



**PLANNING COMMISSION HEARING DATE: MARCH 18, 2021
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

<i>Case Number</i>	PR-2020-000607 (Conditional Use Permit, Variance, Variance)	
<i>Request</i>	<p>To consider the following entitlements to permit a Type 20 Alcohol License (Off-Sale Beer and Wine) in conjunction with an existing market (Goodwin's Organic Food & Drinks):</p> <ol style="list-style-type: none"> 1) Conditional Use Permit to permit the off-sale of alcoholic beverages; 2) Variance to allow for the off-sale of alcohol within 600 feet of assemblies of people non-entertainment and a public park (Islander Park); and 3) Variance to allow for the off-sale of alcohol within 1,000 feet of a business licensed by the State of California for the off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area. 	
<i>Applicant</i>	David Goodwin of Goodwin's Organic Food & Drinks	
<i>Project Location</i>	191 Big Springs Road, situated on the north side of Big Springs Road between Watkins Drive and Mt. Vernon Avenue	
<i>APN</i>	251-253-013	
<i>Project Area</i>	0.91 acres	
<i>Ward</i>	2	
<i>Neighborhood</i>	University	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	C - Commercial	
<i>Zoning Designation</i>	CR-NC - Commercial Retail and Neighborhood Commercial Overlay Zones	
<i>Staff Planner</i>	Candice Assadzadeh, Senior Planner 951-826-5667 cassadzadeh@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2020-000607 (Conditional Use Permit, Variance, Variance) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The subject site consists of 0.91-acres, currently developed with an existing market (Goodwin's Organic Food & Drinks), approved under Planning Case P03-1157 by the Design Review Board on January 14, 2004.

Surrounding lands uses include commercial uses (shopping center) to the north, multi-family residential uses to the south (across Big Springs Road), a church (St. Andrew's Newman Center) to the east, and a commercial use (University Village Market & Liquor) to the west (Exhibit 3).

PROPOSAL

The applicant is requesting approval of a Conditional Use Permit to permit a Type 20 Alcohol License (Off-Sale Beer and Wine) in conjunction with an existing market (Goodwin's Organic Food & Drinks). Variances are requested to allow reduced separation requirements from: 1) an assemblies of people – non-entertainment (within the shopping center to the north and St. Andrew's Newman Center to the east) and public park (Islander Park); and 2) an existing business licensed for off-sale general alcoholic beverage sales with less than 15,000 square feet of floor area (University Village Market & Liquor). No physical improvements are proposed in conjunction with this request.

The proposed project includes three display areas for the beer and wine, totaling approximately 88 square feet. The display areas constitute approximately 3 percent of the total store area.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<i>General Plan 2025</i> The proposed project is consistent with the underlying General Plan 2025 land use designation of C – Commercial, which will further the intent of the General Plan by facilitating retail, sales, and service and uses that serve multiple neighborhoods within the City (Exhibit 4).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CR-NC – Commercial Retail and Neighborhood Commercial Overlay Zones, which permits the sale of alcoholic beverages subject to the approval of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards (Exhibit 5).</p> <p>The proposal is generally consistent with the applicable development standards of the Zoning Code except for two separation requirements for the off sale of alcoholic beverages.</p> <p>The Zoning Code allows for consideration of Variances to deviate from the development standards. The Applicant is requesting Variances to facilitate implementation of this project (Exhibit 6).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>No physical improvements are proposed to the building in conjunction with the Conditional Use Permit. Any future site modifications will be subject to consistency with the applicable provisions of the Citywide Design and Sign Guidelines for commercial development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Riverside County Airport Land Use Compatibility Plan</i></p> <p>The project is located in Zone E (Other Airport Environs) of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP). This zone is identified as having a low safety risk level and a low noise impact level, and contains no restrictions on development. The project was analyzed for consistency with Zone E and staff concluded that the proposed project is consistent.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Chapter 19.450 - Off-Sale of Alcoholic Beverages Sales</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Setbacks</i>	Residential Zone or Use	100 feet	124 feet – R-3-1500 – Multi-Family Residential Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Schools, Assemblies of People – Non-Entertainment Facilities, Public Park	600 feet	69 feet Assemblies of People – Non-Entertainment (177-235 W Big Springs Road)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Chapter 19.450 - Off-Sale of Alcoholic Beverages Sales</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
			62 feet - Assemblies of People – Non-Entertainment (St. Andrew’s Newman Center - 105 W Big Springs Road)		
			496 feet - Islander Park (3794 Mt. Vernon Avenue)		
	Other Off-Sale General Licenses	1,000 feet	55 feet - University Village Market & Liquor (3796 Watkins Drive)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Existing Parolee/Probationer Home, Emergency Shelter, and Supportive Housing	1,000 feet	12,000 feet - Path of Life Ministries (2880 Hulen Place):	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC CONVENIENCE OR NECESSITY DETERMINATION

