



**PLANNING COMMISSION HEARING DATE: OCTOBER 19, 2017**

**AGENDA ITEM NO.: 2**

**PROPOSED PROJECT**

<b>Case Numbers</b>	<b>P15-0907</b> (Conditional Use Permit), <b>P15-0908</b> (Conditional Use Permit ), <b>P15-0909</b> (Design Review), <b>P16-0285</b> (Variance), <b>P16-0651</b> (Variance), <b>P17-0544</b> (Public Convenience or Necessity) & <b>P17-0646</b> (Grading Exception)	
<b>Request</b>	To consider the following entitlements for the development of a 1.99-acre vacant property with a commercial complex: 1) a Conditional Use Permit to permit the construction of a vehicle service station consisting of a 4,855 square foot canopy, a 968 square foot automated car wash, and a 3,645 square foot convenience store in conjunction with the off-sale of beer and wine; 2) a Conditional Use Permit to permit the construction of a 2,546 square foot fast food drive-thru restaurant; 3) Design Review of project plans; 4) Variances to allow a reduced landscape setback along Orange Street, and a reduced separation requirement from a business with the concurrent sale of motor vehicle fuel with alcoholic beverages; 5) a Determination of Public Convenience or Necessity to allow the off-sale of beer and wine; and, 6) a Grading Exception to allow retaining walls higher than allowed by Code.	
<b>Applicant</b>	Alex Mucino, of AHD, LP	
<b>Project Location</b>	2234 N. Main Street, 2225 Orange Street, and 2243 Orange Street, situated south of State Route 60, between Main and Orange Streets	
<b>APNs</b>	209-092-001, 209-092-002, 209-092-003, 209-092-005, 209-092-006, 209-092-012, 209-092-015, and 209-092-016	
<b>Project area</b>	1.99 acres	
<b>Ward</b>	1	
<b>Neighborhood</b>	Downtown	
<b>Specific Plan</b>	DSP – Downtown Specific Plan	
<b>General Plan Designation</b>	DSP – Downtown Specific Plan	
<b>Zoning Designation</b>	DSP-NMS – Downtown Specific Plan – North Main Street Specialty Services District	
<b>Staff Planner</b>	Candice Assadzadeh, Associate Planner; 951-826-5667; <a href="mailto:cassadzadeh@riversideca.gov">cassadzadeh@riversideca.gov</a>	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** the proposed project will not have a significant effect on the environment and that a Mitigated Negative Declaration be adopted pursuant to Section 15074 of the California Environmental Quality Act (CEQA) Guidelines; and adopt the Mitigation, Monitoring and Reporting Program (MMRP) pursuant to CEQA Section 15097 and California Public Resources Code 21081.6; and
2. **APPROVE** Planning Cases P15-0907 (Conditional Use Permit), P15-0908 (Conditional Use Permit ), P15-0909 (Design Review), P16-0285 (Variance), P16-0651 (Variance), P17-0544 (Public Convenience or Necessity) and P17-0646 (Grading Exception) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

## SITE BACKGROUND

The subject 1.99-acre site consists of eight contiguous parcels. The northwestern portion of the project site was previously developed with a vehicle service station, whereas the southeastern portion of the site was previously developed with single family residences. Since approximately 2006, the entire project site has been vacant and undeveloped. Prior to the construction of the State Route 60 eastbound on-ramp at Main Street, the northernmost portion of the project site was Caltrans right-of-way. Surrounding lands uses include State Route 60 to the north, commercial uses (76 vehicle service station and convenience store) to the south, a Caltrans Park and Ride parking lot and single-family residences to the east across Orange Street, and commercial uses (Baker's drive-thru) to the west across Main Street.

## PROPOSAL

The applicant is requesting approval of two Conditional Use Permits to permit the construction of a vehicle service station consisting of a 4,855 square foot canopy, a 968 square foot automated car wash, and a 3,645 square foot convenience store in conjunction with the off-sale of beer and wine, and a 2,546 square foot fast food drive-thru restaurant building. The applicant also requests Design Review for the vehicle service station and the drive-thru restaurant. Two Variances are requested to allow a reduced landscape setback along Orange Street and to allow a reduced separation requirement from a business with the concurrent sale of motor vehicle fuel with alcoholic beverages. A Public Convenience or Necessity determination is requested to allow the off-sale of beer and wine. Lastly, a Grading Exception is requested to allow retaining walls higher than allowed by Code.

