# **VARIANCE JUSTIFICATION FORM**

## Introduction

Variances are limited to those situations where the peculiar physical characteristics of a site make it difficult to develop under standard regulations. A variance is granted in order to bring the **disadvantaged** property up to the level of use enjoyed by nearby properties in the same zone. For instance, where the steep rear portion of a residential lot makes the site otherwise undevelopable, a variance might be approved to reduce the front yard setback and thereby create sufficient room for a home on the lot. Similarly, a parcel's shape might preclude construction of a garage unless side yard setback requirements are reduced by approval of a variance.

Review of a proposed variance must be limited solely to the physical circumstances of the property. "The standard of hardship with regard to applications for variances, <u>relates to the property</u>, not to the person who owns it" (California Zoning Practice, Hagman, et al.). Financial hardship, community benefit, or the worthiness of the project are not considerations in determining whether to approve a variance (Orinda Association v. Board of Supervisors (1986) 182 Cal.App.3d 1145).

There is no basis for granting a variance if the circumstances of the project site cannot be distinguished from those on surrounding lots. For example, all things being equal, in a subdivision where lots are uniformly 40 feet wide, there is no basis for allowing one lot to be developed with reduced side yard setbacks.

When approving a variance, the Applicant must provide "findings of fact" to support the variance. Findings are important. They explain the Cities reasons for approving the variance. The purpose for making findings is to bridge the analytical gap between the raw evidence and ultimate decision. Variance findings must describe the special circumstances that physically differentiate the project site from its neighbors. Further, the findings must specify the unnecessary hardship that would result from these circumstances in the event that a variance was not approved.

## FILING FEES

See current Fee Schedule (filing fees are generally non-refundable). Additional fees may be required to be submitted PRIOR to scheduling a project for hearing. Check with the Planning Division for current fees.

# **Property Information**

Project Description: G4M O/L #29

Project Location: **B283 ARLINGTON AVENUE** 

Assessor's Parcel Number (APN): 155-273-013-7

## **Submittal Requirements**

Refer to **Development Application Information** Handout for information on Submittal Requirements.

Additional submittal items include:

1. Variance Justification Form (attached)

## Height/story variances in the RC Zones

Aside from the filing requirements set forth above, any variance requests for extra building height/stories in the RC-Residential Conservation Zone must be accompanied by:

- 1. Approved or proposed grading plans for the site.
- 2. A Composite map clearly indicating the approved grading, including building pad elevations, on adjoining sites, or if no grading has been approved, the natural topography of adjoining property. Additional information on grading for a larger surrounding area may be required.
- 3. Street sections, where appropriate.
- 4. Building elevations for proposed dwelling (in addition to required plot plans).
- 5. Where split pads are proposed, building sections are required.

If more than one lot is involved, the proposed building and height pad elevation for each lot shall be clearly identified. Separate Variance Justification Forms for each lot are required with justifications based on the unique characteristics of each industrial lot. Heights shall be justified based on relationships with surrounding lots and natural topography.

## Variance Justification Form

Variances Requested – State variance(s) requested specifically in detail. Please attach

separate sheet(s) as necessary.

REQUEST FOR A VARIANCESET BACK FROM THE CODE REQUIRED 15'-0" TO A PROPOSED 10'-0" SET BACK.

**Required Findings** – Answer each of the following questions "YES" or "NO" and then explain your answer in detail. Questions 1 & 2 must be answered "YES" and 3 & 4 "NO" to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code? (In other words, explain why it would be difficult to comply with the development standards) Explain in detail.

# SEE ATTACHED SHEET

2. Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? (In other words, explain what special circumstances this specific property has that would justify the deviation from the development standards) Explain in detail.

#### SEE ATTACHED SHEET

3. Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? (In other words, explain how approving such deviations from the standards will not impact the public). Explain in detail.

# SEE ATTACHED SHEET

4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? (In other words, explain how the requested variance is in compliance with the goals, policies and objectives of the General Plan 2025? Explain in detail.

# SEE ATTACHED SHEET

## **Variance Justification Form**

## Required Findings

4

The following findings have been prepared based on our variance request to allow a deviation on a specific setback requirement. The Municipal Code requires a 15'-0" setback and due to site issues and required City right of way dedication requirements the project can only provide a 10'-0" setback along the project's north property line.

1. <u>Finding #1</u> - Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent on the Zoning Code? (In other words, explain why it would be difficult to comply with the development standards).

### Yes

The project site lies on the northeast corner of two city streets. The City's Public Works Department is requiring that right of way dedication be given from the property owner to allow the city to widen both streets. By providing the requested right of way dedications the workable and physical area of the site is reduced, and that coupled with the need to provide safe and adequate circulation in and about the site to the general public, results in difficulties and hardships inconsistent with the purpose and intent of the commercial retail provisions of the Zoning Code.

Further, because large tanker trucks will continue to make fuel deliveries to the site these tankers require larger than normal turning maneuvers and clearances to safety and adequately enter and exit the site. With the right of way dedication requirements (especially off of Arlington Avenue) the circulation area is reduced which requires the deviation in the rear yard setback. If the site was to provide a 15'-0" rear yard setback safe clearances for tankers and the general public would be sacrificed and potentially hazardous. These unsafe circulation patterns are not consistent with the intent of the general purpose and intent of the Zoning Code.

2. Finding #2 - Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other properties in the vicinity and under identical zoning classifications? (In other words, explain what special circumstances this specific property has that would justify the deviation from the development standards).

### Yes

The City's Public Works Department is requiring that right of way dedication be given from the property owner to allow the city to widen both streets. By providing the requested right of way dedications the workable and physical area of the site is reduced, and that coupled with the need to provide safe and adequate circulation in and about the site to the general public, results in conditions not

found or experienced by other CR zoned properties in general or other nearby properties not required to dedicate right of way for street widenings.

The circumstance of having to dedicate right of way on both street frontages greatly reduces the overall size and usability of the project site which does not generally apply to other properties in the vicinity of under identical zoning classifications.

