



**PLANNING COMMISSION HEARING DATE: OCTOBER 3, 2019
AGENDA ITEM NO.: 3**

PROPOSED PROJECT

<p><i>Case Numbers</i></p>	<p>P17-0494 (General Plan Amendment) P17-0495 (Zoning Code Amendment) P18-0986 (Conditional Use Permit) P18-0987 (Conditional Use Permit) P18-0988 (Parcel Map) P18-0989 (Variance) P18-0990 (Design Review) P18-0991 (Determination of Public Convenience or Necessity)</p>	
<p><i>Request</i></p>	<p>To consider the following entitlements for the construction of a vehicle fuel station and a 5,250 square foot multi-tenant commercial building, including a drive-thru restaurant:</p> <ol style="list-style-type: none"> 1) General Plan Amendment to change the General Plan land use designation from VHDR – Very High Density Residential to C - Commercial; 2) Zoning Code Amendment to change the zone from R-4 – Multiple Family Zone to CR – Commercial Retail Zone; 3) Conditional Use Permit to permit a vehicle fuel station consisting of a 3,062 square foot convenience store with off-sale of beer/wine (Type 20 Alcohol License); 4) Conditional Use Permit to permit a 1,960 square foot drive-thru restaurant; 5) Parcel Map to subdivide 1.49 acres into two lots; 6) Design Review of project plans; 7) Variances to allow alcohol sales within 100 feet of property zoned for residential uses and a reduced landscape setback along the west property line; and 8) Determination of Public Convenience or Necessity to allow the off-sale of beer/wine. 	
<p><i>Applicant</i></p>	<p>Steve Berzansky of Steven Walker Communities</p>	
<p><i>Project Location</i></p>	<p>9501 Lincoln Avenue, situated on the northwest corner of Van Buren Boulevard and Lincoln Avenue</p>	
<p><i>APN</i></p>	<p>234-270-020</p>	
<p><i>Project area</i></p>	<p>1.49 acres</p>	
<p><i>Ward</i></p>	<p>5</p>	
<p><i>Neighborhood</i></p>	<p>Arlington South</p>	
<p><i>General Plan Designation</i></p>	<p>VHDR – Very High Density Residential</p>	
<p><i>Zoning Designation</i></p>	<p>R-4 – Multiple Family Residential Zone</p>	
<p><i>Staff Planner</i></p>	<p>Candice Assadzadeh, Senior Planner 951-826-5667 cassadzadeh@riversideca.gov</p>	

RECOMMENDATIONS

Staff recommends that the Planning Commission recommend that the City Council:

1. **DETERMINE** that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record, and recommend that the City Council adopt a Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP); and
2. **APPROVE** Planning Cases P17-0494 (General Plan Amendment), P17-0495 (Zoning Code Amendment), P18-0986 (Conditional Use Permit), P18-0987 (Conditional Use Permit), P18-0988 (Parcel Map), P18-0990 (Design Review), P18-0989 (Variance), and P18-0991 (Determination of Public Convenience or Necessity), 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 1.49 acre project site consists of one parcel on the northwest corner of Van Buren Boulevard and Lincoln Avenue (Exhibit 3). The project site is currently being used by Van Daele Homes for construction staging of the adjacent multi-family residential development. The project site was previously developed with a plant nursery (Moon Valley Nursery), consisting of a modular trailer/office building, several storage sheds, and a surface parking lot accessed from a driveway on Lincoln Avenue. Surrounding land uses include multi-family residential to the north (approved under Planning Case P18-0172), single-family residences to the south (across Lincoln Avenue), a shopping center to the east (across Van Buren Boulevard), and single-family residences to the west.

As a matter of information, on December 12, 2017 the City Council approved the Housing Element Implementation Program which consisted of a General Plan Amendment (Planning Case P17-0096) of the subject site from MDR – Medium Density Residential to VHDR – Very High Density Residential and a Zoning Code Amendment (Planning Case P17-0180) of the subject site from RE – Residential Estate Zone to R-4 – Multiple-Family Residential Zone.

On August 9, 2017 the Development Review Committee approved Parcel Map 37351 (Planning Case P17-0496) to subdivide a 6.74 acre parcel into two parcels for financing purposes. The proposed project encompasses Parcel 2 of Parcel Map 37351, with frontage along both Van Buren Boulevard and Lincoln Avenue.

