



1 WHEREAS, according to ABC, the Site is located within Census Tract 27.06, and ABC  
2 will allow a maximum of four (4) licenses for the sale of alcoholic beverages for off-site  
3 consumption by right within this particular census tract, based upon its current population of  
4 approximately 12,213 persons; and

5 WHEREAS, according to ABC, there are currently six (6) active licenses for the sale of  
6 alcoholic beverages within Census Tract 27.06 – (i) Rite Aid Store located at 2020 N Riverside  
7 Avenue, Rialto, CA 92377 (ii) Chevron Extra Mile located at 2035 N. Riverside Avenue, Rialto,  
8 CA 92377, (iii) Arco AM/PM - 3892 Sierra Avenue, Fontana, CA 92336, (iv) Chevron Extra Mile  
9 - 3870 Sierra Avenue, Fontana, CA 92336 (v) Shell Food Mart - 3864 Sierra Avenue, Fontana,  
10 CA 92336 (vi) Shell Rebel - located 5985 N. Palm Avenue, San Bernardino, CA 92407; and

11 WHEREAS, the applicant will request that the ABC issue a seventh license within Census  
12 Tract 27.06, which exceeds the maximum number of licenses allowed by right for the sale of  
13 alcoholic beverages for off-site consumption within Census Tract 27.06; and

14 WHEREAS, in addition to a Conditional Development Permit, ABC will require a Public  
15 Convenience and Necessity (PCN) letter prior to issuance of the Type 21 license for the Project,  
16 which is typically required if an ABC census tract is at or above the maximum number of licenses  
17 allowed by right for the sale of alcoholic beverages for off-site consumption; and

18 WHEREAS, the City of Rialto will comply with Section 18.110.090 of the Rialto  
19 Municipal Code, which establishes the criteria for making the required findings prior to a  
20 determination of PCN; and

21 WHEREAS, on July 28, 2021, the Planning Commission of the City of Rialto conducted a  
22 duly noticed public hearing, as required by law, on CDP No. 2021-0007, took testimony, at which  
23 time it received input from staff, the city attorney, and the applicant; heard public testimony;  
24 discussed the proposed CDP No. 2021-0007; and closed the public hearing; and

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

26 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rialto  
27 as follows:  
28

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 on July 28, 2021, with regard to CDP No. 2021-0007, including written  
5 staff reports, verbal testimony, site plans, other documents, and the conditions of approval stated  
6 herein, the Planning Commission hereby determines that CDP No. 2021-0007 satisfies the  
7 requirements of Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must  
8 be made precedent to granting a conditional development permit. The findings are as follows:

- 9  
10        1. The proposed use is deemed essential or desirable to provide a service or facility  
11 which will contribute to the convenience or general well-being of the neighborhood  
or community; and

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

13        The Project will provide a benefit to the community and customers within the vicinity by  
14 providing sales of beer, wine, and spirits, in addition to typical produce goods. Beer, wine,  
15 and spirits sales are commonly conducted within produce markets, including others in the  
16 nearby area. Additionally, crime prevention measures contained within the conditions of  
approval herein will ensure that the establishment contributes to the well-being of the  
community and that it does not become a nuisance or hazard to the public.

- 17  
18        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

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

20        To the north and west of the Site are several existing single family residences. To the east,  
21 across Riverside Avenue, is an existing commercial center known as Shoppes at Creekside,  
22 and to the south is the SR-210 Freeway. The zoning of the project site and the properties  
to the east is Neighborhood Commercial (C-1), and the zoning designation of the properties  
23 to the north and west is Single Family Zone (R-1A-10,000). The project is consistent with  
the Neighborhood Commercial (C-1) zone the uses adjacent to the project site. The nearest  
24 sensitive uses are the single-family residences approximately 172 feet to south of the Site.  
These sensitive uses are not expected to be negatively impacted by the Project since the  
25 applicant is required by the conditions of approval contained herein to implement and  
26 permanently maintained the safety measures listed within the Crime Prevention Plan.

27        The conditions of approval contained herein require the applicant to implement and  
28 permanently maintain all the safety measures documented within the Crime Prevention

1 Plan prepared for the Project. Proper maintenance of these safety measures will minimize  
2 crime and nuisance activities associated with the Project to the fullest extent possible.

