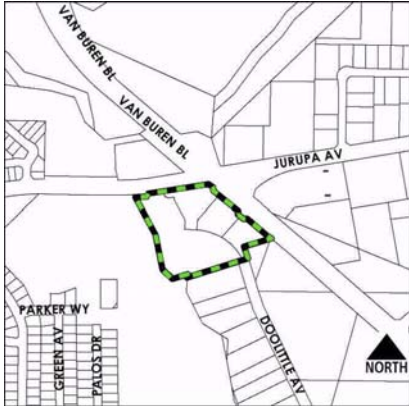




**PLANNING COMMISSION HEARING DATE: APRIL 4, 2019**

**AGENDA ITEM NO.: 2**

**PROPOSED PROJECT**

<i>Case Numbers</i>	P18-0246 (Zoning Code Amendment - Rezoning) P17-0638 (Conditional Use Permit – Vehicle Fuel Station/Carwash) P18-0247 (Conditional Use Permit – Drive-Thru) P18-0248 (Conditional Use Permit – Commercial Building with Drive-Thru) P17-0639 (Design Review) P19-0160 (Variance)	
<i>Request</i>	To consider the following entitlements for construction of a commercial development: 1) Zoning Code Amendment to rezone 9.54 acres from BMP – Business and Manufacturing Park Zone and PF – Public Facilities Zone to CR – Commercial Retail Zone; 2) Conditional Use Permit to permit the construction of a vehicle service station consisting of a 4,872 square foot fueling canopy with 16 fuel stations, a 1,152 square foot automated car wash, and a 3,800 square foot convenience store in conjunction with the off-sale of beer and wine (Type 20 Alcohol License); 3) Conditional Use Permit to permit the construction of a 3,750 square foot drive-thru restaurant (Steak ‘n Shake); 4) Conditional Use Permit for the construction of 4,990 square foot multi-tenant building with a drive-thru; 5) Design Review of project plans; and 6) Variance to allow the off-sale of alcoholic beverages within 600 feet of a public park.	
<i>Applicant</i>	Eric LeVaughan of Sater Oil Group, LLC.	
<i>Project Location</i>	Situated on the southwest corner of Van Buren Boulevard and Jurupa Avenue	
<i>APN</i>	155-060-030, 155-030-031, 155-060-032, and 155-060-033	
<i>Project area</i>	9.54 Acres	
<i>Ward</i>	7	
<i>Neighborhood</i>	Airport	
<i>General Plan Designation</i>	C – Commercial and PF – Public Facilities/Institutional	
<i>Zoning Designation</i>	BMP - Business and Manufacturing Park Zone and PF – Public Facilities Zone	
<i>Staff Planner</i>	Alyssa Berlino, Assistant Planner 951-826-5628 <a href="mailto:aberlino@riversideca.gov">aberlino@riversideca.gov</a>	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council 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 adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **RECOMMEND that the City Council APPROVE** Planning Cases: P18-0246 (Rezone), P17-0638 (Conditional Use Permit-Vehicle Service Station), P18-0247 (Conditional Use Permit-Drive Thru Restaurant), P18-0248 (Conditional Use Permit-Commercial Building with Drive Thru), P17-0639 (Design Review), and P19-0160 (Variance), 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 9.54-acre project site consists of four contiguous parcels, situated on the southwest corner of Van Buren Boulevard and Jurupa Avenue (Exhibit 3). Records show that in 2004, the site was rough graded and today is devoid of any vegetation. Surrounding land uses include undeveloped land to the north (across Jurupa Avenue), a light industrial business park to the east (across Van Buren Boulevard), a golf course and a light industrial business park to the south, and Hole Lake to the west.

As a matter of information, an Exchange, Disposition, and Development Agreement (EDDA) between the City of Riverside, Friends of Riverside Airport LLC, Van Buren Golf Center LLC, and Riverside Gateway Plaza was approved by City Council in May 2003 to facilitate the future development of commercial uses on the subject site. On June 5, 2018, City Council approved a Final Tract Map No. 31542 to subdivide the subject 9.54 acres into Lots 4, 5, 6, and 7. Upon recordation of the map, easements extending across the property were recorded for an existing sewer line, reclaimed water line, and vehicular access.