PROPOSAL

The applicant requests approval of the following entitlements for the construction of a vehicle fuel station and a 5,250 square foot multi-tenant commercial building, including a drive-thru restaurant: 1) General Plan Amendment to change the General Plan land use designation from VHDR – Very High Density Residential to C - Commercial; 2) Zoning Code Amendment to change the zone from R-4 – Multiple Family Residential Zone to CR – Commercial Retail Zone; 3) Conditional Use Permit to permit a vehicle fuel station (7-Eleven) consisting of a 3,062 square foot convenience store with off-sale of beer/wine (Type 20 Alcohol License); 4) Conditional Use Permit to permit a 1,960 square foot drive-thru restaurant; 5) Parcel Map to subdivide 1.49 acres into two lots (Parcel 1 consists of 0.75 acres and Parcel 2 consists of 0.74 acres); 6) Design Review of project plans; 7) Variances to allow alcohol sales within 100 feet of property zoned for residential uses and a reduced landscape setback along the west property line; and 8) Determination of Public Convenience or Necessity to allow the off-sale of beer/wine.

The applicant is also requesting a Modification of development standards, reviewed under the CUP for the fuel station, to permit the operation of a vehicle fuel station on a lot smaller than one acre. The proposed commercial development includes the following:

- Vehicle Fuel Station with Off-Sale of Alcoholic Beverages

The proposed vehicle fuel station (7-Eleven) is located on the southern half of the project site (Parcel 2 consisting of 0.74 acres), at the northwest corner of Van Buren Boulevard and Lincoln Avenue. The vehicle fuel station includes the construction of a 3,062 square foot convenience store with the off-sale of beer and wine (Type 20 license) and a fueling canopy consisting of 6 multiple product dispensers comprising two gasoline pumps each. The proposed vehicle fuel station and convenience store will operate 24 hours per day, seven days per week. The applicant has indicated that fuel delivery is typically scheduled during off-peak hours. The vehicle fuel station will have approximately three to four employees per day shift and approximately two to three employees during the night shift.

- Multi-Tenant Building with a Drive-Thru Restaurant

The proposed multi-tenant commercial building is located on the northern portion of the project site (Parcel 1 consisting of 0.75 acres) and is comprised of a drive-thru restaurant consisting of 1,960 square feet and two retail suites consisting of 3,290 square feet. The entrance to the drive-thru lane is located on the south side of the building with the pick-up window on the north side of the building. The proposed drive-thru queuing lane is 12 feet wide, 240 feet long, and accommodates stacking for 10 vehicles. The drive-thru lane will be screened from Van Buren Boulevard by a 3 foot high screen wall. An outdoor seating area is located on the west side of the building. Tenants have not been identified for the proposed drive-thru restaurant or retail suites.

A total of 50 vehicle parking spaces are distributed throughout both parcels and reciprocal access and parking is anticipated throughout the entire site. Access is provided via two proposed two-way driveways: a 35 foot wide, right-in/right-out driveway along Van Buren Boulevard, and a 30 foot wide driveway along Lincoln Avenue.

The proposed architectural design reflects a contemporary commercial style with Spanish influences, consisting of: arches, decorative wrought iron, stucco walls, and concrete tile roof. The proposed trash enclosures and the fueling canopy are consistent with the proposed building architecture through the use of similar materials and finishes. The proposed color palette is primarily shades of white, cream and brown. Staff recommends conditions of approval to revise the 7-Eleven elevations to provide a shed roof over the utility enclosure and to recess the areas where the decorative ironwork is proposed, consistent with the architectural detail of the proposed tower element.

Proposed landscaping includes a 10 to 29 foot wide landscaped planter along both street frontages.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The applicant requests approval of a General Plan Amendment to change the land use designation from VHDR – Very High Density Residential to C – Commercial (Exhibit 4). The Commercial land use designation provides for retail, sales, service and office uses that serve multiple neighborhoods within the City.</p> <p>The proposed project is consistent with General Plan 2025 Land Use and Urban Design Element Objectives, Goals and Policies for the Arlington South Neighborhood and furthers the intent of the General Plan 2025 through consistency with the following goals, policies and objectives:</p> <ul style="list-style-type: none"> • Objective LU-41: <i>Spur the economic revitalization of the neighborhood; and</i> • Objective LU-41.2: <i>Ensure that commercial properties are well maintained and compatible with adjacent residential land uses.</i> 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The applicant requests approval of a Zoning Code Amendment to change the zone from R-4 – Multiple Family Residential Zone to CR – Commercial Retail Zone (Exhibit 5). The proposed uses, including the drive-thru restaurant, vehicle fuel station, and the off-sale of beer and wine concurrent with the sale of motor vehicle fuel are each permitted within the proposed CR Zone, subject to the approval of a Conditional Use Permit and compliance with the Site Location, Development and Operational Standards prescribed for each use.</p> <p>This proposal is generally consistent with the applicable development standards of the Zoning Code except for a separation requirement for the off-sale of alcoholic beverages (Exhibit 7), a reduced landscape setback along the west property line of the entire proposed project, and the one acre lot size requirement for vehicle fuel stations (Parcel 2). The Zoning Code allows for consideration of Variances and Modifications to deviate from the development standards. Therefore, the applicant is requesting Variances and a Modification to facilitate implementation of this proposed project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Compliance with Citywide Design & Sign Guidelines</p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for new commercial development related to building siting and orientation, massing, articulation and architectural treatment, parking layout, landscaping, service area and equipment screening and lighting. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
DRIVE-THRU AND MULTI-TENANT COMMERCIAL BUILDING (PARCEL 1)**

