



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: JUNE 11, 2019**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 2**  
**DEPARTMENT**

**SUBJECT: P18-0028 ZONING CODE MAP AMENDMENT, P18-0034 TENTATIVE PARCEL MAP, P18-0031 AND P18-0032 CONDITIONAL USE PERMITS, AND P18-0033 DESIGN REVIEW –APPEAL, ON BEHALF OF KA ENTERPRISES, OF A DENIAL BY THE CITY PLANNING COMMISSION FOR THE CONSTRUCTION OF A COMMERCIAL DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE**

## **ISSUE:**

Appeal, on behalf of KA Enterprises, of City Planning Commission denial of a proposal by Eugene Marini of KA Enterprises for a Zoning Code Amendment, Tentative Parcel Map, Conditional Use Permits, and Design Review to facilitate the development of 2.19 acres with a commercial development consisting of a drive-thru restaurant and a vehicle fuel station that includes a convenience store with a Type 20 (Off-Sale of Beer and Wine) Alcohol License and an automated vehicle wash facility. The property is located at the northeast corner of Sycamore Canyon Boulevard and Central Avenue, immediately west of Interstate 215/State Route 60.

## **RECOMMENDATIONS:**

That the City Council:

1. Uphold the appeal of the Planning Commission's denial of a proposal by Eugene Marini of KA Enterprises for a Zoning Code Amendment, Tentative Parcel Map, Conditional Use Permits, and Design Review to facilitate the development of 2.19 acres with a commercial project, and determine that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record;
2. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act Guidelines Section 15097 and Section 21081.6;
3. Approve Planning Cases P18-0028 Rezoning, P18-0034 Tentative Parcel Map, P18-0031 and P18-0032 Conditional Use Permits and P18-0033 Design Review, based on the findings outlined in the staff report and subject to the conditions of approval; and
4. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map of the Riverside Municipal Code.

## **PLANNING COMMISSION RECOMMENDATION:**

On April 18, 2019, the Planning Commission considered a proposal by Eugene Marini of KA Enterprises for a Zoning Code Amendment, Tentative Parcel Map, Conditional Use Permits, and Design Review to facilitate the development of 2.19 acres with a commercial project located at the northeast corner of Sycamore Canyon Boulevard and Central Avenue, immediately west of Interstate 205/State Route 60. During deliberations, Planning Commissioners expressed concern with the Project's potential negative effects including impacts on wildlife corridors, increased traffic congestion and accidents, and impacts on public safety related to the sale of alcohol.

Pursuant to the Zoning Code, a two-thirds majority vote is required for approval of a Conditional Use Permit. A motion to accept Staff's recommendations resulted in a vote of five ayes to four noes, thereby denying the Project.

## **BACKGROUND:**

### **Project Site**

The Project site is triangular in shape with frontages on Sycamore Canyon Boulevard, Central Avenue and I-215/SR-60. It is generally flat, with the exception of an existing manufactured slope along the Sycamore Canyon Boulevard frontage. Surrounding land uses include the I-215/SR-60 freeway to the north and east; vacant commercially zoned property to the west; and vacant property in the County of Riverside to the south.

The 2.19-acre site has historically been located within the City of Riverside's Sphere of Influence and, therefore, was included in the General Plan 2025 with a land use designation of C – Commercial. The site, located east of the current alignment of Sycamore Canyon Boulevard, was surplus property and right-of-way acquired by Caltrans as part of the I-215/SR-60 widening.

In 2015, the City annexed the Caltrans property (Annexation 118). A zoning designation was not applied to the annexed property east of Sycamore Canyon Boulevard because it was part of the surplus property and right-of-way owned by the State. The Applicant/Appellant acquired the site from Caltrans following the Annexation.

### **Project Description**

The Project consists of a vehicle fuel station, including a convenience store with off-sale of beer and wine and an automated vehicle wash facility, and a drive-thru restaurant. The proposed architectural design reflects a contemporary commercial style in a color palette primarily consisting of white, cream and tan. A total of 54 parking spaces are provided to serve the site. Access is provided via two two-way driveways along Sycamore Canyon Boulevard. Conceptual landscape plans depict a variety of drought-resistant native and ornamental plant species to provide shade, screen views and enhance the Project appearance.

