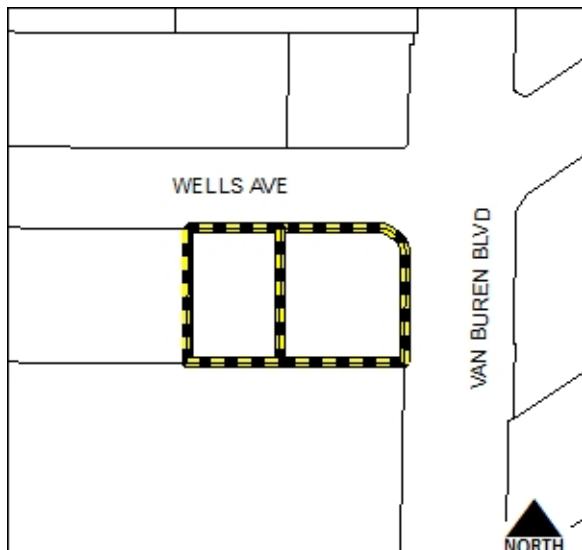




**PLANNING COMMISSION HEARING DATE: APRIL 18, 2019  
AGENDA ITEM NO.: 4**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P18-0526</b> (Conditional Use Permit) <b>P18-0528</b> (Variance) <b>P18-0529</b> (Variances) <b>P18-0527</b> (Design Review)	
<i>Request</i>	To consider the following entitlements for the construction of a vehicle fuel station: 1) Conditional Use Permit to permit a vehicle fuel station (7-Eleven) including a fueling canopy with 12 gasoline pumps and a 3,040 square foot convenience store with off-sale of beer and wine (Type 20 Alcohol License); 2) Variance to allow a reduced separation requirement for the off-sale of alcoholic beverages from any existing residential dwelling or property zoned for residential uses; 3) Variances to allow reduced separation standards for the off-sale of alcoholic beverages from another business with concurrent sale of motor vehicle fuel with alcoholic beverages and from another business licensed for off-sale general alcoholic beverage sales; and 4) Design Review of project plans.	
<i>Applicant</i>	Douglas Fenn of Tait & Associates	
<i>Project Location</i>	4890 Van Buren Boulevard and 7410 Wells Avenue, situated on the southwest corner of Van Buren Boulevard and Wells	
<i>APN</i>	151-380-045, 151-380-007	
<i>Project area</i>	0.78 acre	
<i>Ward</i>	6	
<i>Neighborhood</i>	Arlanza	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	HDR – High Density Residential	
<i>Zoning Designation</i>	CR – Commercial Retail Zone	
<i>Staff Planner</i>	Judy Egüez, Associate Planner 951-826-3969 <a href="mailto:jeguez@riversideca.gov">jeguez@riversideca.gov</a>	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15302 (Replacement and Reconstruction), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-Fill Development Projects) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P18-0526 (Conditional Use Permit), P18-0528 (Variance), P18-0529 (Variances), and P18-0527 (Design Review) 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 0.78 acre site consists of two contiguous parcels on the southwest corner of Wells Avenue and Van Buren Boulevard (Exhibit 3). The western-most parcel (7410 Wells Avenue) is 0.35 acres and was developed in 1966 with a Speedy Mart convenience store. The convenience store changed ownership and has been operating as a 7-Eleven since 1972. The eastern most parcel (4890 Van Buren Boulevard) consists of 0.43 acres.

Approvals have been granted for this property as detailed below:

- 1966 – Construction of a vehicle fueling station (Jimmy Service Station).
- 1984 – Construction of a 7-Eleven convenience store and one gasoline pump, but was never constructed (Conditional Use Permit – CU-018-845).
- 1986 – Construction of a Shell gas station and convenience store (Revised Conditional Use Permit - CU-018-845). The Shell gas station went out of business in 2004.
- 2005 – Re-establishment of the vehicle fueling station for Union 76 (Conditional Use Permit - P05-0727). Construction of the Union 76 fueling station was abandoned.
- 2016 – Demolition of Union 76 fueling station and removal of the underground storage tanks.