<i>Chapter 19.110</i>					
<i>Commercial and Office Development Standards for the CR - Commercial Retail Zone</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
<i>Floor Area Ratio</i>		0.50	0.15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Size	20,000 sq. ft.	32,994 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	100 feet	184.34 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Depth	100 feet	178.98 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>		75 feet	24 feet, 3 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Setbacks</i>	Front (Van Buren Boulevard)	0 feet	32 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Sides	0 feet	2 feet (North) 55 feet (South)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (West)	15 feet	90 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	Adjacent to Residential	5 feet	5 feet, 6 inches (North) 2 feet (West)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Chapter 19.475</i>					
<i>Drive-Thru Business Site Location, Operation, and Development Standards</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
<i>Frontage</i>	100 feet		184 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street		Van Buren Boulevard (Arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive-Thru Lane Standards</i>	Length: 180 feet		240 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles		10 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet		12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening		A 3-foot high masonry screen wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setbacks</i>	Van Buren Boulevard: 15 feet		15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru Lane and Interior Property Lines: 5 feet		5 feet, 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
VEHICLE FUELING STATION (PARCEL 2)**

<i>Chapter 19.110.030</i>					
<i>Commercial and Office Development Standards for the CR - Commercial Retail Zone</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
<i>Floor Area Ratio</i>		0.50	0.09	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Size	20,000 sq. ft.	32,639 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	168 feet		
	Lot Depth	100 feet	153 feet		
<i>Setbacks</i>	Front (Van Buren Boulevard)	0 feet	29 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)	0 feet	125 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (Lincoln Avenue)	0 feet	6 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (West)	15 feet	71 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.410</i>					
<i>Vehicle Fuel Station Site Location, Operation, and Development Standards</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
<i>Lot Area</i>	1 acre		0.74 acres	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Frontage</i>	Located on Arterial Street		Van Buren Boulevard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	Van Buren Boulevard	10 feet	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lincoln Avenue		13 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Canopy Setback</i>	Front (Van Buren Boulevard)	20 feet	51 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)		31 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (Lincoln Avenue)		113 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (West)		39 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	Convenience Store	35 feet	27 feet, 7 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Perimeter Wall</i>	6 foot high decorative masonry wall		6 foot high decorative masonry wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.450</i>					
<i>Concurrent Sale of Motor Vehicle Fuel with 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	R-4 – Multiple Family Residential Zone: 71 feet (West)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Schools, Assemblies of People-Non Entertainment Facilities, Public Park	600 feet	Arlington Heights Sports Park (9401 Cleveland Avenue): 1,540 feet Harrison Park (2851 Harrison Street): 1,688 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other Business with Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverage	300 feet	USA Gasoline (3399 Van Buren Boulevard): 2,161 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other Off-Sale General Licenses	1,000 feet	Palm Liquor (9234 Magnolia Avenue): 4,860 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Existing Parolee/Probationer Home, Emergency Shelter, and Supportive or Transitional Housing	1,000 feet	MFI Recovery Center (5870 Arlington Avenue): 13,400 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>California Department of Alcoholic Beverage Control</i>						
<i>(Census Tract 317.03) 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	2	1	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The subject site is located in Census Tract 317.03. Per the California Department of Alcoholic Beverage Control (ABC), there are two existing off-sale licenses within the tract, where two off-sale licenses are permitted (Exhibit 8). The proposed license would be the third off-sale license in the tract requiring a determination of Public Convenience or Necessity 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 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.

