



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 1, 2015**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 4**  
**DEPARTMENT**

**SUBJECT: PLANNING CASES P14-0588, P15-0483, P15-0753, P15-0755, P15-0756, AND P15-0757 ON BEHALF OF ATMAN KADAKIA, OF GREENS GROUP -- TWO CONDITIONAL USE PERMITS, THREE VARIANCES AND A PUBLIC CONVENIENCE AND NECESSITY DETERMINATION TO REOPEN A MOTOR VEHICLE FUEL STATION WITH CONCURRENT SALE OF ALCOHOLIC BEVERAGES AND A DRIVE-THRU RESTAURANT AT 383 E. ALESSANDRO BOULEVARD**

## **ISSUE:**

The issue for City Council consideration is a proposal, on behalf of Atman Kadakia of Greens Group, includes Conditional Use Permits to reopen an existing motor vehicle fuel station with alcoholic beverage sales, and an existing drive-thru restaurant in conjunction with a convenience store. The proposal also includes Variances for, proximity to an existing gas station with concurrent sale of motor vehicle fuel with alcoholic beverages, proximity from any other business with an off-sale general license with less than 15,000 square feet of gross floor area, and proximity from any other business with an off-sale general license that sells alcoholic beverages as its principal business. A Public Convenience or Necessity determination is also needed due to the over-concentration of alcoholic beverages within the project site census tract.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the proposed project is an in-fill development that is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15332 of the CEQA Guidelines;
2. Approve Planning Cases P14-0588, P15-0483, P15-0753, P15-0755, P15-0756, P15-0757 based on and subject to the Planning Commission findings and recommended conditions found in the attached staff report; and
3. Finds that a public convenience or necessity will be served by the proposed project, based on the findings and recommendations contained in this report and the Planning Commission staff report.

## **STAFF/PLANNING COMMISSION RECOMMENDATIONS:**

Staff recommended approval to the Planning Commission, subject to recommended conditions of approval. On October 8, 2015, the City Planning Commission recommended approval of Planning Cases P14-0588, P15-0483, P15-0753, P15-0755, P15-0756, P15-0757 by a vote of 7 ayes, 0 noes and 0 abstentions, subject to the staff recommended conditions.

## **BACKGROUND:**

The applicant, Atman Kadakia of Greens Group, is proposing to reopen an existing vehicle fuel station with retail sales, as well as an incidental drive-thru restaurant on the subject site. The existing vehicle fuel station contains six pumps under an approximately 3,032 square-foot vehicle fuel canopy, an approximately 4,000 square-foot convenience store, which includes a drive-thru restaurant, and a second story dry storage area. The convenience store will have a minimum of two employees on each shift, and will operate 24 hours a day. The drive-thru restaurant is proposed to operate 24 hours a day as well. In conjunction with this project, the applicant is proposing to reinstate the concurrent sale of motor vehicle fuel and the off-sale of beer and wine within the convenience store. There are no proposed exterior improvements associated with this application.

Furthermore, the Alessandro Shell station, CVS Pharmacy, and BevMo are located within 300 feet, 1,000 feet, and 1,000 feet of the subject site, respectively; therefore variances are required in conjunction with this application. The requested variances can be supported in this instance as this application constitutes "reopening" a facility that is substantially consistent with the previous approval, otherwise complies with the Zoning Code, and has no physical development or expansion proposed in conjunction with this application. In supporting the variance requests, it is important to note that the existing vehicle fuel station and drive-thru restaurant ceased operations on or around December 31, 2009. At the time the property owner was required to performed environmental remediation of the site, which caused for the extended vacancy of the building, and therefore the termination of the Conditional Use Permit and associated Variances. Staff believes re-establishing of off-sale alcohol at the existing fuel station would serve to provide the same privilege that was granted previously, as no new vehicle fuel stations selling alcohol have opened within 1,000 feet of this site since the location was closed for remediation.

Additionally, the subject vehicle fuel station is located on the northerly boundary of Census Tract 420.12. According to the California Department of Alcoholic Beverage Control (ABC), there are seven off-sale alcohol sales licenses within the subject Census Tract in which the project site is located. The ABC has authorized a maximum of three off-sale license in the subject Census Tract. Therefore, ABC will not issue the additional license to this location unless the City makes a finding of Public Convenience or Necessity (PCorN), pursuant to State law.

After reviewing the attached materials submitted by the applicant in support of a PCorN finding, and the unique factors regarding the CUP request, issuing the off-sale alcoholic beverage license for the vehicle fuel station for this location meets the public convenience or necessity test as set forth in Section 23958.4 of the Business and Professions Code, as outlined in the recommended findings.

The Riverside Police Department conducted a thorough review of the proposed vehicle fuel station with concurrent sale of alcoholic beverages for off-site consumption and a drive-thru restaurant. Based on that review, the Riverside Police Department had no objections to the application, contingent upon the recommended conditions of approval.

Please refer to the October 8, 2015 City Planning Commission staff report, recommended conditions and draft minutes.

**FISCAL IMPACT:**

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

Prepared by: Emilio Ramirez, Deputy Community & Economic Development Director  
Certified as to  
availability of funds: Brent A. Mason, Finance Director/Treasurer  
Approved by: Al Zelinka, FAICP Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

**Attachments:**

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – October 8, 2015
3. City Planning Commission Draft Minutes