

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIALTO, CALIFORNIA APPROVING CONDITIONAL DEVELOPMENT PERMIT NO. 2021-0014 TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION FROM A PROPOSED 12,297 SQUARE FOOT CONVENIENCE MARKET/TRAVEL CENTER WITHIN A PROPOSED 14,697 SQUARE FOOT BUILDING ON 13.22 ACRES OF LAND (APN: 1119-241-28) LOCATED AT THE SOUTHWEST CORNER OF ALDER AVENUE AND SIERRA LAKES PARKWAY WITHIN THE FREEWAY INCUBATOR (FI) LAND USE DISTRICT OF THE RENAISSANCE SPECIFIC PLAN.

WHEREAS, the applicant, Rialto Travel Center, proposes to sell beer and wine for off-site consumption ("Project") from a proposed 12,297 square foot convenience market/travel center within a proposed 14,697 square foot commercial building on 13.22 acres of land (APN: 1119-241-28) located at the southwest corner of Alder Avenue and Sierra Lakes Parkway within the Freeway Incubator (FI) land use district of the Renaissance Specific Plan ("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 applied for Conditional Development Permit No. 2021-0014 ("CDP No. 2021-0014"); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0009 to facilitate the development and operation of a passenger vehicle fuel station consisting of seven (7) fuel dispensers and a 5,519 square foot overhead canopy on the Site ("CDP No. 2021-0009"); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0010 to facilitate the development and operation of a truck fuel station consisting of a 3,544 square foot canopy with nine (9) fuel dispensers underneath on the Site ("CDP No. 2021-0010"); and

WHEREAS, in conjunction with the Project, the applicant has submitted Conditional Development Permit No. 2021-0011 to facilitate the establishment of a 12,297 square foot convenience market/travel center within a proposed 14,697 square foot commercial building on the Site ("CDP No. 2021-0011"); and

1 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
2 Development Permit No. 2021-0012 to facilitate the establishment of a 2,400 square foot restaurant
3 with drive-thru service within a proposed 14,697 square foot commercial building on the Site
4 (“CDP No. 2021-0012”); and

5 WHEREAS, in conjunction with the Project, the applicant has submitted Conditional
6 Development Permit No. 2021-0013 to facilitate the development and operation of a 6,375 square
7 foot truck service shop building on the Site (“CDP No. 2021-0013”); and

8 WHEREAS, in conjunction with the Project, the applicant has submitted Precise Plan of
9 Design No. 2021-0013 to facilitate the development of a passenger vehicle fuel station consisting
10 of seven (7) fuel dispensers and a 5,519 square foot overhead canopy, a truck fuel station consisting
11 of nine (9) fuel dispensers and a 3,544 square foot overhead canopy, a 14,697 square foot
12 commercial building with drive-thru service, a 6,375 square foot truck service shop building, and
13 associated fuel tanks, paving, screen walls, fencing, lighting, landscaping, and drainage
14 improvements on the Site (“PPD No. 2021-0013”); and

15 WHEREAS, on October 13, 2021, the Planning Commission of the City of Rialto
16 conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0014, CDP No.
17 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No. 2021-0013,
18 and PPD No. 2021-0013, took testimony, at which time it received input from staff, the city
19 attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0014,
20 CDP No. 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No.
21 2021-0013, and PPD No. 2021-0013; and closed the public hearing; and

22 WHEREAS, Section 18.110.050 of the Rialto Municipal Code provides separation criteria
23 between establishments that engage in the sale of alcohol for off-site consumption, and sensitive
24 uses, such as churches, schools, etc., which separation is measured by the airline from the closest
25 edge of any sensitive use structure to the closest edge of the premises or parking lot or area of the
26 establishment for off-sale of alcoholic beverages, using whichever distance is shorter; and
27
28

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

4 WHEREAS, the applicant will seek, or has sought, to obtain a Type 20 license from the
5 California Department of Alcoholic Beverage Control (ABC) for the sale of beer and wine for off-
6 site consumption at the Site; and