3 The proposed use also meets the location criteria described in Section 18.110.050 by being  
4 at least 2,084 feet from schools (minimum of 1,000 feet required), at least 1,731 feet from  
5 churches and parks (minimum of 500 feet required), and at least 172 feet from residential  
6 areas (minimum of 100 feet required).

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

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

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

15 The Site is within the Rancho Verde Plaza commercial center. The commercial center  
16 currently has 546 parking spaces, which exceeds the amount required by Chapter 18.58 (Off-  
17 Street Parking) of the Rialto Municipal Code. The existing building and site facilities within  
18 the Rancho Verde Plaza commercial center will be able to accommodate the proposed use.

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

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

22 The Site has adequate access to all utilities and services required through main water, electric,  
23 sewer, and other utility lines that are hooked up to the Site.

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

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

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

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

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

5           As conditioned, the Project's effects will be minimized through the implementation of the  
6 applicant's Crime Prevention Plan, safety measures endorsed by the Rialto Police  
7 Department, litter control, and maintenance. Therefore, the adverse effects are outweighed  
8 by the benefits conferred upon the community and neighborhood as a whole.

9           SECTION 3. Per Section 18.110.090 of the Rialto Municipal Code pertaining to the findings  
10 which must be made precedent for a determination of public convenience and necessity. The Planning  
11 Commission finds the project satisfies the following findings:

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

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

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

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

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

33           The request will not lead to the grouping of more than four (4) establishments that sell  
34 alcoholic beverages for off-site consumption within a 1,000-foot radius of the proposed

1 produce grocery market. There are currently two (2) active ABC licenses within 1,000 feet  
2 of the Site – (i) Rite Aid Store located at 2020 N Riverside Avenue and (ii) Chevron  
3 Extra Mile located at 2035 N. Riverside Avenue.

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

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

6 The proposed location of the produce grocery market, in which beer, wine and spirits will  
7 be available for sale, exceeds the minimum separation criteria required by Section  
8 18.110.050 of the Rialto Municipal Code. The proposed use meets the location criteria  
9 described in Section 18.110.050 by being at 2,084 feet from schools (minimum of 1,000  
feet required), at least 1,731 feet from churches and parks (minimum of 500 feet required),  
and at least 172 feet from residential areas (minimum of 100 feet required).

- 10 4. At least one of the following additional findings:

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

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

15 The proposed use will be vital to the success of the proposed grocery market. The stability  
16 of the business requires a complete range of typical grocery goods, as other grocery markets  
in the near vicinity already provide this service to their customers.

17 SECTION 4. The Project is categorically exempt from the requirements of the California  
18 Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. No new  
19 construction is being proposed other than a tenant improvement to the existing building, the proposal  
20 remains exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant  
21 to Section 15301, Existing Facilities. The Planning Commission directs the Planning Division to file  
22 the necessary documentation with the Clerk of the Board of Supervisors for San Bernardino County.

23 SECTION 5. The Planning Commission makes a finding of public convenience and  
24 necessity and hereby grants CDP No. 2021-0007 to allow the sale of beer, wine, and spirits for off-  
25 site consumption from a proposed 8,000 square foot grocery market within an existing commercial  
26 building on 0.61 acres of land (APN: 0264-371-02) located at 2018 N. Riverside Avenue within the  
27 Neighborhood Commercial (C-1) zone.  
28

1 In accordance with the plans and application on file with the Planning Division, subject to the  
2 following conditions:

- 3 1. CDP No. 2021-0007 is granted allowing the sale of beer, wine, and spirits for off-site  
4 consumption from a proposed 8,000 square foot grocery market within an existing  
5 commercial building located at 2018 N. Riverside Avenue, as shown on the plans  
6 submitted to the Planning Division on March 9, 2021, and as approved by the Planning  
7 Commission. If the Conditions of Approval specified herein are not satisfied or otherwise  
8 completed, the project shall be subject to revocation.
- 9 2. City inspectors shall have access to the site to reasonably inspect the site during normal  
10 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 its  
21 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, regulation,  
27 or any decision of a court of competent jurisdiction. This condition to indemnify,  
28 protect, defend, and hold the City harmless shall include, but not 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.  
2021-0007.
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

1 subject to protest by the applicant at the time of approval or conditional approval of the  
2 Project or within 90 days after the date of the imposition of the fees, dedications,  
3 reservations, or exactions imposed on the Project.

