



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: AUGUST 9, 2016**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 5**  
**DEPARTMENT**

**SUBJECT: PLANNING CASES P14-0341 (REZONE), P13-0967 (CONDITIONAL USE PERMIT), P14-0342 (PUBLIC CONVENIENCE OR NECESSITY DETERMINATION), P13-0968 (DESIGN REVIEW), AND P16-0372 (VARIANCE)– BY FRED COHEN OF CJC DESIGN, INC. FOR A VEHICLE FUEL STATION, CONVENIENCE STORE WITH OFF-SALE OF ALCOHOL, VEHICLE WASH FACILITY, AND A SECOND-STORY OFFICE – 10995 INDIANA AVENUE**

## **ISSUE:**

Approval of a proposal by Fred Cohen, of CJC Design, Inc. (Applicant), to permit development of 1.2 vacant acres with a vehicle fuel station, a convenience store with off-sale of alcohol, an automated vehicle wash facility, and a second-story office and storage area, located at 10995 Indiana Avenue, on the northeast corner of La Sierra Avenue and Indiana Avenue, adjacent to and south of the existing La Sierra Metrolink station. The following entitlements are to be considered: Rezone, Conditional Use Permit, Public Convenience or Necessity, Design Review and Variances.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the proposed project will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record and adopt a Mitigated Negative Declaration;
2. Adopt the Mitigation Monitoring and Reporting Program found in the attached staff report, pursuant to CEQA Section 21081.6;
3. Approve Planning Cases P13-0967 , P13-0968, P14-0341, P14-0342 and P16-0372; and
4. Introduce and subsequently adopt the attached rezoning ordinance amending the zoning map.

## **PLANNING COMMISSION RECOMMENDATION:**

On August 7, 2014, the City Planning Commission recommended approval of Planning Cases P13-0967, P13-0968, P14-0341 and P14-0342 by a vote of 7 ayes, 1 no and 0 abstentions, with modifications to staff recommended conditions.

## **BACKGROUND**

On February 3, 2015, the project was considered by City Council (Attachment 4). At the hearing, three people spoke in opposition to the project. The discussion at the hearing involved incorporation of excess right-of-way on the west side of the property into the design of the project when the project applicant did not own that right-of-way area. A continuance off-calendar was requested by the applicant to resolve that matter. On February 24, 2015, City Council approved the vacation of the excess right-of-way, which the applicant has acquired.

One of the Planning Commission recommended conditions of approval required the granting of an administrative variance to allow a building setback less than permitted by Code. This condition has been satisfied under the Streamline Riverside Ordinance that removed the building setback requirement.

There are two additional variances that are needed for this project:

- Variance A – to allow the automated vehicle wash facility to encroach into the required 15-foot rear yard setback when adjacent to residentially zoned property; and
- Variance B – to allow a business with off-sale of alcoholic beverages to be located less than 1,000 feet from another business that sells alcoholic beverages for off-site consumption.

## **DISCUSSION:**

This project has been designed in a manner that is sensitive to surrounding uses and complementary to the surrounding neighborhood. Implementation of this project necessitates:

1. rezoning the 1.2 acre subject site from R-1-7000-SP – Single Family Residential and Specific Plan (Riverwalk Vista) Overlay Zones to the CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones;
2. a Conditional Use Permit to allow construction of a vehicle fuel station with an automated vehicle wash facility and the concurrent off-sale of beer and wine;
3. Public Convenience and/or Necessity Determination to permit a second off-sale of alcohol license in a subject Census Tract where a maximum of one off-sale license is permitted;
4. Design Review of the plot plan and building elevations for a 4,760 square-foot vehicle fuel canopy structure, a 7,065-square-foot, two-story convenience store, and a 1,940 square-foot attached single-lane automated vehicle wash facility; and
5. Variances to allow the vehicle wash facility to encroach into the required 30-foot rear setback and to allow the off-sale of alcohol within 1,000 feet of an existing establishment with the off-sale of alcohol.

The setback variance can be supported as the rear of the subject site is contiguous to the La Sierra Metrolink Station parking lot. Increasing the rear building setback to the minimum required 15 feet would create an unnecessary hardship, since the neighboring parking lot will not be impacted by the reduced rear yard setback on the project site.

The variance related to the separation requirement for alcohol sales can also be supported. The existing business, licensed for the off sale alcohol, is located at 3390 La Sierra Avenue, approximately 380 feet from the subject site. In order to increase the separation between off-sale licenses, the proposed off-sale establishment would need to be moved more than 600 feet to the northeast, thereby placing it in closer proximity to multi-family residential development under construction to the east of this site. Both the existing and proposed off-sale establishments are full-service convenience shops which offer a wide variety of food and goods for which alcohol sales account for only a small percentage of sales floor area, which is typical for this type of business. The Riverside Police Department does not object to the proposed off-sale of alcohol at this location.

The project has been conditioned to provide numerous enhanced security features including continuously monitored closed-circuit surveillance cameras, site lighting and maintenance requirements, mandatory employee and management training, and an overall cap on the floor area dedicated to alcohol sales. With implementation of the recommended conditions of approval, the proposal will provide an additional convenience to the area. No detrimental impacts are anticipated in conjunction with this use.

For additional project background, please refer to the August 7, 2014, City Planning Commission staff report (Attachment 2), recommended conditions (Attachment 1) and minutes (Attachment 3) Justification in support of the variances are included in Attachment 7

### **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: Scott G. Miller, Interim 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 – August 7, 2014
3. City Planning Commission Minutes
4. City Council Report – February 3, 2015
5. City Council Minutes
6. Rezoning Ordinance
7. Staff Prepared Variance Justification Findings
8. Presentation