Following is a description of each component of the Project:

- **Vehicle Fuel Station/Vehicle Wash Facility:**

The vehicle fuel station and vehicle wash facility are located on the southern half of the

project site, at the corner of Sycamore Canyon Boulevard and Central Avenue. It includes a 3,200-square-foot convenience store with the off-sale of beer and wine (Type 20 license), a fueling canopy with twelve gasoline pumps, and a 1,518-square-foot automated vehicle wash facility. The drive-thru queuing lane for the vehicle wash facility is screened with a three-foot-high wall and landscaping.

The uses are anticipated to operate 24 hours per day, seven days per week. The Applicant/Appellant has indicated that fuel delivery is expected to be scheduled during off-peak hours, usually in the early morning, and approximately seven to 10 deliveries are anticipated each week. The vehicle fuel station will have an average of two employees with a maximum of five employees during each of the three daily shifts.

○ Drive Thru Restaurant:

The drive-thru restaurant is located on the northern half of the project site. The restaurant is 3,800 square feet in area and includes a single, dual-entry drive-thru queuing lane that wraps around the north and west sides of the restaurant to accommodate stacking for 10 vehicles. The drive-thru queuing lane and pick-up window are screened from Sycamore Canyon Boulevard by a three-foot-high screen wall and decorative trellises. The menu and voice order boxes are located northwest of the building. An outdoor seating area is located on the south side of the building.

The Applicant/Appellant has indicated the restaurant is anticipated to operate 24 hours per day, seven days per week. A tenant has not been identified for the restaurant. The restaurant is expected to have an average of 5 – 10 employees per shift.

Required Entitlements:

Implementation of the Project requires the following entitlements:

1. A Zoning Code Map Amendment (Rezoning) to apply the CG – Commercial General Zone to the Project site, as it currently has no zoning designation;
2. A Tentative Parcel Map (TPM-37591) to subdivide the Project site into two lots, ranging in size from 1.04 to 1.15 acres, and vacate 1.14 acres of excess right of way;
3. Conditional Use Permits (CUPs) to permit: 1) a vehicle fuel station, convenience store with off-sale of beer and wine, and an automated vehicle wash facility; and 2) a drive thru restaurant; and
4. Design Review of Project plans.

For additional background information, please refer to the April 18, 2019 City Planning Commission Minutes and Staff Report (Attachments 1 and 2).

**DISCUSSION:**

Appeal:

The Applicant/Appellant filed a timely appeal of the Planning Commission's denial of the Project. The Applicant/Appellant's basis for the appeal is that the Project is compliant with all applicable City, State and other regulatory requirements and that all potential environmental effects have

been adequately assessed and mitigated to below the applicable thresholds of significance, including the concerns expressed in written and spoken comments (Attachment 3).

Community Concerns:

Following publication of the Planning Commission Staff Report, Staff received nine letters in opposition to the Project and one letter in support (Attachment 4). Letters received prior to publication of the Planning Commission Staff Report are included as an exhibit to that report. Responses prepared by the Applicant/Appellant to written comments received prior to and following publication of the Planning Commission report clarify how the Project addresses public concerns (Attachment 5). Clarifying exhibits are included in Attachment 6.

The following is an overview of the concerns expressed about the Project by members of the Planning Commission, the community and interested parties during the Planning Commission hearing and in written comments received thereafter. A response by Staff is provided with each topic of concern:

1. Concern: Impacts to the Western Riverside Multiple Species Habitat Conservation Plan (MSCHP) Proposed Constrained Linkage 7 (PCL-7).