## PROPOSAL

The applicant is requesting approval of a Zoning Code Amendment to rezone the 9.54-acre project site from BMP – Business and Manufacturing Park Zone and PF – Public Facilities Zone to CR – Commercial Retail Zone (Exhibit 4); Design Review of project plans; and three Conditional Use Permits and Design Review to develop 3.98 acres (Lots 4, 5, and 7) of the project site with a vehicle service station, drive-thru restaurant, and a multi-tenant commercial building with drive thru. A Variance is also requested to allow the off-sale of beer and wine at the proposed convenience store, located within 600 feet of Hole Lake, a public park.

The proposed commercial development includes the following:

- Vehicle Service Station – The vehicle service station includes the construction of a 3,800 square foot convenience store with the off-sale of beer and wine (Type 20 license), a 4,872 square foot fuel canopy consisting of 16 fueling pumps, and a 1,152 square foot automated carwash. The entrance to the convenience store will be oriented towards Van Buren Boulevard. The carwash will be located immediately east of the convenience store. A total of 31 parking spaces are proposed with 4 dedicated for a self-service vacuum area.
- Drive Thru Restaurant – The fast food restaurant (Steak 'n Shake) consists of 3,750 square feet of gross area with a drive-thru. The entrance to the drive-thru is located north of the building with

the pick-up window on the west side of the building, reducing the visibility of the drive-thru operations from Van Buren Boulevard. The drive-thru lane is 12 feet in width, 207 feet in length, and can accommodate 10 vehicles. The pick-up window will be screened from the private extension of Doolittle Avenue by a 3-foot high screen wall and decorative trellis. Steak 'n Shake proposes to provide an outdoor seating area located on the southeast side of the building. A total of 48 parking spaces are proposed on site.

- **Multi-Tenant Commercial Building** – The multi-tenant commercial building consists of a 2,590 square foot restaurant with drive-thru and a 2,400 square foot retail space. The entrance to the drive-thru is located on the south side of the building with the pick-up window on the east side of the building. The drive-thru lane is 12 feet in width, 199 feet in length, and can accommodate 10 vehicles. The pick-up window will be screened from Van Buren Boulevard by a 3-foot tall screen wall and decorative trellis. An outdoor seating area is proposed on the north side of the building. A total of 36 parking spaces are proposed on site.

Elevations for the three buildings show a unified contemporary commercial architectural design with Tuscan influences, including tower elements, tile roofing material, and a neutral color scheme. Storefronts are recessed within archways ornamented with molding and a faux keystone design. Prominent finish materials include stucco with scoring lines and tile inlays, stacked stone veneer, and architectural metal canopies at the entrances.

The project site is accessible by three two-way driveways. Two driveways will be located on Jurupa Avenue and one driveway on Van Buren Boulevard. A private extension of Doolittle Avenue extends from Jurupa Avenue to the southern portion of the project site to connect Doolittle and Jurupa Avenues for public access. Each parcel is connected by shared drive aisles, which allow for reciprocal access.

The conceptual landscape plan includes multiple species of shade and accent trees, shrubs and ground covers. Plans include a 3-foot tall stucco and stone veneer garden wall with two trellis structures at the corner of Van Buren Boulevard and Jurupa Avenue. A 20-foot landscape setback is provided along Jurupa Avenue; landscape setbacks consisting of 16 to 36 feet in width are provided along Van Buren Boulevard, which accommodates a separation and screening of the gas station operations from the public right-of-way.