3. <u>Finding #3</u> - Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? (In other words, explain how approving such deviation from the standards will not impact the public).

### No

The granting of the request will not prove to be materially detrimental to the public welfare or injurious to the property or improvements. The project will still a 10'-0" setback along the backside of the building in an area that will be secured and off limits to the public. The general welfare of the public will be essentially unaffected by the deviation from 15'-0 to 10'-0". Further, the proposed 10'-0" wide setback will be landscaped and the north property line will have a new 7'-0" high CMU block wall. Lastly, the variance will not adversely affect the zone or the neighborhood.

4. Finding #4 - Will the granting of such variance be contrary to the objectives of any part of the General Plan? (In other words, explain how the requested variance is in compliance with the goals, policies and objectives of the General Plan 2025).

#### No.

The granting of the requested variance will not be contrary to the goals and objectives of the General Plan. The project still provides an adequate setback which will be secured from public access and view which will also protect and buffer the property to the north of the project. The requested variance does not affect the zoning classification, use or operations of the property and maintains the current zoning and use which has been on the property since the 1960's.

## G&M Oil #29 - Riverside 8283 Arlington Avenue, Riverside, California

## **Project Description**

## Statement of Issue

Pursuant to the City of Riverside Municipal Code a Conditional Use Permit and a Design Review are required for the modification and improvement of an existing fuel station and convenience store.

## **Project Description**

The proposed project site is located at the northeast corner of the intersection of Arlington Avenue and Lake Street. The street address for the project site is 8283 Arlington Avenue. The project site is currently zoned CR (Commercial Retail) and is currently occupied with the existing G&M Oil retail gasoline station and convenience store. The project site is currently improved with existing building structures, a raised canopy structure, multiple fuel dispensing devices, a trash enclosure, underground storage tanks, paving and site improvements along with minor landscape and driveway improvements.

The proposed project involves the demolition of the existing convenience store building and the construction of a new one-story state of the art convenience store building. The new convenience store building is proposed to be approximately 2,356 square feet in size and will provide for the sale of neighborhood and community convenience goods. The convenience store will continue to provide for the sale of typical neighborhood and community goods such as coffee and beverages, pre-package goods and convenience items. The previously approved 24 hours operation will remain for the project. As a result of City right of way dedication requirements the project also includes replacing the existing raised canopy structure with a new canopy in a slightly different position.

The proposed building will include a new walk-in cooler, a unisex ADA compliant restroom, an ADA accessible path of travel, bike rack, a health department compliant storage area, transaction/cashier area, utility room and sales area. The building will provide for continuous CCTV surveillance and monitoring and will be provided with energy monitoring and energy savings lighting and lighting controls.

The project will also include the installation of a new trash enclosure which will be designed and constructed to comply with State of California commercial business recycling requirements. The project will also include new landscaping, paving, parking, lighting and irrigation improvements to comply with current city requirements.

## **Operations**

The operational plan of the project is consistent and reflective of the existing site activity. Key site operation details are as follows. Operational details are for both the fuel and convenience store components.

- 1) Hours of Operation The site currently operates 24 hours a day. The site will continue to operate 24 hours a day.
- 2) <u>Days of Operation</u> The site is open seven (7) days a week.

- 3) Number of Shifts There are currently three shifts per day.
- 4) Employees per Shift The number of employees per shift can vary from 1 to 2 depending on the time of year and time of day. During most typical shift changes there will be two employees on site.
- 5) Proposed Onsite Parking Space Nine (9)
- 6) Proposed Landscape Area 5,383 Square Feet = 25.75%
- 7) On Site Manufacturing None.
- 8) On Site Automotive Services None
- 9) Land Uses
  - a) Existing Gas Station with Convenience Store
  - b) Proposed Gas Station with Convenience Store



# **G&M OIL COMPANY**

**FACILITY No.: 29** 

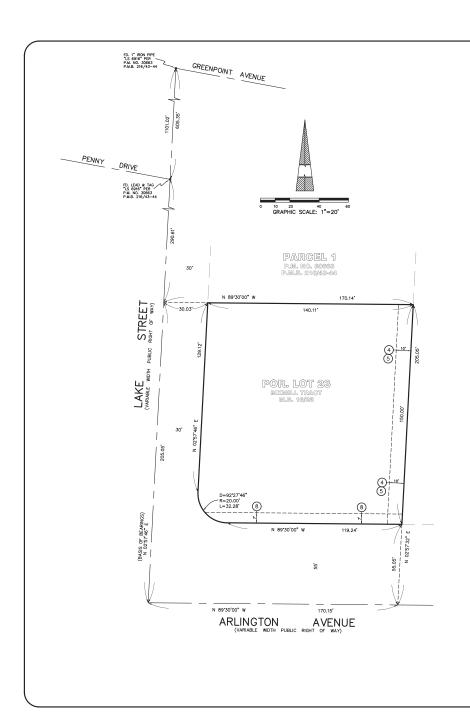
**8283 ARLINGTON AVENUE** RIVERSIDE, CA 92503

# **ENTITLEMENT PACKAGE**

SITE SHEET  TITE SHEET  COMPANY PACILITY No.: 29 83 ARLINGTON AVENUE  RIVERSIDE: CA 92503.	CINITY MAP	3 11	/12/2018 /26/2018	- QV	
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No. DATE 1 8/23/2018

	OCCUPANT LOAD CALCULATION (PER CBC TABLE 1004.1.2)	CODE INFORMATION	SITE SUMMARY	VICINITY MAP
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#### BENCH MARK:

TTY OF RIVERSIDE BM #G3-

P.K. NAIL AND CITY ENGINEER TAG IN THE NORTHEASTERLY CORNER OF A CATCH BASIN ALONG THE NORTHERLY CURB OF ARLINGTON AVENUE, 110 FEET± WESTERLY OF THE CENTERLINE OF LAKE STREET.

ELEVATION = 737.871 (NAVD 88, 1997 LEVELED)

STATEMENT OF ENCROACHMENTS:

THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS PROPERTY LINES STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING NOW.