7 WHEREAS, according to ABC, the Site is located within Census Tract 27.04, and ABC
8 will allow a maximum of seven (7) licenses for the sale of alcoholic beverages for off-site
9 consumption by right within this particular census tract, based upon its current population of
10 approximately 12,894 persons; and

11 WHEREAS, according to ABC, there are currently seven (7) active licenses for the sale of
12 alcoholic beverages within Census Tract 27.04 – (i) Type 21 license for Costco located at 16505
13 Sierra Lakes Parkway, Fontana, CA, (ii) Type 20 license for Walgreens located at 16145 Sierra
14 Lakes Parkway, Fontana, CA, (iii) Type 21 license for Ralphs located at 16225 Sierra Lakes
15 Parkway, Fontana, CA, (iv) Type 20 license for 7-Eleven located at 16975 Sierra Lakes Parkway,
16 Fontana, CA, (v) Type 20 license for Shell/Jacksons located at 2281 W. Casmalia Street, Rialto,
17 CA, (vi) Type 21 license for Linden Market located at 2704 N. Linden Avenue, Rialto, CA, and
18 (vii) Type 21 license for Rosa’s Market located at 6108 Linden Avenue, Rialto, CA; and

19 WHEREAS, the applicant will request that the ABC issue an eighth license within Census
20 Tract 27.04, which will exceed the maximum number of licenses allowed by right for sale of
21 alcoholic beverages for off-site consumption within Census Tract 27.04; and

22 WHEREAS, in addition to a Conditional Development Permit, ABC will require a Public
23 Convenience and Necessity (PCN) letter prior to issuance of the Type 20 license, which is typically
24 required if an ABC census tract is at or above the maximum number of licenses allowed by right
25 for the sale of alcoholic beverages for off-site consumption; and

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

1 WHEREAS, on October 13, 2021, the Planning Commission of the City of Rialto
2 conducted a duly noticed public hearing, as required by law, on CDP No. 2021-0014, CDP No.
3 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No. 2021-0013,
4 and PPD No. 2021-0013, took testimony, at which time it received input from staff, the city
5 attorney, and the applicant; heard public testimony; discussed the proposed CDP No. 2021-0014,
6 CDP No. 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP No. 2021-0012, CDP No.
7 2021-0013, and PPD No. 2021-0013; and closed the public hearing; and

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

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

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

13 SECTION 2. Based on substantial evidence presented to the Planning Commission during
14 the public hearing conducted with regard to CDP No. 2021-0014, including written staff reports,
15 verbal testimony, site plans, other documents, and the conditions of approval stated herein, the
16 Planning Commission hereby determines that CDP No. 2021-0014 satisfies the requirements of
17 Section 18.66.020 of the Rialto Municipal Code pertaining to the findings which must be made
18 precedent to granting a conditional development permit. The findings are as follows:

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

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

23 The Project will provide a benefit to the community and customers within the vicinity by
24 providing sales of beer and wine, in addition to typical convenience goods. Beer and wine
25 sales are commonly conducted within convenience markets, including others in the nearby
26 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.

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

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

2 The project site is bound by Sierra Lakes Parkway on the north and Alder Avenue on the
3 east. To the north, across Sierra Lakes parkway, is a rock quarry, and to the east, across
4 Alder Avenue, is a Shell fuel station. To the south is a San Bernardino County Flood
5 Control Channel, and to the west is approximately 3.14 acres of vacant land.

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

10 The Project is consistent with the underlying FI land use designation. The nearby area is
11 predominantly designated for and developed with commercial and industrial uses, and as a
12 result, there are no sensitive land uses near the project site. Regardless, features and
13 measures, such as landscape buffering and safety measures listed within the Crime
14 Prevention Plan will be maintained/implemented.

15 The proposed use also meets the location criteria described in Section 18.110.050 by being
16 at least 4,960 feet from schools (minimum of 1,000 feet required), at least 3,300 feet from
17 churches and parks (minimum of 500 feet required), and at least 2,190 feet from residential
18 areas (minimum of 100 feet required).