## PROJECT ANALYSIS

### *Authorization and Compliance Summary*

<i>City Policy and Regulations</i>	<i>Consistent</i>	<i>Inconsistent</i>
<p><b>General Plan 2025</b></p> <p>The General Plan Land Use designation for the site is C – Commercial and PF – Public Facilities and Institutional Uses (Exhibit 5). The Commercial land use designation provides for retail, sales, service, and office uses that serve multiple neighborhoods within the City. The PF – Public Facilities and Institutional Uses provides for schools, hospitals, libraries, utilities, the municipal airport and government institutions.</p> <p>The project is consistent with the Commercial land use designation and the following Objectives and Policies, and furthers the intent of the General Plan 2025:</p> <ul style="list-style-type: none"> <li>• Objective LU-15: Recognize Van Buren Boulevard as a significant parkway, linking neighborhoods along its path to the Santa Ana River, the Arlington Heights Greenbelt, Victoria Avenue and the California Citrus State Historic Park.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>City Policy and Regulations</i>	<i>Consistent</i>	<i>Inconsistent</i>
<ul style="list-style-type: none"> <li>Objective LU-21: Attractively develop the City's major gateways to create a stronger sense of City identity.</li> </ul> <p>This project is not consistent with the PF land use designation. A General Plan Amendment was not required for consistency with the proposed CR – Commercial Retail Zone because this project was submitted to the City in 2018, prior to the adoption of Senate Bill 1333 (effective January 1, 2019) requiring General Plan and Zoning s consistency for Charter Cities.</p>		
<p><b><i>Zoning Code Land Use Consistency (Title 19)</i></b></p> <p>The proposed CR – Commercial Retail Zone allows for broad range of indoor oriented retail sales and service, and office uses as either stand-alone businesses or as part of commercial centers or office developments. The CR – Commercial Retail Zone allows for retail uses by right and vehicle fuel stations, carwashes, and drive-thru businesses subject to the approval of a Conditional Use Permit and compliance with site location, operation, and development standards applicable to those uses.</p> <p>With the exception of a Variance requested to allow a reduced separation between a vehicle fuel station and a public park for the off-sale of alcoholic beverages, and a Modification to allow the fuel canopy to be closer than 20 feet from the interior side property line, this proposal is consistent with all applicable development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Compliance with Citywide Design &amp; Sign Guidelines</i></b></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, and landscaping. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b><i>Compliance with the Riverside Municipal Airport Land Use Compatibility Plan</i></b></p> <p>The proposed project is located in Zones B1 (Inner Approach/Departure Zone) and Zone C (Extended Approach/Departure Zone) of the Riverside County Airport Land Use Compatibility Plan (RCALUCP), which are both identified as having a potential conflict, restricting the intensity of uses to 25 people/ acre in the B1 Zone, and 75 people/ acre in the C Zone. Uses consistent with the zones are typically heavy industrial in the B1 Zone and light industrial related uses in the C Zone.</p> <p>This project has been determined to be exempt from ALUC review as it is consistent with the EDDA, approved in 2003. Specifically, on May 9, 2017, ALUC Staff recognized that the commercial uses identified in the Exchange, Disposition, and Development Agreement (EDDA) qualify as "existing land uses"; therefore, ALUC Staff acknowledged that a commercial development on this site is exempt from ALUC review.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

### VEHICLE FUEL STATION AND CARWASH

<b>Chapter 19.110.030</b> <b>Commercial and Office Development Standards for the CR-Commercial Retail Zone</b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Floor Area Ratio</b>	0.50		0.14	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Lot Requirements</b>	Lot Size	20,000 sq. ft.	69,920 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	117 feet		
	Lot Depth	100 feet	249 feet		
<b>Building Height</b>	Convenience Store	75 feet	30 feet 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Carwash		20 feet 5 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Setbacks</b>	Front	0 feet	71 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	13 feet 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side	0 feet	42 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	53 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.410</b> <b>Vehicle Fuel Station Site Location, Operation, and Development Standards</b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Lot Area</b>	1 acre		1.60 acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Frontage</b>	Located on Arterial Street		Van Buren Boulevard Jurupa Avenue	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setback</b>	Jurupa Avenue	10 feet	20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Van Buren Boulevard		38 – 46 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Canopy Setback</b>	Front	20 feet	71 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side		42 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side		13.5 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Rear		182 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Height</b>	Convenience Store	35 feet	30 feet 6 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.425</b> <b>Vehicle Wash Facilities Site Location, Operation, and Development Standards</b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Frontage</b>	Direct access to an arterial or collector street		Van Buren Boulevard: 120-foot arterial  Jurupa Avenue: 110-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Circulation</b>	Traffic circulation pattern shall be designed to preclude traffic congestion on public streets and provide safe ingress, egress and movement of on-site traffic		Adequate circulation and safe ingress and egress movements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setback</b>	Jurupa Avenue	10 feet	20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Van Buren Boulevard		38 – 46 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.425 Vehicle Wash Facilities Site Location, Operation, and Development Standards</i>				
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Noise</i>	Noise shall comply with Title 7 of the Municipal Code	The project will operate in compliance with Title 7 of the Municipal Code	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Water Runoff</i>	Water flow shall be confined to the site	Water flows are being confined to the site	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.450 Alcohol Sales Site Location, Operation, and Development Standards</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Setbacks</i>	Residential Zone or Use	100 feet	RE - Residential Estate Zone (located across Jurupa Avenue): 110 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Schools, Assemblies of People-Non Entertainment Facilities, Public Park	600 feet	City Park Property (Hole Lake): 290 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Off-Sale Licenses and Supportive Housing	1,000 feet	Cardenas Market (6350 Van Buren Boulevard): 4,600 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