#### PARKING STALLS:

1 STANDARD STALL 1 HANDICAP STALL

#### LAND AREA:

20,903 SQUARE FEET 0.480 ACRES

#### BASIS OF BEARINGS:

THE BEARING NORTH 02'57"46" EAST BEING THE CENTERUNE OF LAKE STREET AS SHOWN ON PARCEL MAP NO. 30663, FILED IN BOOK 216, PAGES 43 AND 44 OF PARCEL MAPS IN THE CITY OF RIVERSIBE, COUNTY OF RIVERSIBE, STATE OF CAUFORNIA WAS USED AS THE BASIS OF BEARINS FOR THIS SURVEY.

#### SURVEYOR'S NOTES:

THERE WORE NO MONUMENTS FOUND OR SET AT THE PROPERTY LINE CORNERS UNLESS OTHERWISE NOTICE. THE INFORMATION COURSES AND DISTANCES SHOWN ON HIS SURVEY PRINT ARE TRUE AND CORRECT AND ACCURATELY REPRESENT THE BOUNDARIES AND AREA OF THE PREMISES. THERE IS NO WISIBLE EVIDENCE OF CEMETERS ON SUBJECT

ALL MEASURED AND RECORD DIMENSIONS ARE THE SAME UNLESS NOTED OTHERWISE. AT THE TIME OF SURVEY NO EVUENCE OF RECENT EARTH MOWING MORK, BULDING CONSTRUCTION OR ADDITIONS WERE OBSERVED. NO RECENT CHANGES IN STREET RIGHTS-OF-WAY WERE OBSERVED AT THE TIME OF SURVEY.

NO VISIBLE EVIDENCE WAS OBSERVED THAT THE SITE IS BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL THE TIME OF SURVEY.

THIS SURVEY HAS BEEN PREPARED FOR TITLE INSURANCE PURPOSES ONLY. THIS SURVEY MAY NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. THE BOUNDARY DATA AND TITLE MATTERS AS HOMIN HERCON HAVE BEEN DEVLOYED FROM THE REPERENCES THILE REPORT, UNLESS THIS PLAN HAS THE SEAL AND SIGNATURE OF THE SURVEYOR MAD/OR ENGEMER RESPONSIBLE FOR ITS PERPARATION. THIS IS NOT AN

NO EVIDENCE OF POTENTIAL WETLANDS WERE OBSERVED ON THE SUBJECT PROPERTY AT THE TIME THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY DOCUMENTATION OF ANY WETLANDS BEING LOCATED ON TH-SUBJECT PROPERTY.

THERE ARE NO PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES DISCLO IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR AS PART

#### LEGAL DESCRIPTION:

HE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RIVERSIDE, IN THE OUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THENCE ON THE CENTERLINE OF ARLINGTON AVENUE SOUTH 89" 30" 00" EAST 170.16 FEE THENCE NORTH 02" 58" 00" EAST 55.06 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ON THE WESTERLY LINE OF THAT PARCEL DEEDED TO THE "OLD TIME FAITH, INC. RECORDED DECEMBER 19, 1950, IN BOOK 1229 PAGE 199, OFFICIAL RECORDS OF RIVERSID COUNTY, CALIFORNIA, NORTH 02" 88" 00" EAST 150.00 FEET;

THENCE NORTH 89" 30" 00" WEST 140.13 FEET TO THE EASTERLY LINE OF LAKE DRIVE AS SHOWN ON MAP OF ARLINGTON NORTH SUBDIVISION NO. 1;

THENCE ON SAID EASTERLY LINE OF SAID LAKE DRIVE SOUTH 02' 58' 00" WEST 129.1:
FEET TO THE BEGINNING OF A CURVE;

THENCE CURVING TO THE LEFT WITH A RADIUS OF 20.00 FEET THROUGH A CENTRAL ANG, OF 92' 28' 00", A DISTANCE OF 32.11 FEET TO END OF CURVE, SAID POINT BEING ALSO O THE NORTHERLY LINE OF ARLINGTON AVENUE AS SHOWN ON SAID MAP OF ARLINGTON NORTH SLIREDWISSION NO. 1

ENCE ON THE NORTHERLY LINE OF SAID ARLINGTON AVENUE, SOUTH 89" 30" 00" EA

EXCEPT ALL URANUM, THORUM AND ALL OTHER MATERIALS PURSUANT TO THE ATOMIC ENERGY ACT OF 1946, WITH THE RIGHT TO ENTER UPON SUCH LANDS AND PROSPECT FOR MINE AND REMOVE THE SAME, AS RESERVED IN THE DEED FROM THE UNITED STATES OF AMERICA TO EDWARD F. SCHULZ, RECORDED FEBRUARY 9, 1948, IN BOOK 892, PAGE 469, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPT ALL METALS, MINERALS, PETROLEUM, NATURAL GAS, AND OTHER HYDROCARBON SUBSTANCES BELOW 500.00 FEET FROM THE SURFACE OF SAID LAND AS RESERVED BY ANAL REALTY COMPANY, IN DEED TO PHILIP J. REIFEL, SR., ET AL, RECORDE FEBRUARY 11, 1999 AS INSTRUMENT NO. 11615 OF OFFICIAL RECORDS.