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
PARKING AND LOADING**

<i>Chapter 19.580 Parking and Loading Development Standards</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Multi-Tenant Commercial</i>	Restaurant: 1 space/100 sq. ft.	1,960 sq. ft.= 20 spaces	50 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Commercial: 1 space/250 sq. ft.	3,290 sq. ft.= 14 spaces			
<i>Vehicle Fuel Station</i>	Vehicle Fuel Station with Convenience Store: 1 space/250 sq. ft.	3,062 sq. ft.= 13 spaces			
<i>Total</i>		47 spaces			

FINDINGS SUMMARY

Modification

The applicant is requesting a modification to one standard related to the minimum one-acre lot size for vehicle fuel stations (Parcel 2). Section 19.410.060 of the Zoning Code allows for the modification of development standards through the consideration of a Conditional Use Permit. Staff has prepared the following supplemental justifications in support of the modification:

- 1) The vehicle fuel station is sited on a parcel that is part of a larger commercial development, consisting of 1.49 acres;
- 2) As designed, the commercial development will provide reciprocal ingress, egress, and parking; and
- 3) Further, the site meets the setback requirements.

In conclusion, allowing the proposed vehicle fuel station on a 0.74-acre property will not be detrimental to the surrounding area.

Rezoning and Conditional Use Permits

The proposal to apply the CR – Commercial Retail Zone to the entire project site will facilitate the development of a high-quality commercial center. The proposed vehicle fuel station with the off-sale of beer and wine concurrent with the sale of motor vehicle fuel is an appropriate use for the northwest corner of Van Buren Boulevard and Lincoln Avenue. The proposed project will provide convenient and accessible goods and services to neighborhood residents. The proposed multi-

tenant building, with a drive-thru restaurant, will provide additional options for residents of the Arlington South, Arlington, Presidential Park, Arlington Heights, and La Sierra neighborhoods.

The project site has been designed to provide safe and efficient vehicular access and internal circulation while providing adequate landscaping, water quality treatment facilities, utility equipment, pedestrian access and site furnishings. The proposed project is generally consistent with the applicable development standards of the proposed CR Zone as well as the specific standards for vehicle fuel stations, off-sale of beer, and wine and drive-thru businesses.

The proposed project is consistent and compatible with the surrounding development and will provide convenient access to goods and services for the surrounding neighborhoods. Staff supports the proposed Zoning Code Map Amendment and Conditional Use Permits, and recommends approval of the proposed project.

Variances Findings

The Zoning Code establishes a minimum 100 foot separation requirement from any existing residential dwelling or property zoned for residential uses for the concurrent sale of motor vehicle fuel with alcohol beverages. The exterior wall of the proposed convenience store is located approximately 71 feet from the property line shared with the parcel zoned for residential uses, located west of the project site.

The applicant provided justifications in support of the Variance requests (Exhibit 10). Staff is able to make the necessary findings in support of the Variance to allow the reduced separation requirements for the off-sale of alcoholic beverages. The sale of beer and wine will be incidental to the primary use and will provide an additional convenience for the customers. Furthermore, adequate screening will be provided between the multiple family residences and there will no direct access between the uses.

Additionally, the Zoning Code establishes a minimum rear yard landscape setback of 5 feet when a property in the CR Zone abuts a property zoned for residential use. The proposed project includes a 2 foot landscape setback from the rear (west) property line, which abuts a residentially zoned property.

The applicant provided justifications in support of the Variance requests (Exhibit 10). Staff is able to make the necessary findings in support of the requested Variance to reduce the required rear yard building setback from 5 feet to 2 feet adjacent to a residentially zoned property. Because of site constraints, a reduced rear yard building setback is necessary to accommodate the larger turning radii of the delivery trucks.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this proposed project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines (Exhibit 16). 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).

As of the writing of this report, staff received two comment letters (Exhibit 14) regarding the MND, from the following agency and governmental body:

- South Coast Air Quality Management District (SCAQMD)
- Augustine Band of Cahuilla Indians

SCAQMD commented on the lack of discussion regarding the proposed project's potential operational air quality impacts from the fueling process. A response to comments has been prepared (Exhibit 17) providing an estimate of ROG emissions associated with the proposed vehicle fuel station. The analysis indicates that the proposed project ROG emissions are substantially less than the significance threshold of 55 lbs/day, and therefore would result in a less than significant operational-phase emissions.

The Augustine Band of Cahuilla Indians commented that they wanted to be notified, should any inadvertent finds be discovered during the development of the proposed project. Mitigation Measure CUL-3 provides procedures requiring the consulting Native American tribes or bands to be notified, should there be any inadvertent finds.

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, a letter of support (Exhibit 14) has been received by Planning Staff regarding the proposed project.