Response: As detailed in the attached Applicant/Appellant Prepared Responses to Comments, the proposed Project is subject to the Western Riverside Conservation Authority's (RCA's) Joint Project Review (JPR) process because it is located in Criteria Cell 721. PCL-7 is located south of the project site across Central Avenue. RCA determined that the project is consistent with all applicable policies and requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) including reserve assembly goals for Criteria Cell 721 and nearby PCL-7. The JPR also found that Central Avenue separates the project site from lands to the south, planned to be conserved for PCL-7. Because of existing constraints around the Project site itself, the Project site would not serve the functional purpose intended for PCL-7.

2. Concern: Increase in traffic congestion on local streets and I-215/SR-60.

Response: A Traffic Impact Analysis (TIA) prepared for the project analyzed four study area intersections and seven roadway segments near the site. The TIA concluded that the project will not result in any potentially significant impacts. Caltrans reviewed the TIA and had no comments. To mitigate any potential impacts and improve the overall operation of the intersection of Sycamore Canyon Boulevard and Central Avenue, the Conditions of Approval included conditions related to bicycle lane striping and traffic signal timing modifications.

3. Concern: Light pollution impacts to nearby residences and the Palomar Observatory.

Response: Light pollution will be controlled by complying with project mitigation measures and Conditions of Approval that ensure consistency with the Multi-Species Habitat Conservation Plan (MSHCP) and standards of the Zoning Code for Lighting Zone Three. The project site is not located within a Mt. Palomar Nighttime Lighting Buffer Zone established pursuant to Riverside County Ordinance No. 655, and therefore nighttime lighting impacts to the Palomar Observatory are not expected. To address concerns raised by the Planning Commission and the public, the Applicant/Appellant has agreed to an additional Condition of Approval requiring a provision of screening for the fueling area adjacent to Central Avenue. The Applicant/Appellant has further provided a Photometric

Study and Radiosity Exhibit which demonstrates that direct illumination from sight lighting will be confined to the project site to the maximum extent feasible.

4. Concern: Potential increase in crime and deterioration of neighborhood security related to the proposed uses, especially the off-sale of beer and wine.

Response: The project was reviewed by the Riverside Police Department to address specific concerns related to security. Specific Conditions of Approval related to alcohol sales and convenience store operations are recommended to be applied to the project. Adherence to the recommended Conditions of Approval will prevent undue increases in criminal activity and reduce the incidence of calls for police service.

5. Concern: The project will result in decreased property values in the surrounding area.

Response: The proposed Project will improve a vacant property. Commercial uses will serve the surrounding area, as well as travelers on the I-215/SR-60 corridor, providing an additional convenience to the neighborhood. Further, the closest single-family residences are approximately 650 feet to the south, across Central Avenue. This separation reduces the effects of noise, light and odor. While the direct and indirect effects of a project on real estate values is not a standard by which development projects are evaluated, Staff finds that, for these reasons, the proposed project will not substantially lessen the usability and suitability of nearby residentially zoned property for residential use.

6. Concern: Lack of public outreach and notice to nearby residents of the proposed Project.

Response: Notification of the project was provided to interested organizations and agencies pursuant to the established practice of the Planning Division based upon the list of organizations and agencies having previously requested notification. All public notices required pursuant to the Zoning Code and CEQA were provided timely by publication in the *Press-Enterprise* and via United States mail. The minimum required notification radius of 300 feet was increased to 850 feet to ensure that single-family residences to the south of the project site were notified. These properties are otherwise not included in the standard notification radius for this type of project. The Applicant/Appellant has also hosted two community meetings to which nearby residents, neighborhood organizations and members of the public were invited. The first meeting was held on April 15, 2019, prior to the Planning Commission meeting and one person attended the meeting. The second meeting was held on May 20, 2019 and 25 people attended the meeting. No additional concerns were raised and all have been addressed in the Mitigated Negative Declaration.

7. Concern: Noncompliance with Zoning Code requirements that drive-thru restaurants have a minimum of 100 feet of frontage on an arterial roadway.

