 crime and nuisance activities associated with the Project to the fullest extent possible.

17 The Project is consistent with the underlying CC land use designation. The nearby area is
18 predominantly designated for commercial and industrial uses, and as a result, there are no
19 sensitive land uses near the project site. Regardless, features and measures, such as
20 landscape buffering and safety measures listed within the Crime Prevention Plan will be
21 maintained/implemented.

22 The proposed use also meets the location criteria described in Section 18.110.050 by being
23 at least 2,430 feet from schools (minimum of 1,000 feet required), at least 1,350 feet from
24 churches and parks (minimum of 500 feet required), and at least 1,450 feet from residential
25 areas (minimum of 100 feet required).

26 Furthermore, conditions of approval contained herein restrict the display and advertising
27 of alcoholic beverages, and the age of employees who sell alcoholic beverages, and require
28 the applicant to provide public education regarding drinking laws in the form of signage
and decals at the register.

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

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

33 The Site consists of 1.46 acres of vacant land that is fairly level and adjacent to one (1) public
34 street. The Site will be accessible from a sixty-five (65) foot wide signalized shared
35 driveway connected to Pepper Avenue on the south end of the Site. Upon completion of

1 the Project, the Site will contain 32 parking spaces, seventeen (17) more parking spaces
2 than required by Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code. In
3 addition, the development will have a trash enclosure, lighting, and accessible pathways
4 leading to the public right-of-way.

5

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

8

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

10 The Site will have adequate access to all utilities and services required through main water,
11 electric, sewer, and other utility lines that will be hooked up to the Site.

12

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

17

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

19 The Project is consistent with the underlying Community Commercial (CC) land use
20 district of the Pepper Avenue Specific Plan. The Project will feature high-quality building
21 exteriors designed in compliance with the City's Design Guidelines. Landscaping has been
22 abundantly incorporated into the site. The landscape coverage for the Project is 21.8
23 percent, which greatly exceeds the minimum required amount of 10.0 percent. Landscape
24 planters containing trees spaced every thirty (30) linear feet will be installed along the
25 entire perimeter of the Site. Furthermore, the Project includes the installation of 32 parking
26 spaces, seventeen (17) more parking spaces than required by Chapter 18.58 (Off-Street
27 Parking) of the Rialto Municipal Code.

28

29 Additionally, the conditions of approval contained herein require the applicant to conform
30 with the development standards for the sale of beer and wine set forth in Chapter 18.110
31 relating to frontage requirements, visibility, sign requirements, employees, education of
32 the public, and litter control and maintenance. If all conditions of approval contained
33 herein are satisfied, the Project will not negatively impact any land uses within the vicinity.

34

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

38

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

40 Generally speaking, alcohol consumption can lead to an increase in the need for police
41 services. However, as conditioned the Project's effects will be minimized through the
42 implementation of the applicant's Crime Prevention Plan, safety measures endorsed by the
43 Rialto Police Department, education of the public and employees, and litter control and

1 maintenance. Additionally, the project will be responsible for the payment of Development
2 Impact Fees towards certain public services, including police. Therefore, the adverse
3 effects are outweighed by the benefits conferred upon the community and neighborhood as
a whole.

4 **SECTION 3.** Per Section 18.110.090 of the Rialto Municipal Code pertaining to the findings
5 which must be made precedent for the determinations of Public Convenience or Necessity. The
6 findings are as follows:

7 1. The proposed use is not located within an area designated by the city for targeted
8 neighborhood enhancement services or programs, or located within an area in which the
9 chief of police has determined, based upon quantifiable information, that the proposed use:
10 (a) would be detrimental to the public health, safety, or welfare of persons located in the
area; or (b) would significantly increase the severity of existing law enforcement or public
nuisance problems in the area; and

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

12 The applicant prepared and submitted a Crime Prevention Plan, attached as “Exhibit A”,
13 for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code.
14 Sergeant Jonathan Palmer with the Rialto Police Department reviewed and endorsed the
15 prevention measures within the Crime Prevention Plan. Safety measures contained within
16 the Crime Prevention Plan include the installation of security lighting at a minimum of 1.5
foot-candles around the entire building, the installation of burglary and robbery alarms, as
17 well as surveillance cameras. The Crime Prevention Plan also includes a measure requiring
18 auto-locks on the alcohol refrigerators from 2:00 a.m. to 6:00 p.m. The Rialto Police
19 Department concludes that, if properly implemented and sustained, these safety measures
will minimize crime and nuisance activities that may otherwise be associated with the
establishment.