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

- 23 3. The site for the proposed use is adequate in size, shape, topography, accessibility and
24 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 13.22 acres in size, fairly level, and adjacent to two (2) arterial streets, which are
28 able to accommodate the Project. The development will have five (5) points of access – five
29 (5) driveways connected directly to Sierra Lakes Parkway. The three (3) westerly driveways
30 and easterly driveway along Sierra Lakes Parkway will allow full access movements, while
31 the second driveway from the east along Sierra Lakes Parkway will limit access to left-
32 out/right-out only.

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

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

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

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

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

8 The proposed use is consistent with the underlying FI land use designation of the
9 Renaissance Specific Plan. The Project will feature high-quality building exteriors
10 designed in compliance with the City's Design Guidelines. Landscaping has been
11 abundantly incorporated into the site. The landscape coverage for the Project is 29.0
12 percent, which greatly exceeds the minimum required amount of 10.0 percent. Landscape
13 planters containing trees spaced every thirty (30) linear feet will be installed along the
14 entire perimeter of the Site to provide a buffer between surrounding properties and the
15 public right-of-way. Furthermore, the Project includes the installation of 132 passenger
16 vehicle parking spaces and 91 truck parking spaces, which exceeds the minimum parking
17 requirement of 87 parking spaces required by Table 3-6 (Parking Standards) of the
18 Renaissance Specific Plan.

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

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

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

28 Alcohol consumption can lead to an increase in the need for police services. However, as
conditioned the Project's effects will be minimized through the implementation of the
applicant's Crime Prevention Plan, safety measures endorsed by the Rialto Police
Department, education of the public and employees, and litter control and maintenance.
Additionally, the project will be responsible for the payment of Development Impact Fees
towards certain public services, including police. Therefore, the adverse effects are
outweighed by the benefits conferred upon the community and neighborhood as a whole.

SECTION 3. Per Section 18.110.090 of the Rialto Municipal Code pertaining to the findings
which must be made precedent for the determinations of public convenience or Necessity. The
findings are as follows:

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

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

8 The applicant prepared and submitted a Crime Prevention Plan, attached as “Exhibit A”,
9 for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code.
10 Sergeant Jonathan Palmer with the Rialto Police Department reviewed and endorsed the
11 prevention measures within the Crime Prevention Plan. Safety measures contained within
12 the Crime Prevention Plan include the installation of security lighting at a minimum of 1.0
13 foot-candles around the entire convenience market/travel center building, the installation
14 of burglary and robbery alarms, as well as surveillance cameras. The conditions of
15 approval contained herein also include a measure requiring auto-locks on the alcohol
16 refrigerators from 2:00 a.m. to 6:00 p.m. The Rialto Police Department concludes that, if
17 properly implemented and sustained, these safety measures will minimize crime and
18 nuisance activities that may otherwise be associated with the establishment.

- 19 2. The proposed use would not lead to the grouping of more than four off-sale of alcoholic
20 beverage uses within a one thousand-foot radius from the exterior of the building
21 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 Site. There
25 is currently only (1) active ABC license within 1,000 feet of the Site – (i) Shell/Jacksons
26 at 2281 W. Casmalia Street, Rialto, CA.

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

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

The proposed location of the convenience market, in which beer and wine will be available
for sale, exceeds the minimum separation criteria required by Section 18.110.050 of the
Rialto Municipal Code. The proposed use meets the location criteria described in Section
18.110.050 by being at least 4,960 feet from schools (minimum of 1,000 feet required), at
least 3,300 feet from churches and parks (minimum of 500 feet required), and at least 2,190
feet from residential areas (minimum of 100 feet required).

4. At least one of the following additional findings:

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

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

5 The proposed use will be vital to the success of the convenience market/travel center. The
6 stability of the business requires a complete range of typical convenience-type
7 merchandise, as other convenience markets in the near vicinity already provide this service
8 to their customers.