The proposed service station pumps and canopy, convenience store and automated car wash are located on the western side of the site with frontage on Main Street. The proposed drive-thru restaurant is located on the eastern side of the site with frontage on Orange Street. Entrances to both the automated car wash and drive-thru restaurant queuing lanes are situated north of the convenience store and restaurant buildings. The car wash queuing lane provides storage for seven vehicles; the drive-thru restaurant has a dual-entry queuing lane with storage for 10 vehicles.

A total of 54 parking spaces are provided, of which 24 parking spaces will serve the vehicle service station, convenience store and car wash, and 30 spaces will serve the drive-thru restaurant.

Planning Commission

Vehicular access to the vehicle service station and car wash will be provided via a single 40-foot-wide two-way driveway on Main Street. The drive thru restaurant will be served by two, 26 and 30 foot wide two-way driveways on Orange Street. A 26-foot-wide, two-way internal drive aisle, adjacent to the north property line, connects the two commercial uses.

The service station and convenience store will operate 24 hours a day, seven day a week. The applicant has indicated that fuel delivery is typically scheduled between the hours of 9:00 a.m. to 2:00 p.m. The facility will have a minimum of three employees during each shift. The automated car wash will operate between the hours of 6:00 a.m. to 10:00 p.m.

The applicant has indicated the drive-thru restaurant does not yet have a defined user. However, typical hours of operation are anticipated to be 6:00 a.m. to midnight, Monday – Thursday and Sunday, and 6:00 am to 2:00 am Friday and Saturday.

## PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<b>General Plan 2025</b>  The proposed project is consistent with the underlying General Plan 2025 land use designation of DSP – Downtown Specific Plan, which will further the intent of the General Plan by facilitating in-fill development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Specific Plan</b>  The project is consistent with the purpose of the North Main Street Specialty Services District of the Downtown Specific Plan which is to provide for small-scale manufacturing and complimentary and/or specialty commercial services. Vehicle fuel stations, including ancillary convenience store and car washes, the off-sale of alcoholic beverages, and drive-thru restaurants are permitted subject to the granting of a Conditional Use Permit in this subdistrict.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Zoning Code Land Use Consistency (Title 19)</b>  The Downtown Specific Plan - North Main Street Specialty Services District defers to the standards established in the Zoning Code as it relates to the off-sale of alcoholic beverages and drive-thru restaurants. With the exception of Variances to reduce the separation requirement between businesses with the concurrent sale of motor vehicle fuel with alcoholic beverages and to reduce the required landscaped setback for parking areas, the project is consistent with development standards established in the Zoning Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Authorization and Compliance Summary</b>		
	<b>Consistent</b>	<b>Inconsistent</b>
<p><b>Compliance with Downtown Specific Plan General Design Standards and Guidelines and the Citywide Design &amp; Sign Guidelines</b></p> <p>The site plan, building elevations, conceptual landscaping, and walls as proposed, are consistent with the applicable provisions of the Downtown Specific Plan, General Design Standards and Guidelines (Chapter 15), Guidelines for the North Main Street Specialty Services District (Chapter 11), and the Citywide Design &amp; Sign Guidelines for new development, subject to the recommended conditions of approval.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<b>DSP-NMS - North Main Street Specialty Services District Development Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Floor Area Ratio</b>	1.5	0.14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Max. Building Height</b>	50 feet	30 feet, 6 inches (35 feet to the top of the spire)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Min. Building Setbacks<sup>1</sup></b>	Front Yard Setback 10 feet	47 feet, 3 inches (Main Street)  74 feet, 4 inches (Orange Street)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard Setback 5 feet	30 feet (North, adjacent to SR-60)  17 feet (South)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Max. Building Footprint</b>	20,000 square feet	Convenience Store 3,645 SF  Car Wash 968 SF  Drive-Thru Restaurant 2,546 SF	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup>Section 19.630.030.B of the Zoning Code, the front yard setback on the street side of a through lot is a line parallel to the property line abutting both streets. In other words, a through lot has two front yards.