20 2. The proposed use would not lead to the grouping of more than four off-sale of alcoholic
21 beverage uses within a one thousand-foot radius from the exterior of the building
containing the proposed use; and;

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

23 The request will not lead to the grouping of more than four (4) establishments that sell
24 alcoholic beverages for off-site consumption within a 1,000-foot radius of the proposed
25 convenience market. There are currently no active ABC licenses within 1,000 feet of the
proposed convenience market.

26 3. The proposed use complies with the site Location criteria under Section 18.110.050; and;

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

1 The proposed location of the convenience market, in which beer and wine will be available
2 for sale, exceeds the minimum separation criteria required by Section 18.110.050 of the
3 Rialto Municipal Code. The proposed use meets the location criteria described in Section
4 18.110.050 by being at least 2,430 feet from schools (minimum of 1,000 feet required), at
5 least 1,350 feet from churches and parks (minimum of 500 feet required), and at least 1,450
6 feet from residential areas (minimum of 100 feet required).

7 4. At least one of the following additional findings:

8 a. The proposed outlet for the off-sale of alcoholic beverages would enhance or
9 facilitate the vitality of an existing commercial area without presenting a significant
10 adverse impact on public health or safety;

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

12 The proposed use will be vital to the success of the convenience market. The stability of
13 the business requires a complete range of typical convenience-type merchandise, as other
14 convenience markets in the near vicinity already provide this service to their customers.

15 SECTION 4. An Addendum to the Pepper Avenue Specific Plan Amendment and Industrial
16 Development Project Subsequent Environmental Impact Report (Environmental Assessment Review
17 No. 2023-0048) has been prepared for the Project in accordance with the California Environmental
18 Quality Act (CEQA), and it has been determined that the proposed Project would result in no new
19 significant impacts that were not analyzed in the Pepper Avenue Specific Plan Amendment and
20 Industrial Development Project Subsequent Environmental Impact Report (“SEIR”), nor would the
21 proposed Project cause a substantial increase in the severity of any previously identified
22 environmental impacts. The potential impacts associated with proposed Project would either be the
23 same or less than those described in the SEIR. In addition, there are no substantial changes to the
24 circumstances under which the proposed Project would be undertaken that would result in new or
25 more severe environmental impacts than previously addressed in the SEIR, nor has any new
26 information regarding the potential for new or more severe significant environmental impacts been
27 identified. The Planning Commission hereby adopts the Addendum to the Pepper Avenue Specific
28 Plan Amendment and Industrial Development Project Subsequent Environmental Impact Report
 (Environmental Assessment Review No. 2023-0048) for the Project.

1 SECTION 5. CDP No. 2023-0031 is granted to Newcastle Rialto Associates, LLC, in
2 accordance with the plans and application on file with the Planning Division, subject to the following
3 conditions:

