



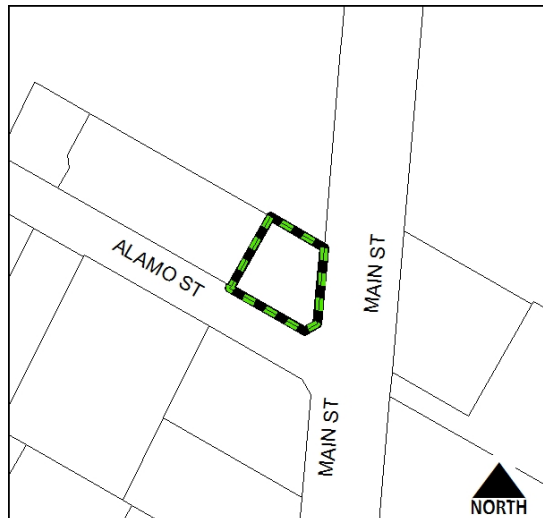
Community & Economic Development Department

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

Planning Division

**PLANNING COMMISSION HEARING DATE: MAY 16, 2019
AGENDA ITEM NO.: 3**

PROPOSED PROJECT

<i>Case Numbers</i>	P18-0214 (Conditional Use Permit)	
<i>Request</i>	To consider a Conditional Use Permit to upgrade of the current Type 20 Alcohol License (Off-Sale Beer and Wine) to a Type 21 Alcohol License (Off-Sale General) in conjunction with an existing 2,272 square foot market.	
<i>Applicant</i>	Ghatas Toumah	
<i>Project Location</i>	881 Main Street, situated on the northwest corner of Main Street and Alamo Street	
<i>APN</i>	246-260-016	
<i>Project area</i>	0.29 acres	
<i>Ward</i>	1	
<i>Neighborhood</i>	Northside	
<i>Specific Plan</i>	N/A	
<i>General Plan Designation</i>	B/OP – Business/Office Park	
<i>Zoning Designation</i>	CG – Commercial General Zone	
<i>Staff Planner</i>	Judy Egüez, Associate Planner 951-826-3969 jeguez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case P18-0214 (Conditional Use Permit) 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 site consists of 0.29 acres on the northwest corner of Main and Alamo Street. It was developed in the 1960's with a 2,776 square foot building, consisting of a 2,272 square foot market (Main Street Market), a 504 square foot restaurant (Melano's Kitchen) under separate ownership, and an 875 square foot attached canopy. The market sells every day grocery items, snack foods, soft drinks, toiletries, tobacco products, and household essentials.

Surrounding land uses include a storage facility to the north, commercial uses (Golf Cars of Riverside) to the south (across Alamo Street), industrial uses to the east (across Main Street), and commercial to the west (Exhibit 3).

On February 15, 1980, the site was annexed into the City (Annexation #50) and has been operating as a neighborhood market. Records obtained from the Alcohol Beverage Control Agency (ABC) show that the market has been operating since 1990 with a Type 20 Alcohol License for the off-sale of beer and wine. The Zoning Code in effect when alcohol sales were established on the site did not require a Conditional Use Permit.

PROPOSAL

The market operates daily from 7:00 a.m. to 11:00 p.m. and employs one full-time employee. No physical improvements are proposed to the building or to the operation of the restaurant in conjunction with the Conditional Use Permit. The applicant is requesting approval of a Conditional Use Permit to upgrade the existing Type 20 (Off-sale Beer and Wine) alcohol license to a Type 21 (Off-Sale General) alcohol license, in conjunction with the existing market.

The floor plan shows that the display area for distilled spirits is approximately 72 square feet and is located behind the sales counter (Exhibit 6). The existing beer and wine display area will remain within a 195 square foot refrigerator case consisting of five doors along the southwest corner of the market. The overall display areas constitute 12 percent of the store area.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<i>General Plan 2025</i> The General Plan Land Use designation for the site, B/OP – Business/ Office Park, is intended to provide for single or mixed light industrial uses that do not create nuisances. Uses could include corporate and general business offices, research and development, light manufacturing, light industrial and small warehouse uses (Exhibit 4). The project is not consistent with the land use designation. Nonetheless, the project will further the intent of the General Plan to support the location of stores, offices, residences, schools, recreational spaces and other public facilities within walking distance of each other in compact neighborhoods that are	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Consistent	Inconsistent
<p>designed to provide alternate opportunities for easier movement and interaction.</p> <p>As a matter of information, a General Plan Amendment was not required for consistency with the underlying CG – Commercial General 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>		
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CG – Commercial General Zone, which permits the sale of alcoholic beverages 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 consistent with the applicable development standards and separation requirements for alcohol sales.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<p><i>Chapter 19.450</i></p> <p><i>Off-sale of all Alcoholic Beverages (Exhibit 7)</i></p>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Setbacks</i>	Residential Zone or Use	100 feet	R-1-7000– Single Family Residential Zone: 350 feet (Southeast)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Schools, Assemblies of People-Non Entertainment Facilities, Public Park	600 feet	Beatty Elementary School (4261 Latham Street): 3,700 feet Reid Park-Ruth H Lewis Center (701 Orange Street): 748 feet AB Brown Sports Complex(3700 Placentia Lane): 1,130 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Business with Off-Sale General Licenses	1,000 feet	Belltown Liquor (2420 Hall Avenue, Jurupa Valley): 6,760 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.450 Off-sale of all Alcoholic Beverages (Exhibit 7)					
Standard			Proposed	Consistent	Inconsistent
			Jakes Liquor (330 Stephens Avenue, Riverside County): 5,970 feet		
	Existing Parolee/Probationer Home, Emergency Shelter, and Supportive Housing	1,000 feet	Riverside Treatment Center (1021 La Cadena): 4,740 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