<b>Chapter 19.410 – Vehicle Fuel Stations</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Minimum Lot Size</b>	1 acre	1.99 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Frontage</b>	Located on an arterial street.	Main Street: 100-foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Minimum Setbacks</b>	Gasoline pumps or dispensers and canopies: 20 feet	47 Feet, 3 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setback</b>	Minimum 10-foot landscape setback adjacent to any public street.	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Maximum Building Height</b>	35 feet	30 feet, 6 inches (35 feet to the top of the spire)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.425 – Vehicle Wash Facilities</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Screening of Equipment</b>	All equipment, supplies and activities shall be contained within an enclosed building.	Car wash equipment is located within an enclosed building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Frontage</b>	Direct access to an existing or planned arterial or collector street.	Main Street – 100-foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Circulation</b>	The traffic circulation pattern shall preclude traffic congestion on public streets and provide safe ingress, egress and movement of traffic on the site.	Site access and circulation provide safe ingress and egress movements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setback</b>	Minimum 10-foot landscape setback adjacent to any public street.	15 feet (Main Street) 10 ½ feet (Orange Street)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Noise</b>	The noise level shall not exceed the limits set forth in Title 7 of the Municipal Code.	The project will operate in compliance with Title 7 of the Municipal Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Water Runoff</b>	Water flow resulting from the washing facilities shall be confined to the site.	Water flows are being confined to the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.450 – Alcohol Sales Site Location, Operation and Development Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Setback From schools, assemblies of people – non-entertainment, public park</b>	600 feet	610 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Setback from residential dwelling or property zoned for residential uses</b>	100 feet	223 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Setback from any other business with the concurrent sale of motor vehicle fuel with alcoholic beverages</b>	300 feet	46 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Setback from existing parolee/probationer home, emergency shelter, supportive housing or transitional housing development</b>	1,000 feet	1,515 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.475 – Drive-Thru Business Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Frontage</b>	Minimum 100-foot street frontage	123-feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Main Street – 100-foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Thru Lane Standards</b>	Minimum Length: 180 feet for restaurants 36 feet for all other uses	190 feet (Restaurant) 140 feet (Car Wash)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Stacking: 10 vehicles for restaurants 2 vehicles for all other uses	10 vehicles (Restaurant)  7 vehicles (Car Wash)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.580 – Parking and Loading Design Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Parking Space Width</b>	9 feet	9 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parking Space Depth</b>	18 feet	18 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Drive Aisle Width</b>	24 feet	24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Min. Landscape Setback</b>	15 feet	15 feet (Main Street)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		10 feet, 8 inches (Orange Street)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Chapter 19.580 – Parking and Loading Minimum Parking Requirements</b>						
<b>Use</b>	<b>Standard</b>	<b>Floor Area</b>	<b>Parking Required</b>	<b>Parking Provided</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Vehicle Fuel Station with Convenience Market</b>	1 space/250 SF	3,645 SF	15 spaces	54 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Vehicle Fuel Station with Car Wash</b>	1 space/washing bay	N/A	1 space			
<b>Drive-Thru Restaurant</b>	1 space/100 SF	2,546 SF	26 spaces			
<b>Total Parking</b>			<b>42 Spaces</b>	<b>54 Spaces</b>		

## VARIANCES

Variances are requested by the applicant to allow a 10 ½ foot landscaped setback along Orange Street, where a minimum 15 foot landscape setback would be required; and to allow this proposal to be located 46 feet from another establishment licensed for the concurrent off-sale of alcoholic beverages and sale of vehicle fuel, where the Zoning Code requires a minimum separation of 300 feet. Overall, staff can support the proposed setback variance as the significant change in elevation across the site constrains development from meeting the minimum landscape setback requirement. With respect to the variance related to proximity to another business with alcohol license, staff can support this request as relocating the proposed project outside of the 300-foot separation requirement would place the proposed use in closer proximity to less compatible nearby uses including Fremont Elementary School and single-family residences. The applicant has provided variance justification findings in support of the variance requests. Staff has also prepared supplemental justification findings in support of the variances.

## DESIGN REVIEW

### *Vehicular Access and Circulation*

The project site has been designed to provide safe vehicular access to the project from a driveway on Main Street and two driveways on Orange Street. The vehicle service station and drive-thru restaurant are connected by an internal drive aisle, along the north property line. The proposed site plan provides adequate circulation areas for passenger vehicles as well as emergency vehicles and fuel delivery trucks. To ensure truck movement does not conflict with traffic travelling along Main Street, a condition of approval is recommended requiring the Main Street driveway to be restricted to right in and right out turning movements only. With the recommended condition of approval, Staff supports the project design.