APN(S): 155-273-013-

THIS DESCRIPTION DESCRIBES ALL THAT REAL PROPERTY DESCRIBED IN TITLE REPORT DENTRIED AS CHICAGO TITLE COMPANY, ORDER NO. 00077936-994-X49-DB, DATED AUGIST 28, 2017

#### NOTES CORRESPONDING TO SCHEDULE "B":

 EASEMENT(S) FOR ELECTRIC LINES AND INCIDENTAL PURPOSES AND RIGHTS INCIDENT THERETO, AS GRANTED IN A DOCUMENT TO SOUTHERN CALIFORNIA EDISON COMPANY, RECORDED SEPTIMEER 7, 1949, INSTRUMENT NO. 398 OF OFFICIAL RECORDS. CHIS IT MAY AFFECT THE SUBJECT PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE SUPPOPRIENT OFFICIAL PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE SUPPOPRIENT OFFICIAL PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE

3. EASEMENT(S) FOR POLE LINES AND INCIDENTAL PURPOSES AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO SOUTHERN CAUFORNIA EDISON COMPANY, RECORDED SEPTEMBER 22, 1953, NISTRUMENT NO. 459410 FO EFFICIAL RECORDS. (THIS ITE MAY AFFECT THE SUBJECT PROPERTY BUT IS NOT PLOTTED HEREON BECAUSE THE

- 4. EASEMENT(S) FOR UTILITIES AND INCIDENTAL PURPOSES AND RIGHTS INCIDENTIAL THERETO, AS GRANITED IN A DOCUMENT TO LA GRANDAD WATER COMPANY, A CORPORATIO RECORDED FEBRUARY 9, 1959, INSTRUMENT NO. 10739 OF OFFICIAL RECORDS. (THIS ITEM IS PLOTTED HEROIN AND DOES AFFECT THE SUBSECT PROPERTY).
- 5 S. EASEMENT(S) FOR UTILITIES AND INCIDENTAL PURPOSES AND RIGHTS INCIDENTAL THRETO, AS GRANTED IN A DOCUMENT TO ARRINGTON UTILITY COMPANY, A CORPORATION RECORDED FEBRUARY 9, 1959, INSTRUMENT NO. 10740 OF OFFICIAL RECORDS. (THIS ITEL IS IN CITETTE HERFORM AND DOES AFFOCT THE SUBJECT PROPERTY).

6. EASEMENT(S) FOR DISTRIBUTION OF NATURAL GAS, WIT THE REASONABLE RIGHT OF MORTESS AND DECESSES AND INCORDATE PURPOSES AND RIGHTS INCORDATE, HERERO, AS GRANTED IN A DOCUMENT TO SOUTHERN CALIFORNIA CAS COMMANY, A CALEFORNIA FOR CORR. (HIS TIS TIM MAY AFFORT THE SUBJECT PROPERTY BUT IS NOT POINTED HEREON BECAUSE THE EXACT LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM THE DESCRIPTION OF RECORD.)

7. A RIGHT OF FIRST REFUSAL TO PURCHASE SAID LAND WITH CRETAIN TERMS, COMEMNI CONDITIONS AND PROVISIONS AS SET FORTH IN THE DOUBLET DECUCIED BY GOAD LOL LC. A CAUFORNAL MINITED LIMBUTY COMPANY; G & M GAPCO, LLC. A CAUFORNAL MINITED TO COMPANY COMEMON CONTROL AND COMPANY COMEMON CONTROL AND COMEMON CONTROL RECORDS. (THIS ITEM IS BLANKET IN NATURAL DOCUMENT OF THE STREET FOR COMEMON CONTROL RECORDS.)

8 E. EASEMENT'S) FOR ELECTRIC EMERGY DISTREUITION AND TRANSMISSION FACILITIES AND TELECOMMUNICATION FACILITIES AND REPORTS INCIDENTAL THEFERO, AS GRANTED IN A DOCUMENT TO THE CITY OF RIVERSIDE, A CALIFORNIA CHARTER CITY AND MUNICIPAL CORPORATION, RECORDED MAY 15, 2015, INSTRUMENT NO. 2015–0164841 OF OFFICIAL RECORDS. (THIS TIEST BYOTTED HEREON AND DOES AFFECT THE SUBJECT PROPERTY.)

#### SITE RESTRICTIONS:

THE SURVEYOR WAS NOT PROVIDED WITH ZONING INFORMATION PURSUANT TO TABLE A ITEM NO. 6(B).

#### FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE
"X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
NO. 060260-0705-G, WHICH BEARS AN EFFECTIVE DATE OF