Surrounding land uses include multiple family residential and a vehicle fuel station to the north (across Wells Avenue), multiple family residential (currently under construction) to the south, commercial uses (Les Schwab Tire Center) to the east (across Van Buren Boulevard), and multiple family residential to the west.

## PROPOSAL

The applicant is proposing to demolish the existing 7-Eleven building and is requesting approval of a Conditional Use Permit and Design Review to construct a vehicle fuel station (7-Eleven), 3,096 square foot fuel canopy consisting of 12 fueling pumps, and a 3,010 square foot convenience store with concurrent off-sale of beer and wine (Type 20 Alcohol License).

Variances are requested to allow reduced separation requirements for the off-sale of alcoholic beverages from: 1) any existing residential dwelling or property zoned for residential use; and 2) another business with the concurrent sale of motor vehicle fuel with alcoholic beverages or another business licensed for off-sale of general alcoholic beverages with less than 15,000 square

feet of gross floor area or which sells alcoholic beverages as its principal business. Additionally, the applicant is requesting a Modification of development standards to permit the operation of a vehicle fuel station on a lot smaller than one acre.

The convenience store will be oriented towards Van Buren Boulevard and is located on the southwest area of the site. The fueling canopy and parking will be located east of the convenience store. A total of 13 parking spaces are proposed to serve the site. Access will be provided via two two-way driveways located on Wells Avenue and Van Buren Boulevard. Deliveries for fuel and store products will be during off-peak hours.

The conceptual landscape plan includes multiple species of shade and accent trees, shrubs and ground covers. An 11-foot landscape setback is provided along Van Buren Boulevard and 10 to 20-foot landscape setbacks are provided along Wells Avenue. Additionally, 10 to 16 foot landscape setbacks are proposed on the south and west sides of the property. Separation between the adjacent properties to the west and south is provided by an existing 6-foot high block wall along the west property line, and a 6-foot high block wall along the south property line, to be constructed in conjunction with the multiple-family development currently under construction.

The convenience store and the fueling canopy reflect a contemporary style with stacked stone detailing and earth-tone colors. The floor plan for the convenience store shows display areas for alcoholic beverages within a refrigerated case and outside the refrigerated case. The overall display areas total approximately 29.9 square feet or 1.3% of the total store area.

7-Eleven is proposing to operate 24-hours a day, seven days a week. The store will employ 4 to 6 full-time employees and 2 to 3 part-time employees.

## PROJECT ANALYSIS

### *Authorization and Compliance Summary*

	Consistent	Inconsistent
<p><b><i>General Plan 2025</i></b></p> <p>The General Plan Land Use designation for the site is HDR – High-Density Residential, which is intended to provide for the development of row houses, condominiums, and apartments (Exhibit 4). The project is not consistent with the land use designation. Nonetheless, the project is consistent with the Objectives and Policies of the General Plan 2025 Land Use and Urban Design Element by promoting in-fill development and the rehabilitation and redevelopment of existing under-utilized commercial buildings. This project also furthers Objective LU-34 of the General Plan 2025:</p> <p>“Enhance and improve the Arlanza neighborhood and its quality of life through careful land use planning that both builds upon the neighborhood's historic development patterns of urban, suburban and semirural development while protecting and preserving the neighborhood's natural features.”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Consistent	Inconsistent
As a matter of information, a General Plan Amendment was not required for consistency with the underlying CR – Commercial Retail Zone because this project was submitted to the City in 2018, when consistency between the General Plan and Zoning was not required in Charter cities. After Senate Bill 1333 was enacted on January 1, 2019, consistency between the General Plan and Zoning are now required in Charter cities.		
<p><b><i>Zoning Code Land Use Consistency (Title 19)</i></b></p> <p>The project site is zoned CR – Commercial Retail Zone, which permits vehicle fuel stations subject to the approval of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards (Exhibit 5).</p> <p>This proposal is generally consistent with the applicable development standards of the Zoning Code except for two of the separation requirements for the off-sale of alcoholic beverages, and the one acre lot size requirement for vehicle fuel stations. 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 project (Exhibit 7).</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, 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"/>
<p><b><i>Consistency with the Riverside County Airport Land Use Compatibility Plan for Riverside Municipal Airport</i></b></p> <p>The project site is located within Compatibility Zone E (Other Airport Environs) of the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for Riverside Municipal Airport. Zone E does not provide limits on usage intensity. Appendix D (Compatibility Guidelines for Specific Land Uses) of the LUCP specifically lists vehicle fuel stations as a Generally Compatible use in Zone E. The proposed project is, therefore, consistent with the RCALUCP for the Riverside Municipal Airport.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<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.	33,976 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	142 feet 6 inches		
	Lot Depth	100 feet	230 feet		
<i>Setbacks</i>	Front (Van Buren Boulevard)	0 feet	171 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (South)	0 feet	14 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (Wells Avenue)	0 feet	58 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (West)	15 feet	16 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		0.78 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>	Wells Avenue	10 feet	10 - 20 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Van Buren Boulevard		11 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Property Line	5 feet	10 feet (South) 16 feet (West)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Canopy Setback</i>	Front (Van Buren Boulevard)	20 feet	35 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side		40 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (Wells Avenue)		66 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear		120 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	Convenience Store	35 feet	24 feet	<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"/>