9 SECTION 4. An Addendum to the Renaissance Specific Plan Final Environmental Impact
10 Report (Environmental Assessment Review No. 2021-0016) has been prepared for the Project in
11 accordance with the California Environmental Quality Act (CEQA), and it has been determined that
12 the proposed Project would result in no new significant impacts that were not analyzed in the
13 Renaissance Specific Plan Final Environmental Impact Report ("RSP FEIR"), nor would the
14 proposed Project cause a substantial increase in the severity of any previously identified
15 environmental impacts. The potential impacts associated with the proposed Project would either be
16 the same or less than those described in the RSP FEIR. In addition, there are no substantial changes
17 to the circumstances under which the proposed Project would be undertaken that would result in new
18 or more severe environmental impacts than previously addressed in the RSP FEIR, nor has any new
19 information regarding the potential for new or more severe significant environmental impacts been
20 identified. The Planning Commission hereby adopts the Addendum to the Renaissance Specific Plan
21 Final Environmental Impact Report (Environmental Assessment Review No. 2021-0016) for the
22 Project.

23 SECTION 5. CDP No. 2021-0014 is granted to Rialto Travel Center, in accordance with the
24 plans and application on file with the Planning Division, subject to the following conditions:

- 25 1. CDP No. 2021-0014 is granted allowing the sale of beer and wine for off-site consumption
26 from a proposed 12,297 square foot convenience market/travel center within a proposed
27 14,697 square foot commercial building on 13.22 gross acres of land (APN: 1119-241-
28 28) located at the southwest corner of Alder Avenue and Sierra Lakes Parkway within the
 Freeway Incubator (FI) land use designation of the Renaissance Specific Plan, as shown
 on the plans attached as Exhibit B, and as approved by the Planning Commission. If the

1 Conditions of Approval specified herein are not satisfied or otherwise completed, the
2 project shall be subject to revocation.

- 3 2. City inspectors shall have access to the site to reasonably inspect the site during normal
4 working hours to assure compliance with these conditions and other codes.
- 5 3. The applicant shall indemnify, protect, defend, and hold harmless, the City of Rialto,
6 and/or any of its officials, officers, employees, agents, departments, agencies, and
7 instrumentalities thereof (collectively, the "City Parties"), from any and all claims,
8 demands, law suits, writs of mandamus, and other actions and proceedings (whether
9 legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative
10 dispute resolutions procedures (including, but not limited to arbitrations, mediations,
11 and other such procedures), (collectively "Actions"), brought against the City, and/or
12 any of its officials, officers, employees, agents, departments, agencies, and
13 instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or
14 annul, the any action of, or any permit or approval issued by, the City and/or any of its
15 officials, officers, employees, agents, departments, agencies, and instrumentalities
16 thereof (including actions approved by the voters of the City), for or concerning the
17 Project (collectively, the "Entitlements"), whether such Actions are brought under the
18 California Environmental Quality Act, the Planning and Zoning Law, the Subdivision
19 Map Act, Code of Civil Procedure Chapter 1085 or 1094.5, the California Public
20 Records Act, or any other state, federal, or local statute, law, ordinance, rule, regulation,
21 or any decision of a court of competent jurisdiction. This condition to indemnify,
22 protect, defend, and hold the City harmless shall include, but not limited to (i) damages,
23 fees and/or costs awarded against the City, if any, and (ii) cost of suit, attorneys' fees
24 and other costs, liabilities and expenses incurred in connection with such proceeding
25 whether incurred by applicant, Property owner, or the City and/or other parties
26 initiating or bringing such proceeding (collectively, subparts (i) and (ii) are the
27 "Damages"). Notwithstanding anything to the contrary contained herein, the Applicant
28 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.
2021-0014.
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 approval is for the sale of beer and wine only. If the ABC Department declares the
census tract that the Site is located within to be overconcentrated, the City will comply
with Section 18.110.090 of the Rialto Municipal Code, which establishes the criteria
for making the required findings prior to a determination of PCN.

