



# City of Rialto

## Legislation Text

File #: PC-21-0474, Version: 2

For the Planning Commission Meeting of July 28, 2021

TO: Honorable Chairman and Planning Commissioners  
APPROVAL: Daniel Casey, Acting Community Development Manager  
FROM: Dionne Harris, Senior Planner

**Conditional Development Permit No. 2021-0007:** A request to allow the sale of beer, wine, and distilled spirits for off-site consumption (Type 21) from an 8,000 square foot grocery market to be located within an existing commercial building located at 2018 N. Riverside Avenue within the Neighborhood 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 at 2018 N. Riverside Avenue [Refer to the attached Location Map (**Exhibit A**)].

**BACKGROUND:**

*Surrounding General Plan Land Use Designations*

<b>Location</b>	<b>General Plan Designation</b>
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.

### *Previous Planning Commission Action*

On the June 30, 2021, the Planning Commission reviewed Conditional Development Permit 2021-0007, a request to allow the sale of beer, wine, and distilled spirits from a proposed 8,000 square foot grocery market to be located within an existing commercial building located at 2018 N. Riverside Avenue. After consideration, the Planning Commission voted 7-0 to direct staff to prepare a formal Resolution of Denial for Conditional Development Permit No. 2021-0007 to be presented at the July 14, 2021 Planning Commission meeting on the grounds that the request would create an over-concentration of alcohol uses in the area.

On the July 14, 2021, the Planning Commission reviewed the Draft Resolution of Denial for the Conditional Development Permit No. 2021-0007. Additionally, the Planning Division presented new information pertaining to the actual number of licenses issued and allowed by the California Department of Alcoholic Beverage Control (ABC) within Census Tract 27.06, in which the project site is located, as well as the separation distances between those licensed establishments and the project site. In response to the new information, the Planning Commission voted 7-0 schedule a new public hearing for Conditional Development Permit No. 2021-0007 to be held on July 28, 2021, to allow for additional public comment and consideration by the Planning Commission on the project and the new information.

## **ANALYSIS/DISCUSSION:**

### *Project Proposal*

Akraa Architectural Creation, the applicant, proposes to establish a grocery market known as "Rialto Ranch Market". In conjunction with the grocery market, the applicant proposes to sell beer, wine, and distilled spirits for off-site consumption. In addition to alcohol, the applicant also proposes to sell typical grocery items and meats.

### *Entitlement Requirements*

Per Section 18.110.040 of the Rialto Municipal Code, the sale of alcoholic beverages 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 proposed grocery market (**Exhibit C**) includes five (5) 3-foot-wide by 4-foot-long and 7-foot-high display shelves, four (4) meat refrigerators displays, two (2) vegetable displays, and an 84 square foot vegetable produce refrigerator. The left wall of the grocery market 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 (3) cashier stations. The non-refrigerated spirits will be located behind the cashier stations. Approximately, eight percent (8%) of the floor area will be devoted to alcohol items for sale.

### *Operations*

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

### *Public Convenience and Necessity*

To sell beer, wine, and distilled spirits for off-site consumption, the business owner will need to obtain a Type 21 license from ABC. According to the ABC, the project site is located within Census Tract 27.06, and ABC will allow a maximum of four (4) licenses by right within this particular census tract, based upon its current population of 12,213 persons. Currently, ABC has six (6) active licenses within Census Tract 27.06:

- (i) Rite Aid - 2020 N. Riverside Avenue, Rialto, CA 92377
- (ii) Chevron Extra Mile - 2035 N. Riverside Avenue, Rialto, CA 92377
- (iii) Arco AM/PM - 3892 Sierra Avenue, Fontana, CA 92336
- (iv) Chevron Extra Mile - 3870 Sierra Avenue, Fontana, CA 92336
- (v) Shell Food Mart - 3864 Sierra Avenue, Fontana, CA 92336
- (vi) Shell Rebel - 5985 Palm Avenue, San Bernardino, CA 92407

Census Tract 27.06 already contains more licenses than are allowed by right. . As a result, prior to issuing a Type 21 ABC license to the applicant, ABC requires that the City make a Finding of Public Convenience and Necessity (PCN) for the project.

Section 18.110.090 of the Rialto Municipal Code provides specific requirements regarding the issuance of a PCN for projects that are within census tracts that are, or will be over-concentrated with ABC licenses for the sale of alcoholic beverages for off-site consumption. These requirements are intended to provide a standard for issuing a PCN and to ensure that the issuance of the ABC license for the project will not negatively affect the neighboring uses. The applicant's request meets these requirements and can be approved based on the following findings:

- 1) 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 project site. Though there are currently six (6) active ABC licenses within Census Tract 27.06, as shown in the table below only two (2) of those licensed establishments are located within the City of Rialto and within 1,000 feet of the project site due to the geographically expansive size of Census Tract 27.06.

<b>Existing License</b>	<b>Distance from Project Site</b>
Rite Aid - 2020 N. Riverside Avenue, Rialto, CA	0 feet
Chevron Extra Mile - 2035 N. Riverside Avenue, Rialto, CA	600 feet
Arco AM/PM - 3892 Sierra Avenue, Fontana, CA	5.0 miles
Chevron Extra Mile - 3870 Sierra Avenue, Fontana, CA	5.0 miles
Shell Food Mart - 3864 Sierra Avenue, Fontana, CA	5.0 miles
Shell Rebel - 5985 Palm Avenue, San Bernardino, CA	3.5 miles

- 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 air line 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 (Highbanks Elementary)</i>	Min. 1,000 ft.	2,084+/- ft.	Yes
<i>Churches/Parks (St. John XXIII)</i>	Min. 500 ft.	1,731+/- ft.	Yes
<i>Residential Areas</i>	Min. 100 ft.	172+/- ft.	Yes

- 4) The proposed use will be vital to the success of the grocery market. The financial stability 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.

#### ***Land Use Compatibility***

The project is consistent with the Neighborhood Commercial (C-1) zone and Chapter 18.110 (Regulation of the Off-Sale of Alcoholic Beverages) of the Rialto Municipal Code. The nearest sensitive uses are the single-family residences approximately 175 feet to north of the project site. Implementation of the Crime Prevention Plan and enforcement of the Conditions of Approval contained within the Draft Resolution for Conditional Development Permit No. 2021-0016 will ensure that project does not negatively impact the existing single-family residences.

#### **GENERAL PLAN CONSISTENCY:**

The proposal to sell beer, wine, and distilled spirits within an 8,000 square foot grocery market is

consistent with the following goals of the Economic Development Element of the Rialto General Plan:

**Goal 3-1:** Strengthen and diversify the economic base and employment opportunities, and maintain a positive business climate.

**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 consists of the operation of existing private structures involving negligible or no expansion of use. This project meets the guidelines established by CEQA and is 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 1,000 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:

- Adopt the attached Resolution (**Exhibit E**) to approve Conditional Development Permit No. 2021-0007 to allow the sale of beer, wine, and distilled spirits for off-site consumption from a proposed 8,000 square foot grocery market and make a determination that the request constitutes a public convenience and necessity, subject to the findings and conditions 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