<b>Chapter 19.450</b> <b>Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverages Sales</b>					
<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Setbacks</b>	Residential Zone or Use	100 feet	R-3-1500 – Multi Family Residential Zone: 14 feet (South) and 16 feet (West)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Schools, Assemblies of People-Non Entertainment Facilities, Public Park	600 feet	Jefferson Elementary School (4285 Jefferson Street): 1,720 feet Jackson Elementary School (4585 Jackson Street): 2,030 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other Business with Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverage	300 feet	USA Gasoline (4930 Van Buren Boulevard): 175 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Other Off-Sale Licenses and Supportive Housing	1,000 feet	Arco Gas Station (4975 Van Buren Boulevard): 388 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Existing Parolee/Probationer Home, Emergency Shelter, and Supportive Housing	1,000 feet	Whiteside Manor (8567 Janet Street): 4,200 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

California Department of Alcoholic Beverage Control (Census Tract 412.03) 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	3 (Existing 7-Eleven currently holds a license)	0	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located in Census Tract 412.03, where 2 off-sale licenses are permitted and three currently exist. This includes the license currently issued to the existing 7-Eleven convenience store. The California Department of Alcoholic Beverage Control has indicated that a Public Convenience or Necessity Determination was not required as the license already exists under the same ownership and the total number of licenses in the census tract will not change (Exhibit 8).

**Chapter 19.580****Parking and Loading Development Standards**

<b>Standard</b>			<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Vehicle Fuel Station</b>	Vehicle Fuel Station with Convenience Store:  1 space/250 sq. ft.	3,010 sq. ft./  12 spaces	13 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 minimum one-acre lot size for vehicle fuel stations. 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 site has been used as a vehicle fuel station since 1966;
- 2) As designed, the site provides adequate circulation and meets the setback requirements; and
- 3) Further, the adjacent properties are already developed and cannot be acquired to meet the one-acre standard.

In conclusion, allowing the proposed vehicle fuel station on a 0.78-acre property will not be detrimental to the surrounding area.

**Variances Findings**

The Zoning Code establishes the following minimum separation requirements for concurrent sale of motor vehicle fuel with alcohol beverages:

- 100-feet from any existing residential dwelling or property zoned for residential uses;
- 300-feet from another business with concurrent sale of motor vehicle fuel with alcoholic beverages; and
- 1,000-feet from another business licensed for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or that sells alcoholic beverage as its principal business.

The proposed exterior wall of the convenience store with the off-sale of beer and wine (Type 20 license) is proposed between 14 - 16 feet away from the property lines, to the south and west respectively, shared with the residential uses; 175 feet from another business (USA Gasoline) with concurrent sale of motor vehicle fuel with off sale of beer and wine; and 388 feet from another business (Arco Gas Station) licensed for off-sale of distilled spirits.

The applicant provided justifications in support of the Variance requests (Exhibit 9). Staff is able to make the necessary findings in support of the Variances 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 7-Eleven convenience store, the USA Gasoline,

and the Arco Gas station have been operating concurrently, with no issues reported by the Police Department.