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. Existing and Proposed General Plan Map
5. Existing and Proposed Zoning Map
6. Project Plans (Site Plan, Floor Plans, Roof Plans, Color Building Elevations, Trash Enclosure Elevations, Conceptual Grading and Utility Plan, Tentative Parcel Map, Conceptual Landscape Plan)
7. Distance Requirements Map
8. ABC Alcohol License Census Tract Concentration Map
9. Applicant Prepared Project Description for 7-Eleven
10. Applicant Prepared Variance Justifications
11. Applicant Prepared Modification Request
12. Applicant Prepared Public Convenience or Necessity Request
13. Security Plan
14. Public Comment Letters
15. Existing Site Photos
16. Draft Initial Study/Mitigated Negative Declaration
17. Response to Comments Letter

Prepared by: Candice Assadzadeh, Senior Planner
Reviewed by: Patricia Brenes, Principal Planner
Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

- PLANNING CASES:**
- P17-0494** (General Plan Amendment)
 - P17-0495** (Zoning Code Amendment)
 - P18-0986** (Conditional Use Permit)
 - P18-0987** (Conditional Use Permit)
 - P18-0988** (Parcel Map)
 - P18-0989** (Variance)
 - P18-0990** (Design Review)
 - P18-0991** (Determination of Public Convenience or Necessity)

Zoning Code Map Amendment (Rezoning) Findings Pursuant to 19.810.040

1. The proposed Zoning Code Map Amendment (Rezoning) is consistent with the goals, policies, and objectives of the General Plan;
2. The proposed Zoning Code Map Amendment (Rezoning) will not adversely affect surrounding properties; and
3. The proposed Zoning Code Map Amendment (Rezoning) will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

Conditional Use Permit Findings Pursuant to Chapter 19.760.040 (Vehicle Fuel Station with Off-Sale of Beer and Wine/Vehicle Wash Facility and Drive-Thru Restaurant)

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 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

1. The proposed vehicle fuel station will not substantially increase vehicular traffic on streets in a residential zone, and the proposed vehicle fuel station will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use;
2. The proposed vehicle fuel station will not substantially lessen the usability of adjacent or nearby commercially zoned property for commercial use by interfering with pedestrian traffic;

3. The proposed vehicle fuel station will not create increased traffic hazards to pedestrians as it is not located near a school, assemblies of people – non-entertainment or assemblies of people – entertainment use;
4. The proposed 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 use; and
5. The proposed 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

1. The drive-thru businesses will not substantially increase vehicular traffic on streets in a residential zone;
2. The drive-thru businesses will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
3. The drive-thru businesses will not create increased traffic hazards to pedestrians;
4. The sites are adequate in size and shape to accommodate the drive-thru businesses and all yards, walls, parking, landscaping and other required improvements; and
5. The drive-thru businesses will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.

Variance - Justification Findings Pursuant to Chapter 19.720.040

Variance A: To allow alcohol sales within 100 feet of property zoned for residential uses; and

Variance B: To allow a reduced landscape setback along the west property line, where the Zoning Code requires a minimum of 5 feet.

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.*

Variance A: The proposed project **complies** with this finding. Strict application of the Zoning Code would require a minimum 100 foot separation from any existing residential dwelling or property zoned for residential uses. The request complies with the purpose and intent of alcohol sales development standards (Chapter 19.450) of the Zoning Code, which is to regulate the sale of alcohol in such a way that compatibility with surrounding uses and properties will be ensured, and any associated impacts are avoided.

In this instance, the project site is adjacent to an existing parcel zoned for residential uses (R-4 – Multiple Family Residential Zone). The exterior wall of the proposed convenience store is located approximately 71 feet from the property line shared with the parcel zoned for residential uses, located west of the project site. The closest building containing a dwelling unit and the proposed 7-Eleven convenience store will be physically separated by an approximately 12 foot, 6 inch wide landscape setback and a 6 foot high decorative masonry wall. There is no direct vehicular or pedestrian access connecting the 7-Eleven project site to the parcel zoned for residential uses, located west of the project site. Therefore, 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.

