



# City of Rialto

## Legislation Details (With Text)

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**Title:** Conditional Development Permit No. 2021-0007: A request for off-site sales of beer, wine, and spirits (Type 21) in conjunction with a grocery market to be located within an existing 8,000 square foot building located at 2018 N. Riverside Avenue within the Community Commercial (C-1) zone.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Location Map.pdf, 2. Exhibit B -Site Plan.pdf, 3. Exhibit C- Floor plan and Elevations.pdf, 4. Exhibit D-Crime Prevention Plan.pdf, 5. Exhibit E- CDP 2021-0007 - Resolution.pdf

Date	Ver.	Action By	Action	Result
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**FOR:** The Planning Commission Meeting of June 30, 2021  
**TO:** Honorable Chairman and Planning Commissioners  
**APPROVAL:** Karen Peterson, Community Development Manager  
**FROM:** Dionne Harris, Senior Planner

**Conditional Development Permit No. 2021-0007:** A request for off-site sales of beer, wine, and spirits (Type 21) in conjunction with a grocery market to be located within an existing 8,000 square foot building located at 2018 N. Riverside Avenue within the Community Commercial (C-1) zone ("Rialto Ranch Market", "project" or "Project").

### **APPLICANT:**

Ghazwan Akraa, Akraa Architectural Creation, 14617 Victory Blvd. #3, Van Nuys, CA 91411.

### **LOCATION:**

The project site consists of one (1) parcel of land (APN: 0264-371-02) located on the south side of Casmalia Street and west of Riverside Avenue [Refer to the attached Location Map (**Exhibit A**)].

### **BACKGROUND:**

*Surrounding General Plan Land Use Designations*

Location	General Plan Designation
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Site	Neighborhood Commercial
North	Residential 6
East	Neighborhood Commercial
South	Neighborhood Commercial
West	Neighborhood Commercial

### *Surrounding Zoning Designations*

<b>Location</b>	<b>Zoning</b>
Site	Neighborhood Commercial (C-1)
North	Single Family Zone (R-1A-10000)
East	Neighborhood Commercial (C-1)
South	Neighborhood Commercial (C-1)
West	Neighborhood Commercial (C-1)

### *Site Characteristics*

The project will be located within an existing commercial building at the Ranch Verde Plaza retail center (**Exhibit B**). Minor tenant improvements will be needed to establish the project.

### *Surrounding Area*

The project site is bounded by single-family residences to the north and west, Riverside Avenue to the east, and State Route 210 to the south. The project's main entrance will be to the south. To the north there is a block wall and landscaping across from single family residences along Casmalia Street. The only access to the project is along Riverside Avenue.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Akraa Architectural Creation, the applicant, proposes to establish a grocery market known as "Rialto Ranch Market". As part of the project, beer, wine, and spirits will be sold for off-site consumption. Additionally, grocery items and meats will be sold at the "Rialto Ranch Market".

### *Entitlement Requirements*

The development of a grocery market in the Neighborhood Commercial (C-1) Zone is allowed by right. However, per Section 18.110.040 of the Rialto Municipal Code, the sale of alcoholic beverages within the market for off-site consumption requires the approval of a Conditional Development Permit by the Planning Commission. The applicant complied with this requirement and filed a Conditional Development Permit application on May 9, 2021.

### *Floor Plan*

The floor plan of the project (**Exhibit C**) will include five 3-foot-wide by 4-foot-long and 7-foot-high display shelves. The meat area will have four meat refrigerators displaying meat for sale. There will be two vegetable displays and an 84 square foot vegetable produce refrigerator. The left wall of the project will be lined with a 34-doored refrigerator for soft drinks, frozen vegetables, deli meats, beer, and wine. The interior to the right will have three cashier stations. The non-refrigerated spirits will be

located behind the cashier stations. Approximately, 8 percent of the project will be devoted to alcohol items for sale.

### *Operations*

The project will operate seven (7) days a week, from 7:00 a.m. to 12:00 a.m. with five (5) full-time and five part-time employees.

In accordance with Section 18.106.050A(1) of the Rialto Municipal Code, the applicant submitted a Crime Prevention Plan (**Exhibit D**) that details measures to increase employee and customer safety and minimize criminal activity on the project site. Safety measures contained within 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, and surveillance cameras. Sergeant Joshua Lindsay with the Rialto Police Department reviewed and endorsed the prevention measures contained within the applicant's Crime Prevention Plan and concluded that, if properly implemented and sustained, these safety measures will minimize crime and nuisance activities that may otherwise be associated with the project. Additionally, the draft resolution for Conditional Development Permit No. 2021-0007 includes a condition of approval requiring adequate management to always be on-site at the grocery store to ensure proper execution of the Crime Prevention Plan.

### *Off-Sale of Beer, Wine, and Spirits*

To sell alcohol, the business owner will need to obtain a Type 21 license from the California Department of Alcoholic Beverage Control (ABC) for the off-site sale of beer, wine, and spirits.

