



City of Rialto

Legislation Text

File #: 21-0785, **Version:** 1

For the Planning Commission Meeting of [November 9, 2021]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Daniel Casey, Acting Community Development Manager

Request City Council to Set a Public Hearing for December 14, 2021, to consider an appeal of the Planning Commission's decision to approve Conditional Development Permit No. 2021-0006, a request to allow the sale of distilled spirits for off-site consumption, in addition to existing sales of beer and wine for off-site consumption, from an existing convenience market located at 718 E. Foothill Boulevard within the Commercial Pedestrian (C-P) land use district of the Foothill Boulevard Specific Plan.

APPELLANT:

Mtanous Issa, 845 E. Foothill Boulevard, Rialto, CA 92376.

PROJECT APPLICANT:

Samer Elian Ibrahim, 718 E. Foothill Boulevard, Rialto, CA 92376.

LOCATION:

The project site is located at 718 E. Foothill Boulevard within the Rialto Town Center commercial center, which is located at the northeast corner of Foothill Boulevard and Eucalyptus Avenue (Refer to the attached Location Map (**Exhibit A**)).

BACKGROUND:

Conditional Development Permit No. 2021-0006 shall hereinafter be referred to as "Project" or "project".

Planning Commission Action

On September 8, 2021, the Planning Commission considered the project during a regularly scheduled public meeting. After closing the public hearing, the Planning Commission voted to approve the project by 7-0.

Appeal

On September 22, 2021, the appellant filed an Appeal with the City Clerk's Office, in accordance with Chapter 18.68 (Appeals) of the Rialto Municipal Code. A copy of the applicant's Appeal form is attached as **Exhibit B**. The applicant's appeal seeks to have the City Council overturn the Planning Commission's decision.

ANALYSIS/DISCUSSION:

In accordance with Section 18.68.050 of the Rialto Municipal Code, upon receipt of an appeal, the City Council is to set the matter for public hearing. A more comprehensive staff report will follow once the hearing has been set.

ENVIRONMENTAL IMPACT:

California Environmental Quality Act

The project site is located in an existing building within the Rialto Town Center commercial center. The project involves a request by an existing convenience market to add the sale of distilled spirits to their existing retail operation. No new construction or alterations are proposed as a part of the project. Therefore, the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines. 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

Additionally, the appeal itself does not meet the definition of a project as defined by Section 15378 California Environmental Quality Act (CEQA). A “project” means the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and excludes the following:

- 1) Continuing administrative or maintenance activities, such as purchases for supplies, personnel -related actions, general policy and procedure making.
- 2) Organization or administrative activities of governments that will not result in direct or indirect physical changes in environment.

LEGAL REVIEW:

The City Attorney has reviewed and approved the staff report and the attached Notice of Public Hearing (**Exhibit C**).

FINANCIAL IMPACT:

Operating Budget Impact

There is no impact to the City’s General Fund.

Capital Improvement Budget Impact

There is no capital improvement budget impact.

Licensing

There is no licensing associated with this request.

RECOMMENDATION:

In accordance with the Appeal process provided in Section 18.68.050 of the Rialto Municipal Code, Staff recommends that the City Council set the Public Hearing for December 14, 2021, to consider an appeal of the Planning Commission’s decision to approve Conditional Development Permit No. 2021-0006, a request to allow the sale of distilled spirits for off-site consumption, in addition to existing sales of beer and wine for off-site consumption, from an existing convenience market located at 718

E. Foothill Boulevard within the Commercial Pedestrian (C-P) land use district of the Foothill Boulevard Specific Plan.