Variance B: The proposed project **complies** with this finding. Strict application of the Zoning Code would require a minimum 5 foot rear yard landscape setback, as the project site abuts a property zoned for residential use. The size of the project site constrains the site design such that strict compliance of this provision would require additional width of the rear yard setback which would impair safe and efficient on-site circulation, constrain access for fuel delivery trucks which must pass between the fueling canopy and the underground storage tanks, and restrict the location of on-site parking. Therefore, the strict application of the provision of the Zoning Code would 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.*

Variance A: The proposed project **complies** with this finding. The project site is a small infill parcel fronting Van Buren Boulevard, designated in the General Plan as a 120-foot arterial and scenic boulevard. Van Buren Boulevard provides connections among neighborhoods and business centers, feeding into local streets. In the immediate area, the General Plan designates the majority of the properties fronting Van Buren Boulevard for commercial and high-density residential uses; which creates a unique development pattern, such that residential and non-residential uses are in close proximity of each other, yet creates a harmonious synergy of uses and a unique neighborhood. However, this blending of uses that has organically developed over time has also created special circumstances for the proposed 7-Eleven convenience store in that it is adjacent to property zoned for residential uses. These conditions constitute an exceptional circumstance not generally applicable to similar properties in the CR – Commercial Retail Zone or neighborhood.

Variance B: The proposed project **complies** with this finding. The project site is a small infill parcel fronting Van Buren Boulevard. The proposed vehicle fuel station use requires regular access by fuel delivery trucks with unique maneuvering requirements. The reduced landscape setback facilitates safe maneuvering of vehicles notwithstanding the existing site constraints. These conditions constitute 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.*

Variance A: The proposed project **complies** with this finding. The sale of beer and wine will be incidental to the primary use and will provide an additional convenience for the customers. The Riverside Police Department recommends conditions of approval requiring the use of security cameras, the continued upkeep of the property, and the prohibition of loitering. In addition, a notice was sent to property owners within 1,000 feet of the project site and no responses have been received regarding this request. Therefore, the granting of the Variance will not have a detrimental impact on the neighborhood.

Variance B: The proposed project **complies** with this finding. The location and orientation of the proposed buildings buffers the neighboring parcel zoned for residential uses from the light and noise affects associated with the operation of a drive-thru restaurant and vehicle fuel station. Additionally, there is a 6 foot high masonry wall that separates the two properties and the subject property is approximately 4 feet higher than the parcel zoned for residential uses. Furthermore, the proposed project will bring the site into conformance

with a majority of the operational and development standards relating to circulation, safety, lighting, landscaping, and water quality management. These factors result in a material benefit to the public welfare and to the surrounding neighborhood.

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

Variances A & B: The proposed project **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.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

- PLANNING CASES:**
- P17-0494 (General Plan Amendment)
 - P17-0495 (Zoning Code Amendment)
 - P18-0986 (Conditional Use Permit)
 - P18-0987 (Conditional Use Permit)
 - P18-0988 (Parcel Map)
 - P18-0989 (Variance)
 - P18-0990 (Design Review)
 - P18-0991 (Determination of Public Convenience or Necessity)

All mitigation measures are noted by an asterisk ().*

Planning Division

1. Plans shall conform to the Exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of the proposed modifications. The Applicant is advised that an additional application and fee may be required.
2. The subject property shall be developed and operated substantially as described in the text of this Staff 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. 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:* Prior to the gas station being operational, the applicant shall obtain all required permits and meet all the requirements of the South Coast Air Quality Management District. Any assumptions used in the CEQA document will be used as the basis for permit conditions and limits.
5. *Advisory:* A sign program is required for multi-occupancy non-residential or mixed-use developments with three or more separate lease spaces, per Section 19.620.110 of the Zoning Code.
6. *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 Map Recordation:

7. General Plan Amendment (P17-0494) shall be finalized and/or adopted.
8. Zoning Code Amendment (P17-0495) shall be finalized and/or adopted.
9. A declaration of Covenants, Conditions and Restrictions (CC&R's) shall be prepared with the final map establishing a Master Property Owner Association, or other management entity, subject to the City's Planning Division and City Attorney's Office review and approval. Such declaration shall set forth provisions for maintenance of all common landscaped areas, and all other privileges and responsibilities of the common ownership. The CC&R's shall contain the following conditions and restrictions:
 - a. Establish a Master Property Owners Association (MPA) or other management entity;
 - b. The MPA, or other management entity, shall be responsible for the care and maintenance of all common landscaped areas, parking lots, water quality facilities, site lighting and other shared improvements; and
 - c. Reciprocal parking and access agreements shall be provided between all lots within this map.

Prior to Grading Permit Issuance:

10. ***MM CUL-1: On Call Project Archeologist:** Prior to the issuance of a grading permit, the Property Owner/Developer shall provide a letter from a Secretary of Interior Standards County certified Archaeologist and Paleontologist stating that the Property Owner/Developer has retained these individuals, and that the Archaeologist and Paleontologist shall be on call during all grading and other significant ground-disturbing activities in native sediments.
11. Parcel Map 37711 shall be recorded.
12. A 40-scale precise grading plan shall be submitted to the Planning Division and shall include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal holidays;
 - b. Compliance with City-adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
 - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement; and
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls.

