



*City of Arts & Innovation*

# City Council Memorandum

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**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JUNE 5, 2018**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 7**

**DEPARTMENT**

**SUBJECT: P18-0332 MODIFICATION OF CONDITION OF APPROVAL – BY ROBERT M. BEERS, ON BEHALF OF RIVERSIDE GATEWAY PLAZA, TO CONSIDER MODIFICATION OF A CONDITION OF APPROVAL OF PREVIOUSLY APPROVED TRACT MAP No. 31542 - LOCATED ON THE NORTH AND SOUTH SIDES OF JURUPA AVENUE WEST OF VAN BUREN BOULEVARD**

## **ISSUE:**

Approval of a request by Robert M. Beers, on behalf of Riverside Gateway Plaza, for modification of conditions of approval of previously approved Tract Map No. 31542 to remove Condition #5 requiring Planning Commission approval of a site plan prior to the recordation of the map and rezoning of Lots 4 - 7.

## **RECOMMENDATION:**

That the City Council:

1. Determine that the project is exempt from the California Environmental Quality Act subject to Section 15061(b)(3), as it can be seen with certainty there is no possibility the proposed amendment will have a significant effect on the environment; and
2. Approve Planning Case P18-0332 Modification of a Condition of Approval based on, and subject to, the analysis of the staff report.

## **BACKGROUND:**

Lots 4 through 7 are part of Tract Map No.31542, a 77 acre development consisting of a combination of commercial uses and open space, approved by City Council on April 11, 2006 under Planning Case P03-1485. To ensure future commercial development would be consistent with the map, the following condition of approval was required:

***“Condition #5 - Prior to the adoption of the commercial rezoning on the Jurupa Avenue/Van Buren Boulevard intersection, and prior to the recordation of the map the Planning Commission shall approve the site plan for the commercial area. The final configuration for Lots 4-7 will be contingent upon the final approval of the site plan”.***

The Rezoning referenced in the condition of approval was processed under Planning Case RZ-004-023 to change the zone of the site from industrial to commercial. However, as site plan approval was not obtained, the Rezoning (RZ-004-023) approval has expired.

As a matter of information, a Rezoning, Conditional Use Permits, and Design Review are currently being processed to allow development of Lots 4 – 7, totaling approximately 4 acres, with a vehicle fuel station, two drive-thru restaurants, and retail/commercial uses.

### **DISCUSSION:**

The applicant, Robert M. Beers on behalf of Riverside Gateway Plaza, is now requesting approval of a modification to Conditions of Approval of Planning Case P03-1485 (TM-31542) to remove Condition #5 requiring site plan approval by Planning Commission prior to the recordation of the map and rezoning of Lots 4 – 7.

The applicant has indicated that removal of Condition #5 is needed to facilitate recordation of the map and financing of the proposed commercial development. Staff can support the proposal, as it will not preclude the site from being developed with a commercial development generally in compliance with the map design.

### **FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Rafael Guzman, Community & Economic Development Director

Certified as to

availability of funds: Adam Raymond, Chief Financial Officer/City Treasurer

Approved by: Al Zelinka, FAICP, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

### Attachments:

1. City Council Approved Conditions of Approval – April 11, 2006
2. Letter from Applicant Requesting Modification – May 4, 2018
3. Presentation