Response: The proposed Project satisfies the definition established in the Zoning Code for a Commercial Complex, which consists of three or more commercial uses located on one or more contiguous parcels sharing common access, parking and other facilities. "Use" is defined in the Zoning Code as "the purposes for which land or a building is designed, arranged or intended [...] occupied or maintained." In this case, the proposed drive-thru restaurant, vehicle fuel station and vehicle wash facility are considered individual uses that would be permitted in the CG Zone whether standalone or as part of a complex. Accordingly, the complex's approximately 200 feet of frontage on Central Avenue, designated as a 110-foot arterial in Figure CCM-4 (Master Plan of Roadways) of the Circulation and Community Mobility Element of the General Plan 2025, satisfies the 100-foot arterial frontage requirement for the drive-thru restaurant.

8. Concern: Attraction of unhoused individuals to the area.

Response: Concerns raised about a project's potential to attract unhoused persons typically include assumed illegal behaviors associated with the chronically homeless. These frequently include panhandling, drug use, public intoxication, loitering and trespassing. The Riverside Police Department will enforce existing laws against illegal behaviors. The Riverside Police Department has also recommended specific Conditions of Approval relating to the off-sale of alcohol, including prohibiting the sale of single-serving alcoholic beverages. Further, the Applicant/Appellant maintains policies that governing the operation and management of their vehicle fuel stations to control and minimize illegal behaviors. Adherence to existing regulations, operating policies and the recommended Conditions of Approval will minimize possible illegal behaviors.

9. Concern: Increase in traffic accidents on nearby roadways and increase in the incidence of drunk driving.

Response: The Public Works Department Traffic Engineering Division and the Riverside Police Department analyzed five-year collision data for the intersection of Sycamore Canyon Boulevard and Central Avenue. During that period, a total of four collisions, two injury collisions and two non-injury collisions, were reported. As a comparison, the lowest ranking location among a listing of the top 25 high-incidence locations in the City experienced 37 collisions over the same five-year period (Attachment 7). The existing incidence of traffic collisions near the project site is low by comparison. The TIA prepared for the project did not identify any significant impacts to study area intersections, which include the project driveways and Sycamore Canyon Boulevard; Sycamore Canyon Boulevard and Central Avenue; and the I-215/SR-60 on- and off-ramps and Central Avenue and Watkins Drive. No data has been presented that suggests that sale of sealed containers of alcohol will increase incidences of drunk driving.

Conclusion

Staff finds that the proposed project will provide convenient access to goods and services for the surrounding neighborhood and highway travelers. The proposed project is appropriate for the freeway-adjacent location and has been designed to comply with all applicable standards, requirements and guidelines. It will provide safe and efficient vehicular access and internal circulation while providing landscaping, water quality treatment facilities, utility equipment, pedestrian access and site furnishings. Staff supports the proposed Rezoning, Tentative Parcel Map, Conditional Use Permits and Design Review, subject to the revised recommended Conditions of Approval (Attachment 8).

**FISCAL IMPACT:**

There is no fiscal impact associated with this action, since all Project costs are borne by the Project Applicant/Appellant.

Prepared by: David Welch, Community & Economic Development Director  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. City Planning Commission Minutes – April 18, 2019
2. City Planning Commission Report and Exhibits – April 18, 2019
3. Appeal Letter
4. Comment Letters
5. Applicant/Appellant Prepared Responses to Comments
6. Supplemental Exhibits (*Community Meeting Flyer – May 20, 2019; Sycamore Canyon Boulevard Conceptual Lane and Striping Plan; Fuel Station Daily Maintenance Plan and Employee Handbook Excerpt; MSHCP Conceptual Reserve Assembly Map and Proposed Constrained Linkage 7 Map; Photometric Study and Radiosity Exhibit; Residential Distances and Elevation Exhibit; Public Notice Radius Map; Project Traffic Engineer Memorandum Re: Minnesota Way and Sycamore Canyon Boulevard; Traffic Impact Analysis Excerpt – Table 8*)
7. Traffic Collision Data Memorandum Prepared by City Traffic Engineer – May 17, 2019
8. Revised Staff Recommended Conditions of Approval
9. Ordinance Amending the Zoning Map of the Riverside Municipal Code
10. Presentation