Prior to Ground Disturbing Activities:

13. ***MM BIO-1:** To avoid impacts on nesting birds, street trees shall be removed between September 1 and February 15 of the following year. If street tree removal will occur inside the peak nesting season (between February 16 and August 31), a pre-construction survey shall be conducted by a qualified Biologist to identify if there are any active nesting

locations on the site and the construction areas. If the Biologist does not find any active nests within this area, then vegetation clearing and construction work will be allowed. If the Biologist finds an active nest within the area and determines that the nest may be impacted by demolition/construction activities, the Biologist will delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Demolition/construction activities would be prohibited in the buffer zone until a qualified Biologist determines that the nest has been abandoned.

14. ***MM CUL-2: Cultural Sensitivity Training:** The Secretary of Interior Standards County certified Archaeologist and Native American Tribes consulting on the project shall attend the pre-grading meeting with the Developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in the event that unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign in sheet for attendees of this training shall be included and submitted to the Archeologist.
15. ***MM GEO-1:** In the event that any paleontological resources (e.g., plant or animal fossils) are encountered before or during grading, the Property Owner/Developer shall retain a qualified Paleontologist to evaluate unanticipated discoveries and to take appropriate measures to protect or preserve them for study. The Paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:
- a. Assign a Paleontological Monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full time during earth-disturbing activities.
 - b. Divert earth-disturbing activities away from the immediate area of the discovery until the Paleontological Monitor has completed salvage. If construction personnel make the discovery, the Grading Contractor shall immediately divert construction and notify the Paleontological Monitor of the find.
 - c. Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (e.g., Natural History Museum of Los Angeles County).

Prepare and submit a technical report describing the identification, salvage, evaluation, and treatment of all fossils discovered during grading to the City of Riverside. Transfer collected specimens with a copy of the report to the depository.

During Construction Activities:

16. ***MM CUL-3: Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries:

- a. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project Archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
 - b. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same:
 - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
 - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
 - iii. If more than one Native American tribe or band is involved with the project and cannot come to agreement consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default; and
 - iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the Archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center and interested tribes.
17. 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.
18. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge

Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.

19. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
20. 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 proposed project site during all construction.
21. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
 - a. Dust generation 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. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed;
 - f. All disturbed/loose soil shall be kept moist at all times;
 - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
22. The applicant shall be responsible for erosion and dust control during construction phases of the project.
23. 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:

24. **Staff Required Site Plan Conditions:** Revise the submitted site plan such that the plans provided for building permit plan check incorporates the following changes:
 - a. The drive aisle located east of the fueling canopy shall be a minimum of 24 feet in width.
25. **Staff Required Elevation Conditions:** Revise the submitted elevations such that the plans provided for building permit plan check incorporates the following changes:

- a. Provide a shed roof over the utility enclosure of the 7-Eleven building, to the satisfaction of staff;
 - b. Recess the areas where the decorative ironwork is proposed, consistent with the proposed tower element, to the satisfaction of staff; and
 - c. Provide a decorative combined trash and Healy tank enclosure, consistent with the architecture of the 7-Eleven, to the satisfaction of staff.
26. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary. Landscape and Irrigation Plans shall be revised to include the following:
- a. Ground mounted equipment, including but not limited to backflow and FDC devices shall be adequately screened with landscaping, to the satisfaction of staff; and
 - b. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it.
27. Roof and building mounted 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.
28. Ground mounted equipment shall be fully screened from the public right-of-way.
29. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, backflow preventers, detector check assemblies, utility cabinets and other ground-mounted equipment subject to Planning Division and Public Utilities review and approval. The visibility of such facilities shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
30. The Applicant shall submit manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot as part of the exterior lighting plan. 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 building-mounted lights are proposed, down-lights shall be utilized. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material, within fifty (50) feet of any residentially zoned property.

Prior to the Release of Utilities and/or Occupancy:

31. 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. Call the Case Planner at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

Operational Conditions:

32. 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.
33. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
34. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
35. 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.
36. Operations outside the vehicle fuel station building shall be limited to the dispensing of gasoline, oil, air and water.
37. All storage and display of merchandise and supplies must be conducted within the vehicle fuel station building. Any tank or display provided for the incidental sale of propane or similar material shall be fully screened from view from any public right-of-way.
38. No vehicles shall be parked on the vehicle fuel station premises other than those of persons attending to business on the site, vehicles being serviced for customers, vehicles of employees, and other service vehicles used in the operation of the station. No vehicle may be parked on the premises and offered for sale.