California Department of Alcoholic Beverage Control (Census Tract 410.04) Off-Sale Alcohol Licenses						
Standard		Existing Licenses	Proposed Licenses	Total Number of Existing and Proposed Licenses	Consistent	Inconsistent
Maximum Number of Off-sale Licenses	2	0	1	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**  
**DRIVE-THRU RESTAURANT (STEAK 'N SHAKE)**

<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		0.07	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Size	20,000 square feet	55,292 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	217 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Depth	100 feet	250 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	75 feet		27 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Yard Setbacks</i>	Front	0 feet	155 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	55 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	39 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	15 feet		Van Buren Boulevard: 24 feet	<input checked="" type="checkbox"/>	<input 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	217 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Van Buren Boulevard: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive-Thru Lane Standards</i>	Length: 180 feet	207 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 with decorative trellises, and landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setbacks</i>	Van Buren Boulevard:15 feet	24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru and Parking Lot: 5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>



**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**  
**MULTI-TENANT COMMERCIAL BUILDING**

<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		0.10	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Area	20,000 square feet	47,999 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	269 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Depth	100 feet	216 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height - Maximum</i>	75 feet		25 feet 2 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Minimum Yard Setbacks</i>	Front	0 feet	28 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	26 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	118 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	15 feet		Van Buren Boulevard: 16 feet	<input checked="" type="checkbox"/>	<input 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	269 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Van Buren Boulevard: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive-Thru Lane Standards</i>	Length: 180 feet	199 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 with decorative trellises and landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setbacks</i>	Van Buren Boulevard: 15 feet	16 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru and Parking Lot: 5 foot	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 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>Vehicle Fuel Station</i>	Vehicle Fuel Station with Convenience Store: 1 space/250 sq. ft.	3,800 sq. ft.: 16 spaces	31 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Vehicle Fuel Station with Car Wash: 1 space/washing bay	1 washing bay: 1 space			
<i>Steak 'n Shake</i>	Restaurant: 1 space/100 sq. ft.	3,750 sq. ft.: 38 spaces	48 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Multi-Tenant Commercial Building</i>	Retail: 1 space/250 sq. ft.	2,400 sq. ft.: 10 spaces	36 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Restaurant: 1 space/100 sq. ft.	2,590 sq. ft.: 26 spaces			
<i>Total</i>		91 spaces	115 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## MODIFICATIONS/CONDITIONAL USE PERMIT AND VARIANCE

### JUSTIFICATION AND FINDINGS SUMMARY

#### *Modification*

The applicant is requesting a modification to one standard related to the 20-foot setback for the fuel canopy. Section 19.410.060 of the Zoning Code allows for the modification of development standards through the consideration of a Conditional Use Permit. The Applicant has provided justifications for the requested modification. Staff has prepared the following supplemental justifications in support of the modification:

The Zoning Code requires that vehicle fuel station canopies be set back a minimum of 20 feet from all property lines. In this instance, the proposed fuel canopy is proposed 13 ½ feet from the north property line, facing Jurupa Avenue, and 71 feet from the front (east) property line, facing Van Buren Boulevard. Staff supports the modification for the following reasons:

- 1) The proposed canopy setback allows for efficient on-site circulation and adequate access to the site;
- 2) The reduced setback only occurs in the area adjacent to the corner of the canopy due to the orientation of the canopy in relationship to the site; and
- 3) The remainder sides of the canopy meet or exceed the 20-foot setback requirement.