### *Conceptual Landscaping and Hardscape*

Conceptual landscape plans have been designed to provide a variety of landscape materials throughout the project site, including shrub clusters, accent plantings, ornamental and shade trees. Decorative paving is provided at the driveway on Main Street. No decorative paving is



provided at the driveways on Orange Street; therefore, Staff recommends a condition of approval requiring decorative paving at all driveway entrances.

## **GRADING EXCEPTION**

The project site encompasses a significant grade difference from east to west, with the existing natural elevation at Orange Street approximately 19 feet higher than the existing street elevation at Main Street. The Conceptual Grading Plan proposes a "terraced" concept, whereas the proposed pad elevation of the convenience store facing Main Street is 833 feet and the drive thru restaurant on Orange Street is 852 feet. Construction of terraced retaining walls totaling an overall height of 15 feet are proposed to extend from north to south across the center of the site. The retaining walls range in height from under one foot to eight feet in height. A 4.5-foot-wide landscaped bench separates the terraced walls.

Title 17 (Grading) of the Riverside Municipal Code limits retaining walls to a maximum height of 6 feet in areas not open to public view unless an administrative exception is granted. As such, the Applicant has provided justification findings for a Grading Exception to allow retaining walls higher than required by Code to accommodate the proposed grading concept. Due to the unique topography of the site and the need to maintain adequate on-site circulation, Staff supports the requested grading exception and is able to make the necessary findings, which are attached to this report.

## **PUBLIC CONVENIENCE OR NECESSITY**

The subject site is located in Census Tract 301.03. Per the California Department of Alcoholic Beverage Control (ABC), there are two existing off-sale licenses within the tract (Main Street 76 service station, located at 2278 Main Street and Los Novillos Market, located at 2650 Main Street), where one off sale license is permitted. The proposed license would represent the third off-sale license in the tract; therefore, a determination of Public Convenience or Necessity is required pursuant to State law. The request meets the public convenience or necessity findings required by Section 23958.4 of the Business and Professional Codes based on the following:

- 1) The sale of beer and wine will be clearly incidental as evidenced by the relatively small display area for beer and wine;
- 2) Given the wide array of general and convenience merchandise sold at this facility, off-sale of beer and wine is anticipated to amount to a small percentage of gross sales at this facility; and
- 3) The alcohol license will be located on a site with adequate parking and lighting. As such, the incidental sale of beer and wine in conjunction with the vehicle service station would be a convenience to patrons and area residents.

## **NEIGHBORHOOD COMPATIBILITY**

The project is compatible with surrounding development patterns along Main Street. The project is designed to provide adequate access, circulation and on-site parking. A noise analysis prepared for the project concludes that noise generated from the car wash operations will be in compliance with Title 7 - Noise Control of the Riverside Municipal Code. The project, as conditioned, will not prove detrimental to the surrounding neighborhood or the general public.



## ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) has been prepared for this project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines. The CEQA documentation states the proposed project will not have a significant effect on the environment, subject to implementation of the Mitigation, Monitoring and Reporting Program (MMRP).

## 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, Staff have received no responses.

## 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 Community & Economic Development Department, Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Specific Plan/Zoning Map
6. Project Plans (Site Plan, Floor Plans, Roof Plans, Elevations, Color and Material Board, Civil Site Plan, Preliminary Grading Plan, Drainage Details/WQMP, Conceptual Landscape Plan)
7. ABC Alcohol License Census Tract Concentration Map
8. Alcohol License Distance Requirements Map
9. CEQA Document (Mitigated Negative Declaration)
10. Applicant Provided Variance Justifications
11. Applicant Provided Grading Exception Justifications
12. Existing Site Photos

---

Prepared by: Candice Assadzadeh, Associate Planner

Reviewed by: Ted White, Deputy Director

Approved by: Rafael Guzman, Community & Economic Development Director



**EXHIBIT 1 –STAFF RECOMMENDED FINDINGS**

**PLANNING CASES:**     **P15-0907** (Conditional Use Permit)  
                                 **P15-0908** (Conditional Use Permit)  
                                 **P15-0909** (Design Review)  
                                 **P16-0285** (Variance)  
                                 **P16-0651** (Variance)  
                                 **P17-0544** (Public Convenience or Necessity)  
                                 **P17-0646** (Grading Exception)

***Conditional Use Permit Findings pursuant to Chapter 19.760.040***

- a. The proposed vehicle fuel station, vehicle wash facility, and drive-thru restaurant 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;
- b. The proposed vehicle fuel station, vehicle wash facility, and drive-thru restaurant 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
- c. The proposed vehicle fuel station, vehicle wash facility, and drive-thru restaurant 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.