- 4
- 5 5. The sale of beer by the individual bottle or can is prohibited.
- 6
- 7 6. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this  
8 Resolution as "Exhibit A" shall be adhered to at all times. Additional crime prevention  
9 measures, as endorsed by the City of Rialto Police Department, shall be incorporated into  
10 the design and operation of the business as follows:
- 11
- 12 a. The management shall be responsible for educating the public regarding drunken  
13 driving laws and the related penalties for breaking those laws. This includes  
14 minimum age laws, open container laws and laws related to driving under the  
15 influence of alcohol. Shall be accomplished by posting prominent signs or decals,  
16 providing brochures at the point of purchase and providing adequate training for  
17 employees.
  - 18 b. Surveillance cameras shall be installed and shall be available to Rialto Police  
19 Department upon request.
  - 20 c. Any coolers containing alcoholic beverages shall automatically lock at 2:00 a.m.  
21 and unlock at 6:00 a.m. daily.
  - 22 d. Consumption of any alcoholic beverages on site is prohibited.
  - 23 e. No advertisement of beer, wine, and spirits on the exterior of the building,  
24 including window decals, posters, signs, etc.
  - 25 f. A minimum of one-and-one half (1.5) foot-candle of light shall be provided, as  
26 measured at the ground level of the entire site, from the period of one-half hour  
27 before sunset until one-half hour after sunrise. Lighting fixtures shall be so  
28 situated and shielded as not to direct or reflect lighting glare on adjacent properties  
or public rights-of-way.
  - g. A locking device shall be installed on the cash register. An adequate floor safe  
shall be installed behind the counter. Only a minimum amount of cash shall be  
kept in the cash register at all times.
  - h. Burglary and robbery alarm systems shall be installed as required and approved  
by the Rialto Police Department. A telephone with speaker push button alarm  
shall be installed. The telephone must have a separate button that automatically  
dials into 911 and will transmit on-going conversations and  
activity. Alternatively, a panic-button, which automatically contacts the Rialto  
Police Department upon activation, may be installed at each register. A 24-hour  
security camera system shall be installed on the premises with camera locations

1 approved by the Rialto Police Department. All surveillance and security  
2 equipment shall be continuously maintained and in operation during business  
3 hours. Surveillance footage shall be provided to the Rialto Police Department  
4 within 12 hours after a request has been made for said footage. The software or  
5 media player required to view the type of video format shall be provided to the  
6 Rialto Police Department, if necessary. An R-P card must be filed with the Rialto  
7 Police Department containing twenty-four (24) hour phone numbers of persons to  
8 be contacted.

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

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

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

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

22 7. All signage shall comply with Section 18.102 (Regulation of Signs) of the Rialto  
23 Municipal Code.

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

27 9. Six (6) months after the date of approval, the Planning Commission may review  
28 Conditional Development Permit No. 2021-0007 to determine if the operator has  
29 complied with all of the required conditions of approval. Thereafter, the Planning  
30 Commission may review the approved facility on an annual or as needed basis.

31 10. The privileges granted by the Planning Commission pursuant to approval of this  
32 Conditional Development Permit are valid for one (1) year from the effective date of  
33 approval. If the applicant fails to commence the project within one year of said  
34 effective date, this conditional development permit shall be null, and void and any  
35 privileges granted hereunder shall terminate automatically. If the applicant or his or  
36 her successor in interest commences the project within one year of the effective date of  
37 approval, the privileges granted hereunder will continue inured to the property as long  
38 as the project is in progress.

1 as the property is used for the purpose for which the conditional development permit  
2 was granted, and such use remains compatible with adjacent property uses.

3 11. If the applicant fails to comply with any of the Conditions of Approval placed upon  
4 Conditional Development Permit No. 2021-0007, the Planning Commission may  
5 initiate proceedings to revoke the Conditional Development Permit in accordance with  
6 the provisions of sections 18.66.070 through 18.66.090, inclusive, of the Rialto  
7 Municipal Code. Conditional Development Permit No. 2021-0007 shall be revoked,  
8 suspended or modified in accordance with Section 18.66.070 of the Zoning Ordinance  
9 at the discretion of the Planning Commission if:

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

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

21 PASSED, APPROVED AND ADOPTED this 28th day of July, 2021.

22 \_\_\_\_\_  
23 FRANK GONZALEZ, CHAIR  
24 CITY OF RIALTO PLANNING COMMISSION  
25  
26  
27  
28

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 Planning  
7 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  
18

19 \_\_\_\_\_  
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT  
21  
22  
23  
24  
25  
26  
27  
28

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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