In conclusion, allowing a small area of the canopy to be set back 13 ½ feet from the north property line will not be detrimental to the surrounding area.

#### *Variance Findings*

The Zoning Code establishes a minimum 600-foot separation between the off-sale of alcoholic beverages and public parks (Exhibit 6). This project includes the off-sale of alcoholic beverages within approximately 290 feet of Hole Lake, a property identified as an undeveloped public park, owned and maintained by the Parks, Recreation, and Community Services Department.

The applicant provided justifications in support of the Variance request (Exhibit 10). Staff is able to make the necessary findings in support of the Variance request to allow the off-sale of alcoholic beverages within 600 feet of a public park. While the project site is located within 600 feet of Hole Lake, the property is an undeveloped park and this project will not negatively impact park patrons.

### ***Rezoning and Conditional Use Permits***

Rezoning the property to CR Zone will facilitate a commercial development compatible with the surrounding neighborhood and allow the site to be developed in accordance with the Exchange, Disposition, and Development Agreement approved by the City Council on May 23, 2003.

The proposed vehicle fuel station with the off-sale of beer and wine and car wash facility is an appropriate use for the intersection of Van Buren Boulevard and Jurupa Avenue. Currently, the closest vehicle fuel stations are over a mile away on Arlington Avenue, to the south of the project site, and on Limonite Avenue, which is located outside of the City boundaries. Off-sale of beer and wine are an incidental use to a vehicle fuel station and there are currently no off-sale alcohol licenses for the census tract where the business will be located.

The proposed drive-thru restaurant (Stake n' Shake) and multi-tenant commercial building with drive thru are complimentary uses to the nearby residential uses and the uses proposed within the commercial development. The site has been designed with adequate vehicular access and internal circulation. The two commercial buildings include adequate screening of the drive thru operations by placing the drive thru in the rear of the restaurant building and providing a 3-foot high masonry screen wall and landscaping on the easterly side of the drive thru serving the multi-tenant commercial building. For the reasons stated above, Staff can support the proposed uses, Variance, and Modifications.

## **ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this project in accordance with Section 15074 of the California Environmental Quality Act (CEQA) Guidelines (Exhibit 11). 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).

## **PUBLIC NOTICE AND COMMENTS**

Public hearing notices were mailed to property owners within 1,000 feet of the project site. As of the writing of the Staff Report, Staff has received no responses regarding this 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 Zoning Map
5. General Plan Map
6. Distance Requirements Map
7. Project Plans (Site Plan, Preliminary Grading Plan, Floor Plans, Building Elevations, Screen Wall Plans, Conceptual Landscape Plans)
8. Existing Site Photos
9. Security Plan
10. Applicant Prepared Variance Justifications
11. Draft Mitigated Negative Declaration

(Color/Material Board to be available at the City Planning Commission Meeting)

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Prepared by: Alyssa Berlino, Assistant Planner  
Reviewed by: Patricia Brenes, Principal Planner  
Approved by: Mary Kopaskie-Brown, City Planner



**EXHIBIT 1 – STAFF RECOMMENDED FINDINGS**

**FINDINGS**

**PLANNING CASES:** **P18-0246** (Zoning Code Amendment – Rezoning), **P17-0638** (Conditional Use Permit), **P18-0247** (Conditional Use Permit), **P18-0248** (Conditional Use Permit), **P17-0639** (Design Review), and **P19-0160** (Variance)

**A. Zoning Code Amendment (Rezoning) Findings Pursuant to 19.810.040**

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

**B. Conditional Use Permit Findings Pursuant to Chapter 19.760.040 (Vehicle Fuel Station, Car Wash, and Off-Sale of Alcoholic Beverages; Drive Thru Restaurant; and Multi-Tenant Commercial Building with Drive Thru)**

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 is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

**C. Vehicle Fuel Station Findings Pursuant to Chapter 19.410.030**

1. That the vehicle fuel station will not substantially increase vehicular traffic on streets in a residential zone, and that the vehicle fuel station will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.
2. That the 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. That the vehicle fuel station will not create increased traffic hazards to pedestrians when located near a school, assemblies of people—non-entertainment or assemblies of people - entertainment.
4. That the 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 service station use.