***Vehicle Fuel Station Findings pursuant to Chapter 19.410.030***

- a. The vehicle fuel station will not substantially increase vehicular traffic on streets in a residential zone, and that the vehicle fuel station will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use;
- b. The vehicle fuel station will not substantially lessen the usability of adjacent or nearby commercially-zoned property for commercial use by interfering with pedestrian traffic;
- c. The vehicle fuel station will not create increased traffic hazards to pedestrians when located near a school, assemblies of people - non-entertainment or assemblies of people – entertainment;
- d. The vehicle fuel station site is served by streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by such service station use; and
- e. The vehicle fuel station site is adequate in size and shape to accommodate said use, and to accommodate all yards, walls, parking, landscaping and other required improvements.

### ***Drive-Thru Business Findings pursuant to Chapter 19.475.050***

- a. The drive-thru restaurant will not substantially increase vehicular traffic on streets in a residential zone;
- b. The drive-thru restaurant will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
- c. The drive-thru restaurant will not create increased traffic hazards to pedestrians;
- d. The drive-thru restaurant site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements; and
- e. The drive-thru restaurant will not substantially lessen the usability and suitability of adjacent or nearby residentially.

### ***Variance Findings pursuant to Chapter 19.720.040***

#### Requested Variances:

- A) To allow a reduced landscape setback along Orange Street; and
  - B) To allow a reduced separation requirement from a business with the concurrent sale of motor vehicle fuel with alcoholic beverages.
- a. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships in the development of this property.

Variance A: The proposal **complies** with this finding. The strict application of the Zoning Code would require the proposed parking spaces adjacent to Orange Street be shifted 4.5 feet toward the interior of the site to comply with the minimum required 15-foot landscaped setback for parking lots with more than 20 spaces. This modification, together with the substantial east-west elevation change across the site, would result in a reduction in the number of parking spaces, drive aisle width, and length of drive-thru queuing lanes, compromising on-site circulation efficiency and safety. Alternatively, this modification would require the relocation of the terraced retaining walls 4.5 feet to the west, impacting circulation, landscaped setbacks and minimum parking and drive aisle widths within the service station component of the site, or necessitating the elimination of the proposed landscaped bench to create a single, 15-foot-tall retaining wall in the center of the site. Each of the scenarios described above would constitute practical difficulties arising from strict application of this provision, in conflict with other provisions of the Zoning code.

Variance B: The proposal **complies** with this finding. The strict application of the Zoning Code requires a minimum distance of 1,000 feet between establishments licensed for the off-sale of alcohol, as measured from the outside walls of the building from which off-sale will be conducted to the nearest property line of the other off-sale business location. The purpose of this separation requirement is to ensure compatibility with surrounding uses and avoid impacts associated with those uses. In this instance, the existing business licensed

for the off sale alcohol is located at 2278 Main Street, approximately 46 feet from the subject site when measured using the method prescribed by the Zoning Code. In order to meet the minimum required separation between off-sale licenses, the proposed off-sale establishment would need to be moved more than 250 feet to the north, thereby placing it in closer proximity to Fremont Elementary School to the north, contrary to the purposes of the Zoning Code. Both the existing and proposed off-sale establishments are full-service convenience shops which offer a wide variety of food and goods for which alcohol sales account for only a small percentage of sales floor area, which is typical for this type of business. For these reasons, it would be an unnecessary hardship to strictly adhere to the Zoning Code separation regulation between the proposed establishment and another off-sale establishment.

- b. 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.

Variance A: The proposal **complies** with this finding. The project site demonstrates an east-west change in elevation of approximately 19 feet from Orange Street to Main Street. As such, the site has been designed in a terraced fashion creating optimal building sites at two elevations, separated by a series of retaining walls. To soften the appearance of the proposed retaining walls, which reach heights of up to 8 feet individually and 15 feet combined, landscaped buffers and a landscaped bench located between the walls have been provided, and the location of the proposed retaining walls allows for optimal site circulation for all components of the project. The unique topography of the site constitutes an exception circumstance which is not generally applicable to similar development or other properties in this subdistrict of the Downtown Specific Plan.