#### UTILITY NOTE:

BASED ON VISUAL OBSERVATION, THE SUBJECT SITE IS SERVICED BY ALL THE NECESSARY UTILITIE

#### SURVEYOR'S CERTIFICATION

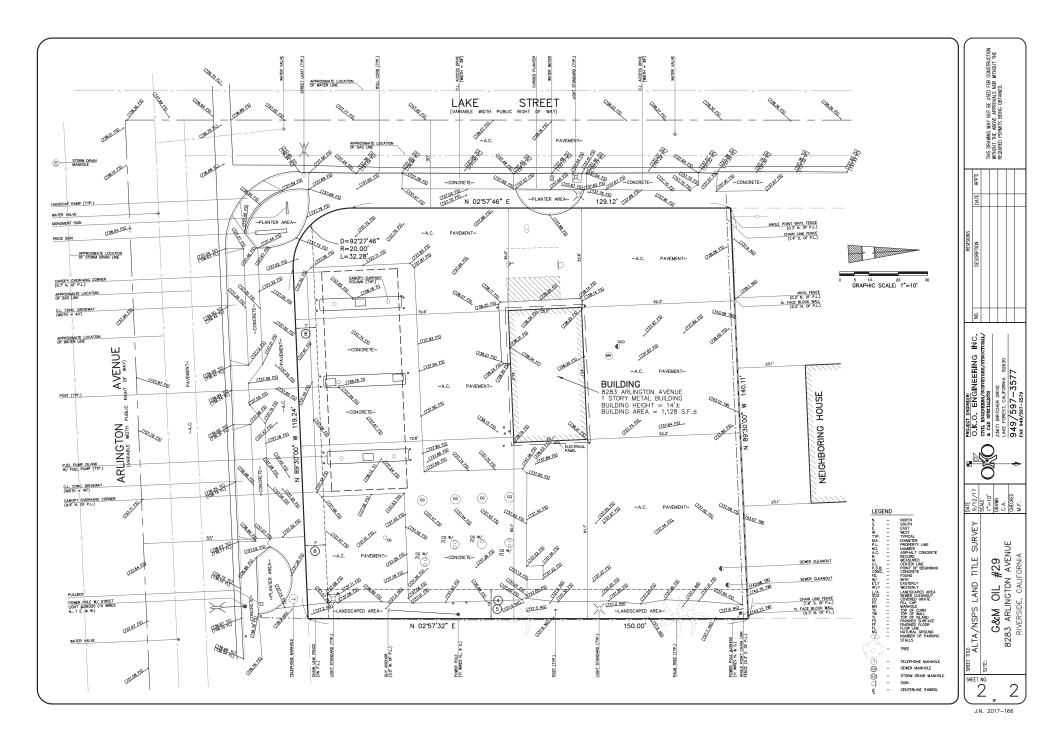
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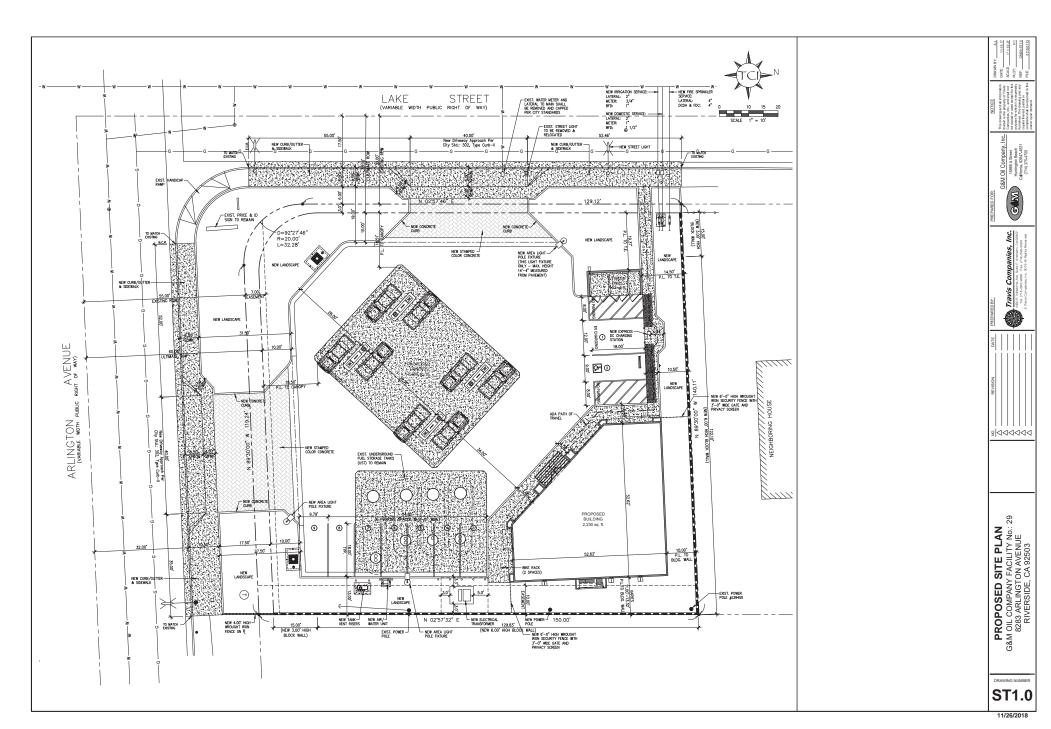


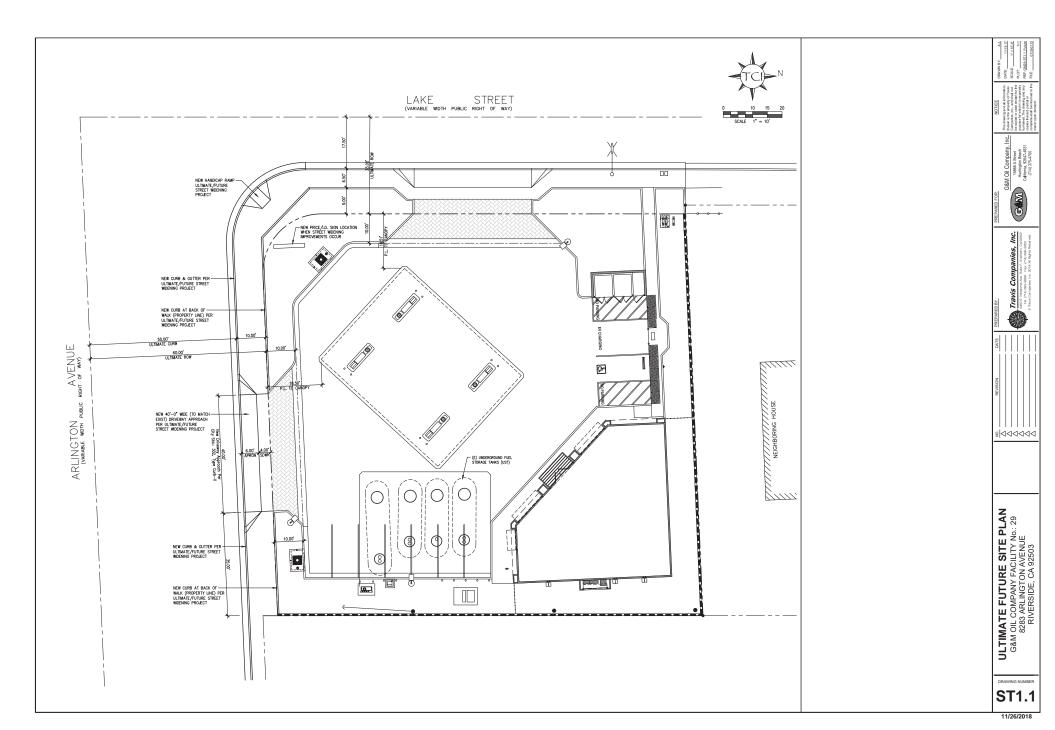
DATE OF LAST REVISION:

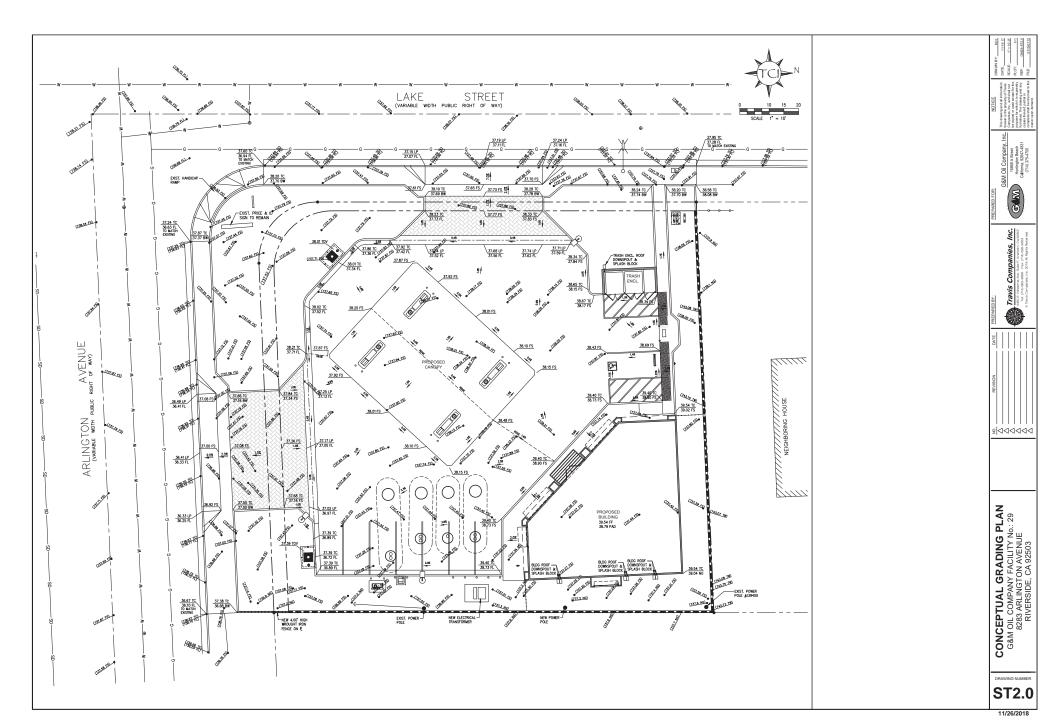


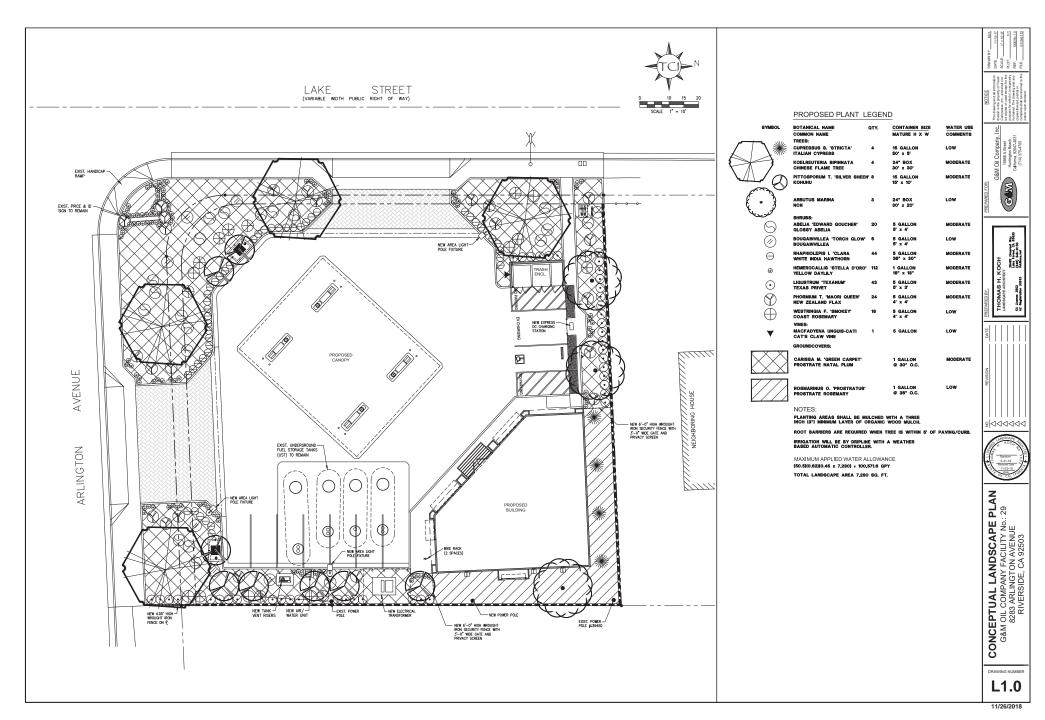
THIS DRAWING MAY NOT BE USED FOR WITHOUT THE ABOVE APPROVALS NOR REQUIRED PERMITS BEING OBTAINED. PROJECT ENGINEERING INC.
O.K.O. ENGINEERING INC.
A. CLO SPECIALEN
BETCHERN SPECIALEN
LAKE FOREST, CALFORNA 20230
949 959 7-3577
FAX 944/597-357 G&M OIL #29 8283 ARLINGTON AVENUE RIVERSIDE, CALIFORNIA SHEET NO.