Standard Conditions:

39. There is a 36-month time limit in which to satisfy the conditions and record this map. Six subsequent one-year time extensions may be granted by the Community & Economic Development Director upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
40. 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.
41. 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.

42. 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.
43. 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.
44. 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.
45. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
46. 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.
47. 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.
48. 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.
49. 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
50. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
51. The subject property shall be developed and 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.
52. 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.

Fire Department

53. An automatic fire sprinkler system is required by City Ordinance 16.32.335. 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 (UJFX) 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.

54. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

55. Construction plans shall be submitted and permitted prior to construction.

56. Fire Department access shall be maintained during all phases of construction.

57. This project will require two new public fire hydrants on Van Buren spaced a maximum of 350 feet apart.

58. The underground fuel tanks will require a permit from the Riverside County Environmental Health and City of Riverside Fire Department.

Parks, Recreation & Community Services – Park Planning

59. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

Police Department

Operational Conditions:

Alcohol

60. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.

61. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.

62. No single units of beer or fortified wine/liquor shall be allowed to be sold. Beer shall only be sold in three packs or larger pre-packaged lots.

63. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.

64. 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

65. 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.
66. 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.
67. A security camera surveillance system shall be in constant use, maintained in good working condition and made available for review by members of the Riverside Police Department.
68. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment

69. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
70. 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

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

Compliance

75. 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.
76. 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.

Public Utilities – Electric

77. 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.
78. Blanket Public Utility Easement required on all parcels.
79. 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.
80. 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.
81. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
82. Plot existing electrical distribution facilities on the original site plan.
83. Plot the proposed location of PJC, transformers and electrical rooms on the site plan.

Public Works

Conditions to be fulfilled prior to building permit issuance unless otherwise noted:

84. Installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching paving on Van Buren Boulevard to Public Works specifications.
85. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the applicant.
86. Deed for widening Van Buren Boulevard to 60 feet from monument centerline to Public Works specifications.
87. Installation of sewer laterals to serve this project to Public Works specifications.
88. Size, number and location of driveways to Public Works specifications.
89. Closure of unused driveway(s) to Public Works specifications.
90. 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

91. 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.
92. 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.
93. 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.
94. 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.
95. Trash Enclosure per City Standards.
96. 24" Box Size Cassia Leptophylla with root barriers along all hardscapes are required on Lincoln Avenue; 24" Box size Crape Myrtles are required along Van Buren Boulevard. Typical spacing is 35 feet, final spacing to be determined by an onsite inspection by Street Tree Inspector after final grading has been completed.
97. Installation of automatic irrigation system to provide deep-root watering to trees is required.
98. Due to the 95th percentile queue length of approximately 280' during morning peak hour for eastbound left turn movements at the Van Buren Boulevard at Lincoln Avenue intersection, project shall construct an east-west two-way left turn median on Lincoln Avenue from the west project boundary to Lincoln Avenue; the City of Riverside Traffic Engineering Division will determine the nature and extent of these improvements prior to final plan check process. Project shall provide 100% participation.
99. ***MM TRA-1:** Prior to issuance of Certificate of Occupancy, the Project Applicant shall provide 14.2% fair share contribution toward improvements at the Van Buren Boulevard at Rudicill Street intersection that is satisfactory to the City Traffic Engineer. The improvements will include restriping the eastbound approach to consist of one left turn lane and one shared through/right turn lane.
100. ***MM TRA-2:** Prior to issuance of Certificate of Occupancy, the Project Applicant shall provide 5.7% fair share contribution s toward improvements at the Van Buren Boulevard at SR-91 Westbound Ramps intersection that is satisfactory to the City Traffic Engineer. The improvements will include installing southbound right turn overlap traffic signal phasing.

Public Works – Environmental Compliance

101. A Wastewater Discharge Survey for restaurants must be submitted to Environmental Compliance (EC) for approval along with a menu.

The Wastewater Survey and Menu will help to determine if you need an interceptor and what size. Plans must show the interceptor location.

Details regarding oil water interceptor for restaurant must be submitted to EC for review and approval. The City requires a minimum 750 gallon interceptor. Actual approved interceptor size depends on review of drainage fixture units and information written in submitted Wastewater survey. Approved interceptor must be installed prior to the restaurant opening for business.

Domestic waste shall not be allowed to pass through the interceptor.

102. If a sampling station is required—submit proposed installation on corrected plans.

103. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
104. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
105. Proposed trash enclosures with drains to sanitary sewer must have cover to control rainwater intrusion.