Variance B: The proposal **complies** with this finding. The project site is situated at the interchange of Main Street and State Route 60, one half-mile east of the Market Street interchange and immediately west of the SR-60/SR-91/I-215 interchange. Properties surrounding the Market Street interchange are zoned O – Office, PF – Public Facilities, and DSP-MSG – Downtown Specific Plan, Market Street Gateway District, none of which permit the proposed use. The nearest interchanges with suitable zoning for the proposed use are Columbia Avenue and Interstate 215, over one mile to the north, or Third/Blaine Streets and SR-60, over 1.5 miles to the east. Thus, the Main Street interchange is the only freeway interchange with suitable zoning within at least one-half mile in any direction. Commercial zoning does exist on the north side of the Main Street interchange, outside of the required 300-foot separation required for the concurrent sale of alcohol and vehicle fuel. However, these properties do not meet the minimum lot area required for vehicle fuel stations, and directly adjacent to Fremont Elementary and thus would compromise neighborhood compatibility if developed with the proposed use. As such, despite its proximity to an existing service station with off-sale of alcohol, the project site is uniquely situated as the most suitable location for the proposed use within a reasonable distance, an exceptional circumstance not applicable to similar properties.

- c. The granting of this request would not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

Variance A: The proposal **complies** with this finding. As designed, the project's Orange Street frontage will be configured with curb-adjacent sidewalk and a site-adjacent landscaped parkway. The project has been conditioned to dedicate three feet right-of-way to the ultimate 33-foot half with specified for Orange Street in the General Plan 2025 Circulation and Community Mobility Element. With the combination of the existing parkway and the conditioned dedication, a total of 7.5 feet of landscaped parkway will augment the proposed 10.5-foot landscaped parking setback, resulting in a combined 18 feet of landscaping between the sidewalk and the closest parking space. This configuration will provide a material benefit to the surrounding properties and improvements by providing additional landscape screening and associated aesthetic improvement to the neighborhood.

Variance B: The proposal **complies** with this finding. As demonstrated by the case record, the Riverside Police Department does not object to the proposed off-sale of alcohol at this location, despite its proximity to the existing off-sale establishment. Moreover, the project has been conditioned to provide numerous enhanced security features including continuously monitored closed-circuit surveillance cameras, site lighting and maintenance requirements, mandatory employee and management training and an overall cap on the floor area dedicated to alcohol sales. The existing off-sale establishment operates under a Conditional Use Permit subject to similar requirements. These measures will sufficiently safeguard the value of nearby property and the general public welfare from any undesirable effects of the proximity of these establishments to one another.

- d. The granting of this request will not be contrary to the objectives of the General Plan.

Variance A and B: The proposal **complies** with this finding. Based on the scope of the requested Variance, the granting of this request will not be contrary to the objectives of the General Plan 2025 and the Downtown Specific Plan.

***Public Convenience or Necessity Findings pursuant to Section 23958.4 of the Business and Professional Codes***

1. The sale of alcohol will be clearly incidental as evidenced by the relatively small display area for beer and wine (on shelves and within coolers). The store caters to shoppers who come in for general merchandise and purchase alcoholic beverages as a convenience while purchasing vehicle fuel and other merchandise. Therefore, the sale of alcohol is a convenience for shoppers, not typically the sole purpose for the visit to the store;
2. According to the applicant, off-sale of beer and wine is anticipated to amount to a small percentage of the gross sales at this facility, given the wide array of general and convenience merchandise sold at the facility. Therefore, it can be found that alcohol sales are not a primary function of the establishment;
3. The Police Department does not oppose the proposed beer and wine sales concurrent to vehicle fuel sales at this location; provided specific conditions related to the management,

education and security of the facility are required in order to insure the business is well-managed and operated in a manner which is compatible with the surrounding businesses and will assist in crime prevention;

4. The proposed vehicle fuel station is located within an established commercial area, and located in the only zone within the Census Tract that allows for the off-sale of alcohol. It is expected that there would be a concentration of facilities that sell alcoholic beverages in the commercial serving areas of a Census Tract. In this instance, the facilities that hold off-sale alcoholic beverage licenses (Main Street 76 service station and Los Novillos Market) offer a wide array of general merchandise, as does the subject vehicle fuel station, such that, unlike a liquor store, alcohol sales is not their primary source of business transactions; and
5. The proposed vehicle fuel station has been developed to provide adequate parking, visibility, access, and lighting and thus would provide a safe and secure environment in which to conduct alcohol sales.

***Grading Exception Findings pursuant to Section 17.32.020***

Requested Grading Exception: To permit retaining walls higher than required by Code.