5. That the 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.

**D. 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 of adequate in size and shape to accommodate the drive-thru businesses and to accommodate all yards, walls, parking, landscaping and other required improvements.
5. The drive-thru businesses will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.

**E. Variance – Justification Findings Pursuant to Chapter 19.720.040**

1. Request: To allow the off-sale of alcoholic beverages within 600 feet of a public park. 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.

The proposed project complies with this finding. Strict application of the Zoning Code would require a 600-foot separation from a public park. 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 proposed exterior wall of the convenience store is located approximately 290 feet west of the property line of the public park (Hole Lake). The sale of beer and wine is a standard incidental use to the sale of motor vehicle fuel and will provide an additional convenience for customers. The Zoning Code limits the maximum percentage of beer and wine sales to total store sales to 30 percent on a retail basis during any consecutive twelve-month period. Furthermore, the project is conditioned prohibiting the sale of cold single units of beer or fortified wine/liquor.

Furthermore, the entire project site is located within 600 feet of a public park, there is not an opportunity to relocate the convenience store on site, in order to meet the separation requirement. Thus, strict application of the 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.

The proposed project complies with this finding. The project site is located approximately 290 feet from Hole Lake, however, it is an undeveloped park. The intent of the provision is to prevent the consumption of alcohol within a park and ensure intoxicated persons do not interfere with the park-goers ability to enjoy the park. Because there are no existing improvements the park is considered undeveloped.

3. The 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.

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 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 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.

4. The granting the request will not be contrary to the objectives of the General Plan.

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.



# CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT PLANNING DIVISION

## EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

### RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

**PLANNING CASES:** P18-0246 (Zoning Code Amendment – Rezoning), P17-0638 (Conditional Use Permit), P18-0247 (Conditional Use Permit), P18-0248 (Conditional Use Permit), P17-0639 (Design Review), and P19-0160 (Variance)  
Case Specific

#### Planning Division

1. All mitigation measures, as outlined in the Mitigation, Monitoring and Reporting Program in the Mitigated Negative Declaration, shall be satisfied.
2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans 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: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new 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 Grading Permit Issuance:*

5. Zoning Code Amendment (P18-0246) shall be finalized and/or adopted.
6. A Covenant and Agreement shall be recorded for reciprocal access and maintenance of common areas, subject to review and approval of the Planning Division and City Attorney's Office.
7. MM BIO-1: Prior to the issuance of a grading permit, a focused burrowing owl survey shall be conducted during the burrowing owl breeding season (March 1 through August 31) in compliance with the MSHCP survey instructions for the burrowing owl (Riverside County Environmental Programs Department, 2006). If the survey reveals burrowing owl is not present, no further work in this regard is required other than preparation and submittal of a final report consistent with the MSHCP survey instructions.

If the survey reveals burrowing owl is present, construction shall be delayed until the species has departed from the site or has been relocated in accordance with the procedures contained in the MSHCP survey instructions. Once the species has departed from the site or has been relocated, a final report shall be prepared and submitted consistent with the MSHCP survey instructions.



8. **MM BIO-2:** Prior to the issuance of a grading permit, a pre-construction survey for the burrowing owl shall be conducted by a qualified biologist within 30 days prior to the start of project construction/ground-breaking activities. If no active burrows are detected, no further work in this regard is required.

If active burrowing owl burrows are determined to be present during the non-breeding season (September 1 to January 30), the burrow(s) shall be flagged and a 160-foot buffer shall be created around the burrow(s). The buffer limits may vary depending on burrow location and burrowing owl sensitivity to human activity. During the non-breeding season, the burrowing owl may be passively excluded based on California Department of Fish and Wildlife-approved methods and the burrow can be excavated prior to construction. If active burrowing owl burrows are determined to be present during the breeding season (February 1 to August 31), the burrow(s) shall be flagged and a 500-foot buffer shall be created around the burrow(s). The buffer limits may vary depending on burrow location and burrowing owl sensitivity to human activity. No work shall occur within 500 feet of the burrow unless a reduced buffer area is determined to be acceptable by a qualified biologist's notification to the City of Riverside

9. **MM-CUL-1:** Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and interested tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised.
10. A 40-scale precise grading plan shall be submitted to the Planning Division and 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 qualified soils engineer to minimize potential soil stability problems; and
  - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.
  - e. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
    - i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
    - ii. Suspend all grading activities when wind speeds exceed 25 miles per hour.