According to the ABC, the project site is located within Census Tract 27.06 where a maximum of three (3) licenses are allowed, based upon its current population of 14,133 persons. Currently, ABC has three (3) active licenses within Census Tract 27.06:

- (i) Rite Aid Store located at 2020 N Riverside Avenue;
- (ii) Chevron located at N Riverside Avenue and E Highland Avenue; and,
- (iii) Shell located at 5985 N Palm Avenue.

Adding a fourth license will exceed the maximum number of licenses allowed by right in Census Tract 27.06. As a result, prior to the issuance of a Type 21 ABC license for the market, ABC requires a Finding of Public Convenience and Necessity (PCN) for additional alcohol sales at this location.

Section 18.110.090 of the Rialto Municipal Code provides specific requirements regarding the issuance of a PCN. These requirements are intended to ensure that the issuance of the ABC license for the project will not negatively affect the neighboring uses. The proposed Type 21 ABC license request meets these requirements and can be approved based on the following findings:

- 1) The Police Department supports this request. The applicant prepared and submitted a Crime Prevention Plan (**Exhibit D**) for the project, in accordance with Section 18.106.050 of the Rialto Municipal Code. Sergeant Joshua Lindsay with the Rialto Police Department reviewed and endorsed the prevention measures within the Crime Prevention Plan. Safety measures contained within 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 well as surveillance cameras. The Crime Prevention Plan also includes a measure requiring auto-locks on the alcohol refrigerators from 2:00 a.m. to 6:00 p.m. The Rialto Police

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.

- 2) The request will not lead to the grouping of more than four (4) establishments that sell alcoholic beverages and spirits for off-site consumption within a 1,000-foot radius of the proposed grocery market. There are currently three (3) active ABC licenses within 1,000 feet of the proposed project:

- (i) Rite Aid Store located at 2020 N Riverside Avenue
- (ii) Chevron located at N Riverside Avenue and E Highland Avenue, and
- (iii) Shell located 5985 N Palm Avenue.

- 3) Section 18.110.050 of the Rialto Municipal Code provides separation criteria between establishments that engage in the off-sale of alcohol, and sensitive uses, such as churches, schools, etc. Measurements are obtained by measuring the airline from the closest edge of any sensitive use structure to the closest edge of the premises or parking lot or area of the establishment for off-sale of alcoholic beverages, using whichever distance is shorter. The proposed location of the project exceeds the minimum separation criteria as shown in the chart below and as required by Section 18.110.050 of the Rialto Municipal Code:

<b>Separation from...</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Meets Code</b>
<i>Schools (Rialto Middle School)</i>	Min. 1,000 ft.	2,619+/- ft.	Yes
<i>Churches/Parks (The Light Church)</i>	Min. 500 ft.	2,299+/- ft.	Yes
<i>Residential Areas</i>	Min. 100 ft.	172+/- ft.	Yes

- 4) The proposed use will be vital to the success of the project without introducing any adverse impacts to the community. The financial stability of the business requires a complete range of typical wares as other grocery markets in the near vicinity already provide this service to their customers.

### **GENERAL PLAN CONSISTENCY:**

The project is consistent with the following goals of the Land Use Element and Economic Development Element of the Rialto General Plan:

**Goal 3-3:** Attract, expand, and retain commercial and industrial businesses to reduce blighted conditions and encourage job growth.

**Goal 3-4:** Revitalize aging and underperforming commercial and industrial areas.

### **ENVIRONMENTAL IMPACT:**

#### *California Environmental Quality Act*

The proposed project will be located within an existing building within an existing retail center known as the Rancho Verde Plaza. Therefore, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities.

Class 1 allows for the exemption of a project which allows construction of an addition to an existing structure provided that the addition does not result in an increase of more than 50 percent of the existing floor area and surrounded by existing developments. This project meets the guidelines established by CEQA and in compliance with the General Plan and Zoning designations for the site.

### **PUBLIC NOTICE:**

The City mailed a public hearing notice for the proposed project to all property owners within 1000 feet of the project site and published the public hearing notice in the *San Bernardino Sun* newspaper as required by State law.

### **RECOMMENDATION:**

The Planning Division recommends that the Planning Commission:

- Find that the project is categorically exempt from the California Environmental Quality Act (CEQA);
- Make a finding of public convenience and necessity to allow the sale of beer, wine, and spirits for off-site consumption in conjunction with the Project; and
- Adopt the attached Resolution (**Exhibit E**) to approve Conditional Development Permit No. 2021-0007 based on the findings included in this staff report and subject to the findings and conditions of approval included therein.

### **ATTACHMENTS:**

Exhibit A: Location Map

Exhibit B: Site Plan

Exhibit C: Floor Plan

Exhibit D: Crime Prevention Plan

Exhibit E: CDP 2021-0007 Resolution