- 4 1. The applicant is granted CDP No. 2023-0031 allowing the sale of beer, wine, and distilled
5 spirits for off-site consumption from a proposed 3,700 square foot convenience market
6 building on 1.46 acres of land (Parcel 2 of TPM No. 20602) located on the east side of
7 Pepper Avenue approximately 185 feet south of the SR-210 Freeway within the
8 Community Commercial (CC) land use district of the Pepper Avenue Specific Plan, as
9 shown on the plans attached as Exhibit A and as approved by the Planning Commission.
10 If the Conditions of Approval specified herein are not satisfied or otherwise completed,
11 the project shall be subject to revocation.
- 12 2. City inspectors shall have access to the site to reasonably inspect the site during normal
13 working hours to assure compliance with these conditions and other codes.
- 14 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
15 and/or any of its officials, officers, employees, agents, departments, agencies, and
16 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
17 demands, law suits, writs of mandamus, and other actions and proceedings (whether
18 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
19 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
20 and other such procedures), (collectively "Actions"), brought against the City, and/or
21 any of its officials, officers, employees, agents, departments, agencies, and
22 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
23 annul, the any action of, or any permit or approval issued by, the City and/or any of its
24 officials, officers, employees, agents, departments, agencies, and instrumentalities
25 thereof (including actions approved by the voters of the City), for or concerning the
26 Project (collectively, the "Entitlements"), whether such Actions are brought under the
27 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
28 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
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. 2023-0031.

1 4. In accordance with the provisions of Government Code Section 66020(d)(1), the
2 imposition of fees, dedications, reservations, or exactions for this Project, if any, are
3 subject to protest by the applicant at the time of approval or conditional approval of the
4 Project or within 90 days after the date of the imposition of the fees, dedications,
5 reservations, or exactions imposed on the Project.

6 5. The approval is for the sale of beer, wine, and distilled spirits. Alternatively, the applicant
7 may limit sales of alcohol to beer and wine only. If the ABC Department declares the
8 census tract that the Site is located within to be overconcentrated, the Project has been
9 determined to comply with the criteria contained within Section 18.110.090 of the
10 Rialto Municipal Code, and is determined to serve the Public Convenience and
11 Necessity (PCN).

12 6. The sale of beer by the individual bottle or can is prohibited.

13 7. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this
14 Resolution as "Exhibit 'A'" shall be adhered to at all times

15 8. Additional crime prevention measures, as endorsed by the City of Rialto Police
16 Department, shall be incorporated into the design and operation of the business as follows:

17 a. The management shall be responsible for educating the public regarding drunken
18 driving laws and the related penalties for breaking those laws. This included
19 minimum age laws, open container laws and laws related to driving under the
20 influence of alcohol. Shall be accomplished by posting prominent signs or decals,
21 providing brochures at the point of purchase and providing adequate training for
22 employees.

23 b. Surveillance cameras shall be installed and shall be available to Rialto Police
24 Department upon request.

25 c. Any coolers containing alcoholic beverages shall automatically lock at 2:00 a.m.
26 and remain locked at all times until 6:00 a.m. daily.

27 d. Consumption of any alcoholic beverages on site is prohibited.

28 e. No advertisement of beer and wine on the exterior of the building, including
29 window decals, posters, signs, etc.

30 f. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as
31 measured at the ground level of the entire site, from the period of one-half hour
32 before sunset until one-half hour after sunrise. Lighting fixtures shall be so
33 situated and shielded as not to direct or reflect lighting glare on adjacent properties
34 or public rights-of-way.

1 g. A locking device shall be installed on the cash register. An adequate floor safe
2 shall be installed behind the counter. Only a minimum amount of cash shall be
kept in the cash register at all times.

3 h. Burglary and robbery alarm systems shall be installed as required and approved
4 by the Rialto Police Department. A telephone with speaker push button alarm
5 shall be installed. The telephone must have a separate button that automatically
6 dials into 911 and will transmit on-going conversations and
activity. Alternatively, a panic-button, which automatically contacts the Rialto
7 Police Department upon activation, may be installed at each register. A 24-hour
8 security camera system shall be installed on the premises with camera locations
9 approved by the Rialto Police Department. All surveillance and security
10 equipment shall be continuously maintained and in operation during business
11 hours. Surveillance footage shall be provided to the Rialto Police Department
12 within 12 hours after a request has been made for said footage. The software or
media player required to view the type of video format shall be provided to the
Rialto Police Department, if necessary. An R-P card must be filed with the Rialto
Police Department containing twenty-four (24) hour phone numbers of persons to
be contacted.

13 i. The height of the cash register counter shall be no more than forty-two (42) inches
14 above the floor level, and shall be illuminated during the hours of darkness so as
to be clearly visible through the window areas.