- iii. 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;
- iv. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
- v. Wash off trucks and other equipment leaving the site;
- vi. Replace ground cover in disturbed areas immediately after construction; and
- vii. Keep disturbed/loose soil moist at all times.

***Prior to Ground Disturbance:***

- 11. **MM BIO-3:** If project activities are planned during the bird nesting season (February 15 to August 31), a pre-construction nesting bird survey shall be conducted within 3 days prior to construction. Should nesting birds be found, an exclusionary buffer will be established by the biologist. The buffer may be up to 500 feet in diameter, depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.
- 12. **MM-CUL-2: Archaeological and Paleontological Monitoring:** At least 30 days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities take place, the developer/applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

The project archaeologist, in consultation with interested tribes, the Developer, and the City, shall develop an Archaeological Monitoring Plan to address the details, timing, and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the plan shall include:

- a. Project grading and development scheduling;
- b. The development of a rotating or simultaneous schedule in coordination with the developer/applicant and the project archaeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists;
- c. The protocols and stipulations that the Applicant, tribes, and project archaeologist/paleontologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits, or nonrenewable paleontological resources that shall be subject to a cultural resources evaluation;
- d. Treatment and final disposition of any cultural and paleontological resources, sacred sites, and human remains if discovered on the project site; and
- e. The scheduling and timing of the Cultural Sensitivity Training noted in mitigation measure MM-CUL-4.

***During Grading and Construction Activities:***

- 13. **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 on-site 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 cataloging 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 will 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 an agreement 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.
14. **MM CUL-4: Cultural Sensitivity Training:** The Secretary of Interior Standards County certified archaeologist and Native American monitors 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 in the Phase IV Monitoring Report.
15. 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.

16. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
17. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
18. 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 project site during all project construction.
19. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust shall be controlled as required by SCAQMD Rule 403;
  - 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. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Wash off trucks and other equipment leaving the site;
  - f. Keep disturbed/loose soil moist at all times;
  - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
  - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
20. The applicant shall be responsible for erosion and dust control during construction phases of the project.
21. 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:***

22. **Staff Required Plot Plan Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
  - a. The property lines shall be consistent with Tract Map No. 31542.
  - b. Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;
  - c. 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; and
  - d. Provision for handicap accessible parking as deemed necessary by Building and Safety Division.

23. The Security Plan shall be amended to clarify how surveillance video will be stored and whom would have access to the surveillance video to the satisfaction of the Planning Division and Police Department.
24. **MM NOI-1:** Prior to issuance of building permits, Planning staff, or designee, shall verify that all site owners and/or leases implement an informational plan to limit engine idling for all delivery vehicles and moving trucks to 5 minutes or less.
25. **MM NOI-2:** Prior to the issuance of building permits, Planning staff, or designee, shall verify that all rooftops are designed to include a minimum 3-foot parapet wall along the rooftop of all buildings to shield HVAC equipment.
26. **MM NOI-3:** Prior to issuance of building permits, Planning staff, or designee, shall verify that the car wash openings (e.g. doors) for the vacuum turbine enclosure are directed away from the southern property line (towards center of site).
27. **MM NOI-4:** Prior to issuance of building permits, Planning staff, or designee, shall verify that the design of the project incorporates best available noise reducing technology such as mufflers, shrouds, acoustic baffles, acoustic silencers and/or variable frequency drives for vacuum turbines, and blow dryer system. In addition, the vacuum system must incorporate tight seals/fittings for crevice tools and claws, per the manufacturer's design.
28. **MM NOI-5:** Prior to issuance of building permits, Planning staff, or designee, shall verify that the design of the speakerphone system incorporates automatic volume control (AVC). The AVC will adjust the outbound volume based on the outdoor ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system.
29. Plans submitted for Plan Check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest preventer possible, be painted green, and consist of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
30. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The 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 lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Freestanding light standards within 50 feet of residentially zoned property shall be no more than 14 feet in height.
31. 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.
32. Ground mounted equipment shall be fully screened from the public right-of-way.
33. The landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. Separate applications and

filing fees are required. The landscaping and irrigation plans must be submitted prior to building permit issuance.