- 1 6. The sale of beer by the individual bottle or can is prohibited.
- 2
- 3 7. The Crime Prevention Plan endorsed by the Rialto Police Department, attached to this
- 4 Resolution as “Exhibit ‘A’” shall be adhered to at all times
- 5
- 6 8. Additional crime prevention measures, as endorsed by the City of Rialto Police
- 7 Department, shall be incorporated into the design and operation of the business as follows:
- 8
- 9 a. The management shall be responsible for educating the public regarding drunken
- 10 driving laws and the related penalties for breaking those laws. This included
- 11 minimum age laws, open container laws and laws related to driving under the
- 12 influence of alcohol. Shall be accomplished by posting prominent signs or decals,
- 13 providing brochures at the point of purchase and providing adequate training for
- 14 employees.
- 15
- 16 b. Surveillance cameras shall be installed and shall be available to Rialto Police
- 17 Department upon request.
- 18
- 19 c. Any coolers containing alcoholic beverages shall automatically lock at 2:00 a.m.
- 20 and remain locked at all times until 6:00 a.m. daily.
- 21
- 22 d. Consumption of any alcoholic beverages on site is prohibited.
- 23
- 24 e. No advertisement of beer and wine on the exterior of the building, including
- 25 window decals, posters, signs, etc.
- 26
- 27 f. A minimum of one (1.0) foot-candle of light shall be provided, as measured at the
- 28 ground level of the entire site, from the period of one-half hour before sunset until
- one-half hour after sunrise. Lighting fixtures shall be so 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
- approved by the Rialto Police Department. All surveillance and security
- equipment shall be continuously maintained and in operation during business
- hours. Surveillance footage shall be provided to the Rialto Police Department

1 within 12 hours after a request has been made for said footage. The software or
2 media player required to view the type of video format shall be provided to the
3 Rialto Police Department, if necessary. An R-P card must be filed with the Rialto
4 Police Department containing twenty-four (24) hour phone numbers of persons to
5 be contacted.

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

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

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

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

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

22 10. Six (6) months after the issuance of a Certificate of Occupancy, the Planning Commission
23 will review Conditional Development Permit No. 2021-0014 to determine if the operator
24 has complied with all of the required conditions of approval. Thereafter, the Planning
25 Commission will review the approved facility on an annual basis.

26 11. The privileges granted by the Planning Commission pursuant to approval of this
27 Conditional Development Permit are valid for one (1) year from the effective date of
28 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. Approval of CDP No. 2021-0014 will not become effective until the applicant has signed
a statement acknowledging awareness and acceptance of the required conditions of
approval contained herein.

1 13. In the event, that any operation on the Site is found to be objectionable or incompatible
2 with the character of the City and its environs due to excessive loitering, criminal activity,
3 or other undesirable characteristics including, but not strictly limited to, uses which are or
4 have become offensive to neighboring property or the goals and objectives of the Freeway
5 Incubator (FI) land use district of the Renaissance Specific Plan, and/or the City's General
6 Plan, the applicant shall address the issues within forty-eight (48) hours of being notified
7 by the City

8 14. If the applicant fails to comply with any of the conditions of approval placed upon CDP
9 No. 2021-0014, CDP No. 2021-0009, CDP No. 2021-0010, CDP No. 2021-0011, CDP
10 No. 2021-0012, CDP No. 2021-0013, or PPD No. 2021-0013, the Planning
11 Commission may initiate proceedings to revoke the conditional development permit in
12 accordance with the provisions of Sections 18.66.070 through 18.66.090, inclusive, of
13 the Rialto Municipal Code. Conditional Development Permit No. 2021-0014 may be
14 revoked, suspended or modified in accordance with Section 18.66.070 of the Zoning
15 Ordinance at the discretion of the Planning Commission if:

- 16 a) The use for which such approval was granted has ceased to exist, been
17 subsequently modified, or has been suspended for six (6) months or more;
18 b) Any of the express conditions or terms of such permit are violated;
19 c) The use for which such approval was granted becomes or is found to be
20 objectionable or incompatible with the character of the City and its environs
21 due to excessive noise, excessive traffic, loitering, criminal activity or other
22 undesirable characteristics including, but not strictly limited to uses which
23 are or have become offensive to neighboring property or the goals and
24 objectives of the Freeway Incubator (FI) land use district of the Renaissance
25 Specific Plan, and/or the City's General Plan.

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

28 PASSED, APPROVED AND ADOPTED this 13th day of October, 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 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 hereunto set my hand and the Official Seal of the City of
15 Rialto this ____th day of ____, 2021.

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19 _____
20 ADRIANNA MARTINEZ, ADMINISTRATIVE ASSISTANT
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“Exhibit A”

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“Exhibit B”

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