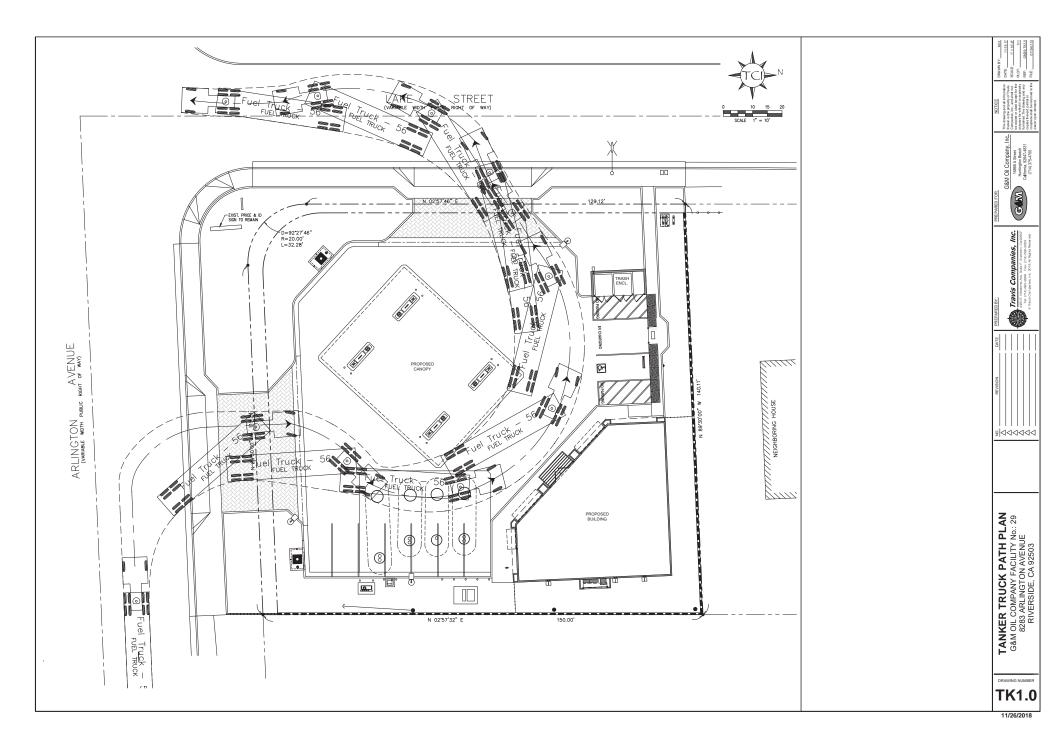


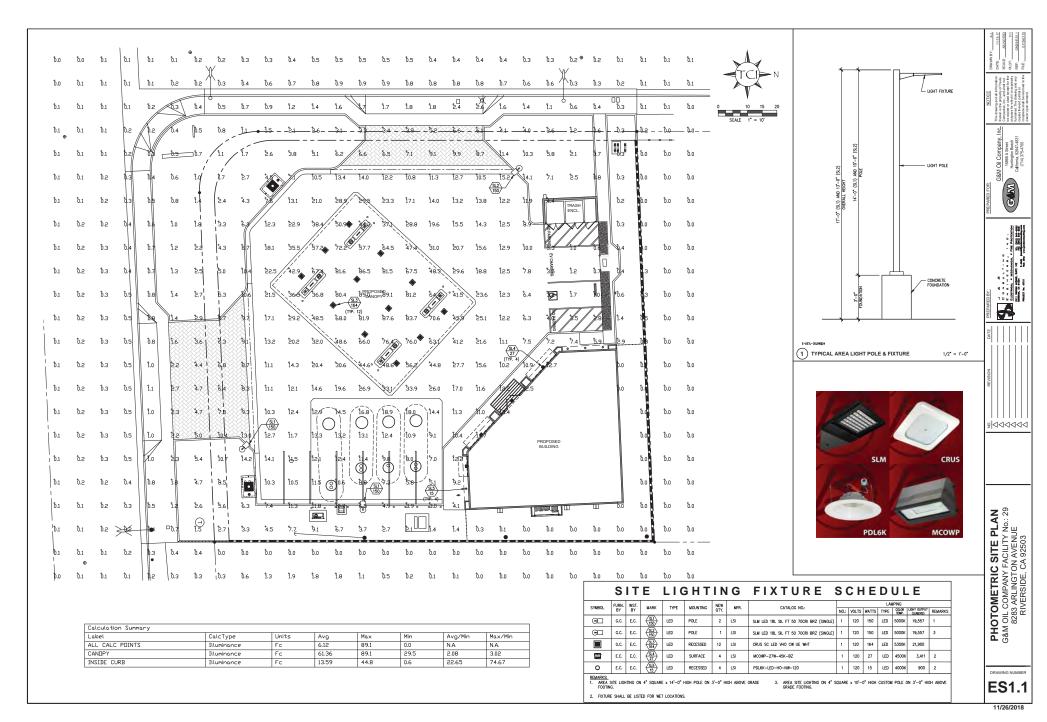


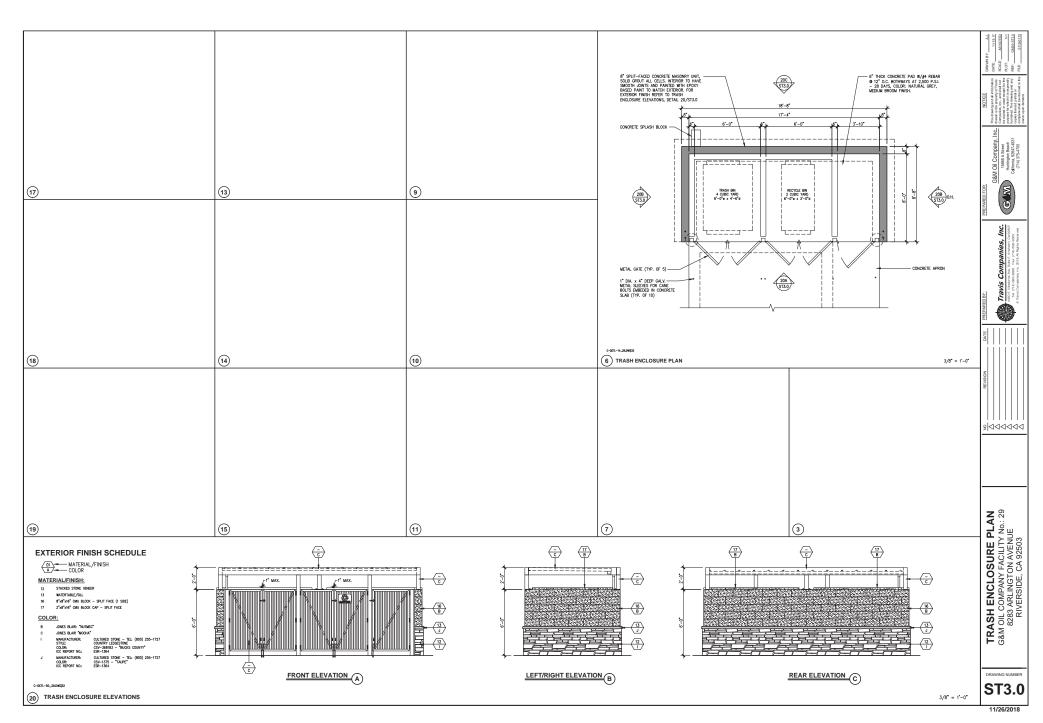