***Prior to Release of Utilities and/or Occupancy:***

34. **MM TRA-1:** Prior to the issuance of the first certificate of occupancy, the applicant shall improve the Van Buren Boulevard/Jurupa Avenue intersection by restriping/widening the eastbound Jurupa Avenue approach from one left turn lane, one through lane, and one shared through/right turn lane to consist of two left-turn lanes, one through lane, and one shared through/right-turn lane.
35. 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 Alyssa Berlino at (951) 826-5628 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:***

36. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to 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.
37. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
38. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
39. No outdoor pay phones shall be permitted on the premises.
40. 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.
41. Operations outside the vehicle fuel station building shall be limited to the dispensing of gasoline, oil, air and water.
42. 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.
43. 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***

44. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
45. The Rezoning, Conditional Use Permits and Design Review, may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved

extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

46. 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.
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. The applicant 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.
49. This permit is issued based upon the plans 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. Permittee 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.
50. 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.
51. 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.

#### **Fire Department**

52. An automatic fire sprinkler system is required by City Ordinance 16.32.080. 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 (UUFX) 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.

53. Public fire hydrants on Doolittle Avenue shall be spaced a maximum of 350 feet apart. All required public and private fire hydrants shall be installed and in service prior to release of building permits.
54. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
55. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
56. Construction plans shall be submitted and permitted prior to construction.
57. Fire Department access shall be maintained during all phases of construction.

#### **Parks, Recreation & Community Services – Park Planning**

##### ***Prior to Grading/Street Improvement Permit and Grading Permit Issuance:***

58. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

#### **Police Department**

##### ***Operational Conditions:***

##### ***Alcohol***

59. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise. (Compliance with Section 23038 of the Business and Professions Code).
60. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
61. No cold 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.
62. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
63. 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***

64. 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.
65. 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.
66. 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.

67. Management shall actively participate in Business Watch through the Riverside Police Department.

#### ***Entertainment***

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

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

#### ***Compliance***

74. 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 upgrade.
75. 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 – Water**

##### ***Prior to issuance of a building permit:***

76. Applicant shall satisfactorily relocate existing recycled water line through project site to the specifications of Riverside Public Utilities, Water Division.
77. Applicant shall extend a 12" water main from the existing water main at the terminus of Doolittle Avenue through the project site to Jurupa Avenue.

#### **Public Utilities – Electric**

78. 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.
79. Blanket Public Utility Easement required on all parcels.
80. 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.
81. 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.

82. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
83. Plot existing electrical distribution facilities on the original site plan.
84. Please show proposed location of transformers and electrical rooms.
85. Please make sure to coordinate with Mike Torelli for installation of the RTRP facilities on the property before construction.

#### **Public Works – Environmental Compliance**

##### ***Prior to issuance of building permits:***

86. A Wastewater Discharge Survey for restaurants must be submitted to EC for approval along with a menu.
87. The Wastewater Survey and Menu will help to determine if you need an interceptor and what size. Plans must show the interceptor location.
88. 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.
89. Domestic waste shall not be allowed to pass through the interceptor.
90. If a sampling station is required—submit proposed installation on corrected plans.
91. 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.
92. 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.
93. Other items for correction may need to be completed after actual plans are submitted for a formal review.
94. Proposed trash enclosures with drains to sanitary sewer must have cover to control rainwater intrusion.

#### **Public Works**

##### ***Prior to issuance of Building Permit unless otherwise noted:***

95. Installation of sewer laterals to serve this project to Public Works specifications.
96. Size, number and location of driveways to Public Works specifications.
97. Storm Drain construction will be contingent on engineer's drainage study.
98. 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.

99. 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.
100. 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.
101. 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.
102. 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.

103. Advisory - The City shall monitor the traffic conditions at the Doolittle Avenue and Jurupa Avenue study intersection and if needed due to poor operations, turn restrictions be applied for vehicles turning left out of the project driveway.
104. Advisory - Protect existing landscape, irrigation and trees in place. Any damages to be repaired and placed by developer. Landscape is irrigated with non-potable water in this area.