- a. That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent Title 17.

The proposal **complies** with this finding. In order to maximize efficient use of the site and to provide for adequate on-site vehicular circulation, the project site will be graded to create two "terraced" building pads on the east and west sides of the site. This configuration also serves to eliminate the need for retaining walls visible from or fronting directly onto the projects Main Street and Orange Street frontages. To achieve this, a series of two retaining walls up to 8 feet in height, separated by a 4.5-foot landscaped bench, are proposed for the center of the site. Strict compliance with the Grading Code would require that the eastern half of the site be lowered and the western half be raised from street grade, each by several feet, thereby necessitating additional retaining walls along both street frontages. This would result in an unnecessary hardship inconsistent with the intent of the Grading Code, which includes the minimization of the visual impact of grading and the preservation of community character.

- b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The proposal **complies** with this finding. The project site encompasses a substantial change in elevation of 833 feet at the Main Street property line and 852 feet at Orange Street. This situation is compounded by the presence of a non-buildable easement in favor of the California Department of Transportation extending approximately 27 feet into the site along the majority of the northerly property line. The easement limits the potential configurations of the site avoiding the need of retaining walls of the proposed height. The project site's dual street frontages, the need to maintain building sites relatively level with the adjoining streets, and the presence of the easement constitute an exceptional

circumstance not generally applicable to other properties within this subdistrict of the Downtown Specific Plan.

- c. That the granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

The proposal **complies** with this finding. The approval of the requested Grading Exception will allow the property to be developed in a manner consistent with the surrounding development. The project site has been designed to preserve level grades at both street frontages, facilitating circulatory efficiency as well as eliminating the potential aesthetic impacts of retaining walls directly facing the street frontages. The limits and heights of the proposed retaining walls have been reduced to the maximum extent possible. The project has also been conditioned for the retaining walls to be constructed of decorative block and to be landscaped sufficiently to soften their appearance from within the project site. Finally, the proposed grading design will not result in the obstruction of views from adjacent properties and will not result in adverse effects to surface drainage in the area.





*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

**PLANNING CASE:** P15-0907 (Conditional Use Permit)

Meeting Date: October 19, 2017

P15-0908 (Conditional Use Permit)

P15-0909 (Design Review)

P16-0285 (Variance)

P16-0651 (Variance)

P17-0544 (Public Convenience or Necessity)

P17-0646 (Grading Exception)

**CONDITIONS**

• **Planning**

1. All mitigation measures, as outlined in the Mitigation, Monitoring and Reporting Plan in the Mitigated Negative Declaration, shall be completed in accordance with the designated schedule.
2. The vehicle fuel station and vehicle wash facility shall be developed and operated substantially as described in the text of this report and as shown on the exhibits on file with this case, except for any specific modifications that may be required by these conditions of approval.
3. 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.
4. Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Issuance of Grading and Building Permits:*

5. Applicant shall obtain written Caltrans site plan approval and submit a copy to the City, prior to grading and building permit issuance.

*Site Operation Standards:*

6. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.

*Prior to Issuance of Grading Permit:*

EXHIBIT 2- STAFF RECOMMENDED CONDITIONS OF APPROVAL

7. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
  - a. Compliance with City adopted interim erosion control measures;
  - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and
  - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.

*During Grading and Construction Activities:*

8. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
9. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
10. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
11. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
12. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust shall be controlled as required by the AQMD;
  - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
  - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Wash off trucks and other equipment leaving the site;
  - f. Keep disturbed/loose soil moist at all times;
  - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
  - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

13. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

*Prior to Building Permit Issuance:*

14. Landscaping and Irrigation plans shall be submitted for Planning Staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
15. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
16. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material.
17. Roof equipment shall be fully screened from the public right-of-way. Screening material shall be at least as high as the proposed roof mounted equipment and shall be architecturally integrated with the proposed structure.
18. Ground mounted utility and mechanical equipment shall be fully screened from the public right-of-way.
19. **Staff Required Building Elevation Condition:** Plans submitted for Building Plan Check shall include the following:
  - a. Clearly specify all materials and colors of exterior finishes on the building elevations.
20. **Staff Required Landscape and Irrigation Condition:** Plans submitted for Building Plan Check shall include the following:
  - a. Provide decorative paving at all driveway entrances.
21. **Staff Required Wall Condition:** Plans submitted for Building Plan Check shall include the following:
  - a. Clearly specify decorative masonry block with a decorative cap for all walls.