15 j. Employees on duty who sell alcoholic beverages must be at least 21 years of age
16 and shall comply with the ABC rules and regulations.

17 k. The business licensee for the convenience market shall maintain a litter control
18 program around the exterior of the convenience market in order to minimize the
19 resultant impacts of litter on properties adjacent to the store. An exterior trash
20 receptacle for employee and customer use shall be placed near the entrance of the
store.

21 l. A building maintenance program shall be established for the purposes of
22 maintaining the building structure and landscaping on-site in good physical
appearance.

23 9. The applicant shall obtain all necessary approvals and operating permits from all Federal,
24 State, and local agencies and provide proof thereof to the City prior to the issuance of a
25 Certificate of Occupancy.

26 10. Six (6) months after the date of approval, the Planning Commission may review
27 Conditional Development Permit No. 2023-0031 to determine if the operator has
28 complied with all of the required conditions of approval. Thereafter, the Planning
Commission will review the approved facility on an annual basis.

11. The privileges granted by the Planning Commission pursuant to approval of this
12 Conditional Development Permit are valid for one (1) year from the effective date of
13 approval. If the applicant fails to commence the project within one year of said
14 effective date, this conditional development permit shall be null and void and any
15 privileges granted hereunder shall terminate automatically. If the applicant or his or
16 her successor in interest commence the project within one year of the effective date of
17 approval, the privileges granted hereunder will continue inured to the property as long
18 as the property is used for the purpose for which the conditional development permit
19 was granted, and such use remains compatible with adjacent property uses.

20. Approval of CDP No. 2023-0031 will not become effective until the applicant has signed
21 a statement acknowledging awareness and acceptance of the required conditions of
22 approval contained herein.

23. In the event, that any operation on the Site is found to be objectionable or incompatible
24 with the character of the City and its environs due to excessive noise, excessive traffic,
25 loitering, criminal activity or other undesirable characteristics including, but not strictly
1 limited to, uses which are or have become offensive to neighboring property or the goals
2 and objectives of the Community Commercial (CC) land use district of the Pepper Avenue
3 Specific Plan and/or the City's General Plan, the applicant shall address the issues as
4 quickly as reasonably possible after being notified by the City.

5. If the applicant fails to comply with any of the conditions of approval placed upon CDP
6 No. 2023-0031, the Planning Commission may initiate proceedings to revoke the
7 conditional development permit in accordance with the provisions of Sections
8 18.66.070 through 18.66.090, inclusive, of the Rialto Municipal Code. CDP No. 2023-
9 0031 may be revoked, suspended or modified in accordance with Section 18.66.070 of
10 the Zoning Ordinance at the discretion of the Planning Commission if:

11 a) The use for which such approval was granted has ceased to exist, been
12 subsequently modified, or has been suspended for six (6) months or more;

13 b) Any of the express conditions or terms of such permit are violated;

14 c) The use for which such approval was granted becomes or is found to be
15 objectionable or incompatible with the character of the City and its environs
16 due to excessive noise, excessive traffic, loitering, criminal activity or other
17 undesirable characteristics including, but not strictly limited to uses which
18 are or have become offensive to neighboring property or the goals and
19 objectives of the Community Commercial (CC) land use district, the Pepper
20 Avenue Specific Plan, and the City's General Plan.

1 **SECTION 6.** The Chairman of the Planning Commission shall sign the passage and
2 adoption of this resolution and thereupon the same shall take effect and be in force.

3 PASSED, APPROVED AND ADOPTED this 3rd day of April, 2024.

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JERRY GUTIERREZ, CHAIR
8 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, Kimberly Dame, Administrative Analyst 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 Planning
7 Commission of the City of Rialto held on the th day of , 2024.

8 Upon motion of Planning Commissioner , seconded by Planning Commissioner
9 , 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 th day of , 2024.

20 KIMBERLY DAME, ADMINISTRATIVE ANALYST
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Exhibit “A”