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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA DENYING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0007, A REQUEST TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION FROM WITHIN A PROPOSED 8,000 SQUARE FOOT MARKET WITHIN MULTI-TENANT COMMERCIAL BUILDING LOCATED AT 2018 N. RIVERSIDE AVENUE WITHIN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONE.

WHEREAS, the applicant, Akraa Architectural Creation, LLC, proposes to sell beer, wine and spirits for off-site consumption (“Project”) from a proposed 8,000 square foot grocery market within a multi-tenant commercial building located at 2018 N. Riverside Avenue within the Neighborhood Commercial (C-1) Zone (“Site”); and

WHEREAS, pursuant to Section 18.110.040 of the Rialto Municipal Code, the Project requires a Conditional Development Permit, and the applicant has agreed to apply for Conditional Development Permit No. 2021-0007 (“CDP No. 2021-0011”); and

WHEREAS, California Department of Alcoholic Beverage Control (ABC) will require a Public Convenience and Necessity (PCN) finding prior to issuance of the Type 21 license, which is typically required if an ABC census tract is at or above the maximum number of licenses allowed by right for the sale of alcoholic beverages and liquor for off-site consumption; and

WHEREAS, on June 30, 2021, the Planning Commission of the City of Rialto conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0007, took testimony, at which time it received input from staff, the city attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0007; and closed the public hearing; and

WHEREAS, on June 30, 2021, the Planning Commission voted 7-0 to deny CDP No. 2021-0007 and to direct staff to prepare a formal Resolution of Denial for consideration at the July 14, 2021 Planning Commission meeting; 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:

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

3 SECTION 2. Based on substantial evidence presented to the Planning Commission during
4 the public hearing conducted with regard to CDP No. 2021-0007, including written staff reports,
5 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
6 Planning Commission hereby determines that CDP No. 2021-0007 does not satisfy the
7 requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which
8 must be made precedent to granting a conditional development permit. As documented below, the
9 Project does not satisfy finding number 1. The findings are as follows:

- 10
11 1. The proposed use is not deemed essential or desirable to provide a service or facility
12 which will contribute to the convenience or general well-being of the neighborhood
 or community; and

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

14 Census Tract No. 27.06, in which the project site is located, has more active licenses for
15 the sale of alcoholic beverages for off-site consumption than the California Department
16 of Alcoholic Beverage Control allows by right. The census tract is “over-concentrated”
17 with an excess or over-proliferation of uses that involve the sale of alcoholic beverages
18 for off-site consumption. There are ample uses in the area near the project site that sell
alcoholic beverages for off-site consumption and the Project is not necessary to service
the public convenience.

19 SECTION 3. The proposed grocery market and sale of alcoholic beverages for off-site
20 consumption is categorically exempt from the requirements of the California Environmental Quality
21 Act (CEQA) pursuant to Section 15301, Existing Facilities. No new construction is being proposed
22 other than a tenant improvement to the existing building, the proposal remains exempt from the
23 requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301,
24 Existing Facilities. The Planning Commission directs the Planning Division to file the necessary
25 documentation with the Clerk of the Board of Supervisors for San Bernardino County.

26 SECTION 4. The Planning Commission hereby denies Conditional Development Permit
27 No. 2021-0007 on the grounds that the Project is not essential or desirable and would exacerbate
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an existing over-concentration of alcoholic uses within Census Tract 27.06, and that the Project does not comply with the required findings necessary for approval contained in Section 18.66.020 of the Rialto Municipal Code.

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

PASSED, APPROVED AND ADOPTED this 30th day of June, 2021.

FRANK GONZALEZ, CHAIR
CITY OF RIALTO PLANNING COMMISSION

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)
4

5 I, Adrianna Martinez, Administrative Assistant of the City of Rialto, do hereby certify that
6 the 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 ____th day of ____, 2021.

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 here unto set my hand and the Official Seal of the City
15 of Rialto this ____th day of ____, 21.
16
17
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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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1 "Exhibit A"
2 Crime Prevention Plan

3 To: CITY OF RIALTO
4 Sub.: CRIME PREVENTION PLAN

Date: 04/29/2021

5 RIALTO RANCH MARKET at (2018 N Riverside Ave, Rialto CA 92377)

6 **1. Measures to Increase Employee and Customer Safety:**

- 7
- RIALTO RANCH MARKET employees and owners are aware and trained about security procedures, violence avoidance and recommended behaviors for managing a robbery or other potentially violent encounter.
 - We will train our staff on how to prevent the sale of Age restricted products such as Alcohol and cigarettes. This shall be done with new hires and on a yearly basis.
 - Our design puts the cash register opened to the sales area and in line with the store main entrance so Police and others can see inside.
 - Any violations and accusations of violations are considered serious and may trigger full investigation, with the possibility of termination of employee.
- 10

11 **2. Enhanced Security Measures:**

- 12
- RIALTO RANCH MARKET will incorporate state-of-the-art video camera systems and alarms. Our Store will have closed circuit video cameras with audio capabilities mounted in clear view of the customers. Cameras will be displayed at the main entrance, cash register, and store front and we will use FUSUS for the camera connection to the PD.
 - The alarm system will also include fixed and remote-activator devices.
 - All systems may be coordinated with Rialto Police systems as required.
 - Our store will be equipped with a Time-Access Safe.
 - Employees will be instructed to keep no more than \$50 in the cash register.
 - Signs will be posted on the door or window notifying patrons that less than \$50 is kept in the cash register and that the store staffers cannot open the safe.
- 15

16 **3. Measures to Control Loitering:**

- 17
- Train store employees on how to ask loiterers to leave the premises.
 - Maintain a clear line of sight into and out of the store and a well litter-free store sidewalk.
 - Engage local police when there is a problem.
 - Post "No Loitering" signs.
- 18

19 **4. Any other Crime related measures required by the police department which are intended to mitigate the cost of the city provide services for the proposed store.**

- 20
- The sale of drug paraphernalia, gang paraphernalia, and adult-oriented magazines and materials is prohibited.
 - Crime prevention measures, as endorsed by the City of Rialto Police Department, shall be incorporated into the design and operation of the business as follows:
 - A locking device shall be installed on the cash register.
 - An adequate floor safe shall be installed behind the counter.
 - Self – locking doors for the coolers/storage that contain alcoholic beverages.
 - Burglary and robbery alarm systems shall be installed as per Rialto Police Department.
 - All tobacco products will be displayed and sold from behind the cash register counter area.
- 23

24 RIALTO RANCH MARKET

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