*Prior to Release of Utilities and/or Occupancy:*

22. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the case planner to schedule the final inspection at least one week prior to needing the release of utilities.

*Standard Conditions:*

23. There shall be a 24-month time limit in which to commence construction of the project beginning the day following approval by the Planning Commission.
24. 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.
25. 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 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.
26. This 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.
27. 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. Permittee 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.
28. The Project must be completed per the Conditional Use Permit and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Staff. Revisions to the approved design plans may require an additional application and filing fee.
29. The applicant herein 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.

30. Failure to abide by all conditions of this permit shall be cause for revocation.
31. 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.

- **Fire Department**

32. An automatic fire sprinkler system is required by City Ordinance 16.32.080. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

33. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
34. Fire Department access shall be maintained during all phases of construction.
35. Two new public fire hydrants are required for this project, one on Orange Street and one on Main Street.
36. All required hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.
37. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent. Fire access shall comply with our required turning radius.

- **Parks, Recreation, and Community Services**

38. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

- **Public Utilities – Electric**

39. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.
40. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.

41. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.
42. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
43. Plot existing electrical distribution facilities on the original site plan.
44. Please show proposed location of transformers and electrical rooms.
- **Public Utilities – Water**
45. Prior to building permit approval, the Applicant shall upgrade the existing 4-inch waterline in Orange Street to 12-inch from Russell Street to the project's northwesterly boundary.

- **Public Works**

*Conditions to be fulfilled prior to occupancy unless otherwise noted:*

46. \*The project is anticipated to have a significant impact at the intersection of Orange Street at Russel Street. In order to mitigate this impact, the project shall restripe the north leg to provide a designated southbound right-turn lane and a shared southbound through/left-turn lane. This mitigation measure was assessed as part of the TIA and was found to improve the Level of Service at the intersection to an acceptable level. Project to provide 100% participation.
47. \*The project is anticipated to have a significant impact at the intersection of Orange Street at the SR 60 WB Off-Ramp. The TIA provides a 7.68% fair share contribution towards the construction of a traffic signal to mitigate the project's impact.
48. Prior to issuance of any grading and/or building permit(s), applicant to provide Caltrans approval to allow construction within their easement.
49. Abandonment of existing sewer main within project boundary and vacation of existing sewer easement prior to issuance of building permit.
50. Installation of sewer laterals to serve new construction.
51. Driveway(s) size and location to Public Works specifications. The project's driveway along Main Street is located in close proximity to an adjacent driveway. The project shall ensure adequate sight distance for motorists exiting at this driveway by clearing relevant obstructions and through the physical location of the driveway. The project shall restrict motorists to right turns in/out only on Main Street through the use of striping, signage, and physical improvements within the driveway.
52. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
53. Trash Enclosure(s) required per City Standards.

54. Deed for widening Orange Street to 33 feet from monument centerline Public Works specifications.
55. Construction and Encroachment permits required for private storm drain connection in Main Street to Public Works specifications.
56. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.

The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.

57. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
  - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
  - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
58. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.



59. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
60. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
  - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
  - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

- **Public Works – Street Trees**

61. Planting of 24" Box Size Street Trees along Main Street and Orange Street.
62. Installation of automatic irrigation system to provide deep-root watering to trees is required.

- **Public Works – Environmental Compliance**

63. Wastewater Discharge Survey to be submitted to Environmental Compliance Section for approval.

If an interceptor is determined to be installed or replaced, this requirement must be met prior to opening the business or by the date determined by the Environmental Compliance Section.

- **Riverside Police Department**

*Alcohol:*

64. 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.)
65. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
66. No cold single units of beer or fortified wine/liquor shall be allowed to be sold.
67. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows, or checkout counter.

68. The applicant'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:*

69. 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.
70. 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.
71. 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 thirty day period and which shall also be made available to the Riverside Police Department upon request within 24 hours. An on-site manager shall have working knowledge on how to retrieve video when requested by Riverside Police Department.
72. Management shall actively participate in Business Watch through the Riverside Police Department.

*Entertainment:*

73. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
74. 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".
75. Posting of No Trespassing/No Loitering signage with the appropriate RMC sections along the perimeter of the building and enrollment in the Riverside Police Department's Trespass Authorization Program.

*Grounds:*

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

*Compliance:*

80. 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.
81. 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 shall be grounds for revocation proceedings.