<i>California Department of Alcoholic Beverage Control (Census Tract 422.13) Off-Sale Alcohol Licenses</i>						
<i>Standard</i>		<i>Existing Licenses</i>	<i>Proposed Licenses</i>	<i>Total Number of Existing and Proposed Licenses</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Maximum Number of Off-sale Licenses</i>	2	1	1	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The subject site is located in Census Tract 422.13. Per the California Department of Alcoholic Beverage Control (ABC), there is one existing off-sale license within the tract, where two off-sale licenses are permitted (Exhibit 7).

FINDINGS SUMMARY

Conditional Use Permit

The proposed off-sale of beer and wine, is an appropriate use in conjunction with the existing market (Goodwin’s Organic Food & Drinks). The proposed project will provide convenient and accessible goods and services to neighborhood residents.

The Riverside Police Department reviewed the proposed project, including the Security Plan (Exhibit 8). There is no objection to the proposed project, provided that the operator complies with

the recommended conditions of approval. Staff can support the proposed Conditional Use Permit.

Variances

The Zoning Code establishes the minimum separation requirements for the off-sale of all alcoholic beverages. The applicant is requesting the following Variances:

- To allow off sale of beer and wine within 600 feet of an assemblies of people – non-entertainment (within the shopping center to the north and St. Andrew’s Newman Center to the east) and a public park (Islander Park);
- To allow off sale of beer and wine within 1,000 feet of another business licensed for off-sale general alcoholic beverage sales that sells alcoholic beverage as its principal business (University Village Market & Liquor).

The applicant provided justifications in support of the Variance requests (Exhibit 9). The sale of beer and wine will be incidental to the primary use and will provide an additional convenience for the customers. The project site is uniquely situated in the University neighborhood, in such that it is a part of a neighborhood serving commercial development. The project site is included in the only commercially zoned property located east of the University of California, Riverside campus and is surrounded by residentially zoned properties to the north and south.

The neighborhood serving uses, such as the commercial uses, assemblies of people – non-entertainment, and public park are proximate to the project site. Because of the unique siting of the neighborhood commercial shopping area, the project site does not meet the required separation requirements for the off sale of alcoholic beverages. Staff can make the necessary findings in support of the Variances to allow the reduced separation requirements for the off-sale of alcoholic beverages.

ENVIRONMENTAL REVIEW

This proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 1,000 feet of the site. As of the writing of this report one response, in support of the project, has been received by staff (Exhibit 11).

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Distance Requirements Map
7. ABC Alcohol License Census Tract Concentration Map
8. Project Plans (Floor Plan, Exterior Alcohol Sign Plan, Security Plan)
9. Applicant Prepared Variance Justifications
10. Existing Site Photos
11. Public Comment Letter

Prepared by: Candice Assadzadeh, Senior Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – FINDINGS

PLANNING CASE: PR-2020-000607 (Conditional Use Permit, Variance, Variance)

A. Conditional Use Permit Findings Pursuant to Chapter 19.760.040

1. The proposed project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
2. The proposed project will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
3. The proposed project will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

B. Variance Justification Findings Pursuant to Chapter 19.720.040

Variance A: To allow off sale of beer and wine within 600 feet of an assemblies of people – non-entertainment (within the shopping center to the north and St. Andrew’s Newman Center to the east) and a public park (Islander Park).

Variance B: To allow off sale of beer and wine within 1,000 feet of another business licensed for off-sale general alcoholic beverage sales that sells alcoholic beverage as its principal business (University Village Market & Liquor).

1. *The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.*

Variances A and B: The proposed project **complies** with this finding. Strict application of the Zoning Code would require a minimum 600 foot separation from an assemblies of people – non-entertainment use and public park. The Zoning Code also requires a 1,000 foot separation from any businesses licensed by the State of California for off-sale general alcoholic beverage sales that sells alcoholic beverages as its principal business as measured from the outside walls of the Goodwin’s Market building to the nearest property line of the subject location. The request complies with the purpose and intent of alcohol sales development standards (Chapter 19.450) of the Zoning Code, which regulates the sale of alcohol to ensure compatibility with surrounding uses and properties, and any associated impacts are avoided.