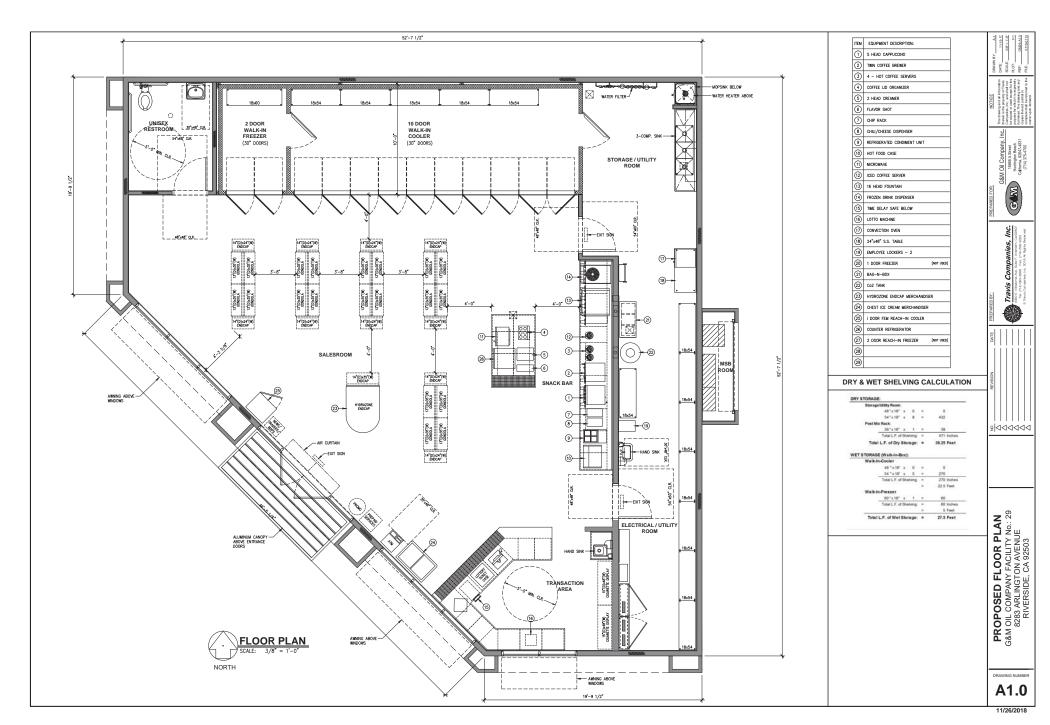


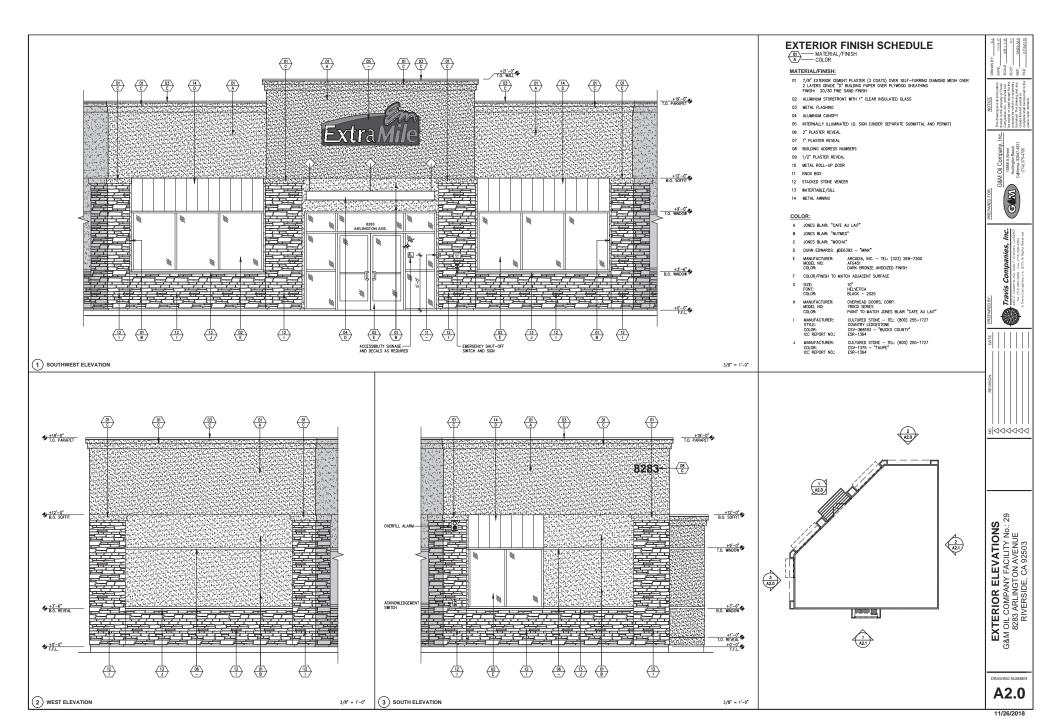












P18-0646 & P18-0648-0649, Exhibit 8 - Project Plans