### ***Conditional Use Permit***

The vehicle fuel station with the off-sale of beer and wine is an appropriate use for the intersection of Van Buren Boulevard and Wells Avenue, and is consistent with established automotive-related uses including vehicle fuel stations and commercial development along the Van Buren Boulevard. The proposed project will continue the use of the property with a convenience store, off-sale of beer and wine (Type 20 Alcohol License), and reestablish a vehicle fuel station. The project design proposes to remove existing driveways, which will improve access and on-site circulation, minimize potential conflicts between vehicles, pedestrians and bicyclists and improve the flow of vehicular ingress and egress.

The proposed project will visually enhance the site with new landscaped areas adjacent to the multiple-family developments to the west and south, as well as along the street frontages. The proposed contemporary architectural design of the building and the canopy are consistent with current design standards and guidelines.

The Riverside Police Department reviewed the proposal and indicated no objection to the proposed project, provided that the operator complies with the recommended conditions of approval. For the reasons stated above, Staff can support the proposed project, Variances, and Modification.

## **ENVIRONMENTAL REVIEW**

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15302 (Replacement and Reconstruction), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-Fill Development Projects) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

## **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, no responses have been received by Planning Staff 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. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan, Floor Plan, Color Building Elevations, Conceptual Grading Plan, and Conceptual Landscape Plan)
7. Distance Requirements Map
8. ABC Alcohol License Census Tract Concentration Map
9. Applicant Prepared Variance Justifications
10. Security Plan
11. Existing Site Photos

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Prepared by: Judy Egüez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



**EXHIBIT 1 – STAFF RECOMMENDED FINDINGS**

**PLANNING CASES:**     **P18-0526** (Conditional Use Permit), **P18-0257** (Design Review), **P18-0258** (Variance), and **P18-0259** (Variance)

**A. Conditional Use Permit Findings Pursuant to Chapter 19.760.040**

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.

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

1. The 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 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 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 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.
5. The vehicle fuel station is adequate in size and shape to accommodate said use, and to accommodate all yards, walls, parking, landscaping and other required improvements.

### C. Variance - Justification Findings Pursuant to Chapter 19.720.040

Variance A: To allow alcohol sales within 100 feet of any existing residential dwelling or property zoned for residential uses.

Variance B: To allow alcohol sales within 300-feet from another business with concurrent sale of motor vehicle fuel with alcoholic beverages or 1,000-feet from another business licensed for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area or that sells alcoholic beverage as its principal business.

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.*

Variances A & B: 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, 300 feet from another business with concurrent sale of motor vehicle fuel with alcoholic beverages, and 1,000 foot separation from any businesses licensed by the State of California for off-sale general alcoholic beverage sales with less than 15,000 square feet of gross floor area. 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 multiple family development to the west (Cero Vista Apartments) and a multiple family development that is currently under construction to the south (Turtle Creek Apartments). The exterior wall of the proposed convenience store is located approximately 16 feet from the property line shared with the existing Cero Vista Apartments to the west. The closest building containing a dwelling unit and the proposed 7-Eleven convenience store will be physically separated by a 16 foot wide landscape setback, a 6 foot high masonry wall, parking spaces, a 24 foot wide drive aisle, and a carport structure. The exterior wall of the proposed convenience store is located approximately 14 feet from the property line of the multiple-family development that is under construction to the south. The proposed 7-Eleven convenience store will be physically separated by a 10 foot wide landscape setback and a 6 foot high masonry wall. Additionally, plans show that the majority of the area adjacent to the 7-Eleven convenience store will consist of garages. There is no direct vehicular or pedestrian access connecting the 7-Eleven to either of the multiple-family developments.

The existing business with the concurrent sale of motor vehicle fuel with alcoholic beverages is USA Gasoline (4930 Van Buren Boulevard), located within 300 feet of the project site. USA Gasoline was issued a Type 20 license (Off-Sale of Beer and Wine) by the Alcoholic Beverage Control (ABC) in 1984. The existing business licensed to sell general alcoholic beverage for off-site consumption is the ARCO gas station (4975 Van Buren Boulevard) located within 1,000 feet of the project site. ARCO was issued a Type 21 license (Off-Sale General) by the ABC in 1982. The businesses historically established on this site, including the existing 7-Eleven convenience store, were issued alcohol licenses by ABC prior to the City requiring a Conditional Use Permit. The Police Department confirmed that no calls for service have been received for the existing or any of the previously established businesses. 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.