California Department of Alcoholic Beverage Control (Census Tract 301.04) Off-Sale Alcohol Licenses (Exhibit 8)						
Standard		Existing Licenses	Proposed Licenses	Total Number of Existing and Proposed Licenses	Consistent	Inconsistent
Maximum Number of Off-sale Licenses	3	3 (Existing Licenses)	0	3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CONDITIONAL USE PERMIT FINDINGS SUMMARY

Conditional Use Permit

The project meets all development standards to allow the off-sale of alcoholic beverages. The market serves employees of nearby industrial businesses and the residential homes. Upgrading the market's current alcohol license to allow for the sale of beer, wine and distilled liquor for off-site consumption will provide a convenience to their customers and will be complementary to the products sold in their market.

The project will not result in the over-concentration of alcohol licenses issued for Census Tract 301.04, where three off-sale alcohol licenses are permitted and three currently exist. This includes the alcohol license currently issued to the existing market. The applicant has indicated that their current Type 20 alcohol license will be surrendered upon issuance of the Type 21 alcohol license, thus only a total of 3 alcohol licenses will exist in Census Tract 301.04 (Exhibit 8). The nearest establishments with a Type 21 Alcohol License for Off-sale General are located 2.7 miles and 1.7 miles away in the City of Jurupa Valley and Riverside County, respectively.

In conjunction with this Conditional Use Permit, staff is recommending a condition of approval to enhance the site. Existing landscape areas within the property boundaries and the sidewalk adjacent parkways, along the south and southeast corner of the site will need to be planted with additional plants, shrubs and ground cover. Staff recommends a condition of approval to comply with an active Code Case (CE18-08249) to maintain the property and remove the existing pile of tires located at the northwest corner of the site.

The Riverside Police Department reviewed the proposal, including the Security Plan (Exhibit 9). There is 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 Conditional Use Permit.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) 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 300 feet of the site. As of the writing of this report, no responses have been received by 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. Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan and Floor Plan)
7. Distance Requirements Map
8. ABC Alcohol License Census Tract Concentration Map
9. Security Plan
10. Existing Site Photos

Prepared by: Judy Egüez, Associate Planner
Reviewed by: Patricia Brenes, Principal Planner
Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – FINDINGS

PLANNING CASES: P18-0214 (Conditional Use Permit)

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.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: P18-0214 (Conditional Use Permit)

Planning Division

Within 60 Days from Approval Date:

1. Existing landscape planters within the property boundaries and the sidewalk adjacent parkway, along the south and southeast corner of the site, shall be planted with a diverse species of plants, shrubs and ground cover.
2. Outdoor storage of tires shall be removed from the property in compliance with Code Enforcement case no. CE18-08249.

Operational Conditions:

3. The subject property shall be developed and/or 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.
4. Alcohol displays shall be limited to a maximum 267 square feet of shelving spaces within the building. No outdoor display of alcohol shall be permitted.
5. The off-sale of alcohol shall be limited to the hours of 7:00 a.m. to 11:00 p.m., seven days a week. Any proposed modification of these hours will require modification to this Conditional Use Permit.
6. 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.
7. 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.
8. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
9. 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.
10. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
11. *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.

Standard Conditions:

12. There shall be a one-year time limit on this approval in which to commence 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
19. 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.
20. 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.
21. 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.

Police Department

Operational Conditions:

Alcohol

22. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
23. There shall be no consumption of alcoholic beverages on the property and this requirement will be prominently posted throughout the property.
24. 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.
25. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
26. 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

27. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
28. 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.
29. A security camera surveillance system shall be in constant use and made available for review by members of the Riverside Police Department.
30. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment

31. There shall be illegal gambling devices, such as coin-pushers or video slot machines, etc. maintained upon the premises at any time.
32. 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

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

Compliance

37. 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.
38. The required conditional use permit is subject to a mandatory six-month review by the Planning Division and the Riverside Police Department. 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.