For this project, the exterior wall of the Goodwin’s Market building is approximately 62 feet to the nearest property line of an assemblies of people – non-entertainment (St. Andrew’s Newman Center, 105 W Big Springs Road); 69 feet from the assemblies of people – non-entertainment (within the shopping center to the north, 177-235 W Big Springs Road); 496 feet from a public park (Islander Park, 3794 Mt. Vernon Avenue); and 55 feet from another

business licensed for off-sale general alcoholic beverage sales that sells alcoholic beverages as its principal business (University Village Market & Liquor, 3796 Watkins Drive).

The project site is subject to the NC – Neighborhood Commercial Overlay Zone, which was established to provide nearby neighborhoods with commercial centers and allow residents to safely walk to a neighborhood center. The neighborhood serving uses are in proximate to the site. Because of the unique siting of the neighborhood commercial shopping area, the project site does not meet the required separation requirements for the off sale of alcoholic beverages. The strict application of the provision of the Zoning Code would preclude the off-sale of beer and wine on this site and result in a practical difficulty or unnecessary hardship in the development of this property.

2. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

Variances A and B: The proposed project **complies** with this finding. The project site is subject to the NC – Neighborhood Commercial Overlay Zone, which was established to provide nearby neighborhoods with commercial centers that encourage and allow residents to safely walk to a neighborhood center. The project site is uniquely situated in the University neighborhood as a neighborhood serving commercial development. The project site is only commercially zoned property located east of the University of California, Riverside campus and is surrounded by residentially zoned properties to the north and south. The neighborhood serving uses are proximate to the site. Because of the unique siting of the neighborhood commercial shopping area, the project site does not meet the required separation requirements for the off sale of alcoholic beverages. These conditions create an exceptional circumstance not generally applicable to similar properties in the CR – Commercial Retail Zone or neighborhood.

3. *Granting this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

Variances A and B: The proposed project **complies** with this finding. The sale of beer and wine will be incidental to the primary use and provide an additional convenience for the customers. The Riverside Police Department has no objections to this proposed project subject to conditions of approval requiring the use of security cameras, the continued upkeep of the property, and the prohibition of loitering. A public notice was sent to property owners within 1,000 feet of the project site; one response in support of the project was received by staff. Granting the Variance will not have a detrimental impact on the neighborhood.

4. *Granting the request will not be contrary to the objectives of the General Plan.*

Variances A and B: The proposed project **complies** with this finding. Based on the scope of the requested variance, granting the Variance will not be contrary to the objectives of the General Plan 2025.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASE: PR-2020-000607 (Conditional Use Permit, Variance, Variance)

Planning Division

1. All applicable Conditions of Approval of Planning Case P03-1157 (Design Review) shall apply.

Operational Conditions:

2. The subject property shall be operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
3. No outdoor display of alcohol shall be permitted.
4. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to any City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
5. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.
6. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
7. All operations shall be in compliance of the Riverside Municipal Code including, but not limited to, Title 7 (Noise Control).

Standard Conditions:

8. There shall be a one-year time limit on this approval in which to commence the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
9. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
10. The Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially

injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

11. The Applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
12. This permit is issued based upon the business operations plan and information submitted by the Applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. The Applicant shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
13. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
14. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
15. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
16. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
17. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

Parks, Recreation and Community Services

Prior to Start of Alcohol Sales:

18. The applicant must install signage per approved outdoor alcohol sign plan, and in accordance with RMC Section 9.05.020 to convey that it is unlawful to consume alcohol in public places within the City of Riverside.

Police Department

Operational Conditions:

Alcohol

19. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise. (Compliance with Section 23038 of the Business and Professions Code).
20. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
21. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows, or checkout counter.

22. The subject's alcoholic beverage license shall not be exchanged for a public premises type license or operated as a public premise. All alcoholic beverages sold shall be for consumption off the premises.

Security

23. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the parking lot.
24. The business windows shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the building shall remain at adequate levels to clearly see into the business from the exterior of the business.
25. Installation of a security camera surveillance system consisting of the latest high definition video technologies within the minimum requirement of having the ability to save recorded video for a fourteen day period and which shall also be made available to the Riverside Police Department upon request within 24 hours. An onsite manager shall have working knowledge.
26. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment

27. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
28. Any adult-oriented magazines, video tapes and other similar materials shall be displayed in an area partitioned off from, and not visible to, the general public or minors and shall be labeled "Adults Only".

Grounds

29. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
30. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises over which they have control.
31. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
32. No pay phones shall be installed or maintained outside the building.

Compliance

33. The licensee/employees shall attend a 4-hour LEAD (License, Education, Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining the license upgrade.
34. The required conditional use permit is subject to a mandatory six-month review by the Planning Division. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any 12-month period regarding disturbances caused by patrons or staff at the site may be grounds for revocation proceedings.