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.*

Variances A & B: The proposed project **complies** with this finding. The existing 7-Eleven and the former gas station site are located on small infill parcels fronting Van Buren Boulevard, designated in the General Plan as a 120-foot arterial, scenic and special boulevard, and parkway. Van Buren Boulevard provides connections between many neighborhoods and business centers, feeding into local streets. 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 existing residential uses, near another business with concurrent sale of motor vehicle fuel with alcoholic beverages, and near another business licensed for general off-sale of alcoholic beverages. 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.*

Variances A & B: 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.

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:**     P18-0526 (Conditional Use Permit)  
                                 P18-0257 (Design Review)  
                                 P18-0258 (Variance)  
                                 P18-0259 (Variances)

**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: 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 Grading Permit Issuance:*

5. 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.

*During Construction Activities:*

- 6. 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.
- 7. 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.
- 8. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
- 9. 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.
- 10. 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.
- 11. The applicant shall be responsible for erosion and dust control during construction phases of the project.

12. 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:*

13. Comply with and provide documentation of any and all conditions and regulations imposed by Riverside County and the Santa Ana RWQCB with regards to prior use and future use of the property as a vehicle fuel station.
14. **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. 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;
  - 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; and
  - c. Provision for handicap accessible parking as deemed necessary by Building and Safety Division.
15. 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.
16. Ground mounted equipment shall be fully screened from the public right-of-way.
17. 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.
18. 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.
19. 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:*

20. 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:*

21. 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.
22. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
23. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
24. No outdoor pay phones shall be permitted on the premises.
25. 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.
26. Operations outside the vehicle fuel station building shall be limited to the dispensing of gasoline, oil, air and water.
27. 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.
28. 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:*

29. There shall be a one-year time limit to secure the necessary permits to commence construction 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.
30. 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.



31. 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.
32. 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.
33. 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.
34. 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.
35. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
36. 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.
37. 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.
38. 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.
39. 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
40. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
41. 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.

42. 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**

43. 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 (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.

44. 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.
45. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
46. Construction plans shall be submitted and permitted prior to construction.
47. One new public fire hydrant is required on Van Buren Boulevard.

### **Police Department**

#### **Operational Conditions:**

#### **Alcohol**

48. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
49. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
50. No cold single units of beer or fortified wine/liquor shall be allowed to be sold. Beer shall only be sold in six packs or larger pre-packaged lots.
51. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
52. 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*

53. 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.
54. 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.
55. 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.
56. Management shall actively participate in Business Watch through the Riverside Police Department.

### *Entertainment*

57. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
58. 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*

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

### *Compliance*

63. 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.
64. 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**

65. 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.

66. 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.
67. 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.
68. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. As well as installing street lights, stubbing and capping along property frontage
69. Plot existing electrical distribution facilities on the original site plan.

### **Public Works**

*Conditions to be fulfilled prior to case finalization unless otherwise noted:*

70. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
71. Storm Drain construction will be contingent on engineer's drainage study.
72. Installation of sewer laterals to serve this project to Public Works specifications. If existing lateral to be utilized video inspection prior to connection required.
73. Size, number and location of driveways to Public Works specifications. No new driveways allowed along Van Buren Boulevard.
74. Closure of unused driveway(s) to Public Works specifications.
75. On Van Buren Boulevard, PLANT 24" box size trees, specie shall be Cercis canadensis 'Forest Pansy', typical spacing is 35 feet. No Street Trees are required on Wells Avenue. Final spacing will be determined by the Tree Inspector at time of spotting. Developer will be responsible for all expenses.
76. Installation of automatic irrigation system to provide deep-root watering to trees is required.
77. Trash Enclosure per City Standards.
78. 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

79. 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.
80. 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.
81. 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.
82. 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.