

## **Arco AM/PM at 1340 – 1360 Blaine Street is 493' from The Church in Riverside**

### 600' Separation Requirement

The Zoning Code prohibits the concurrent sale of beer and wine and gasoline within 600' of a church. The distance pursuant to the Zoning Code is measured from any point on the outside wall of the store to the closest property line of the church. (*Riverside Municipal Code ("RMC") §19.450.030.D.*) According to this method of measuring distance, the Arco AM/PM at 1340 - 1360 Blaine Street ("Project Site") is 493' from The Church in Riverside located at 3340 Iowa Avenue. See the red line on Exhibit "A".

- 1. Yes, the 600' separation requirement in the RMC prohibits the sale of beer and wine at the Arco, imposing an unnecessary hardship inconsistent with the general purpose and intent of the Zoning Code.**

The purpose of the 600' separation between churches and gas stations selling beer and wine is to "ensure compatibility of such uses with surrounding uses and properties and avoid any impacts associated with such uses". (*RMC § 19.450.010, Purpose.*)

In this case, The Church in Riverside is separated from the Arco by Iowa Street, a 5-lane street, and the Arco is located on a cross street (Blain Street) one block west of Iowa Ave. Iowa Avenue establishes a significant physical barrier that separates The Church from the Arco.

The method prescribed by the RMC to measure the distance between the uses does not reflect how people actually travel. The RMC requires distance to be measured "as the crow flies" between the southwest wall at the Arco and the closest property line of the Church. Using this method of calculation, the distance between the store and The Church measures 493'. However, because most people in Riverside drive instead of walking, the driving distance between *the Arco and the Church is 808'*. Although using the RMC's strict mode of measurement the Arco is less than 600' from The Church, the perceived distance is 808' for those driving or walking between the two sites. See the yellow line on Exhibit "A".

- 2. Yes, the Project Site is uniquely located at the northbound freeway offramp of the I-215 and Blaine Street, and is also part of a small commercial corridor between Iowa Avenue and the freeway. The Church and the apartments that surround it form a residential neighborhood. The Arco in the commercial corridor is separated from The Church in the residential neighborhood by Iowa Avenue.**

In addition to its proximity at the northbound offramp to the I-215 at Bain Street, the Project Site is located in a small area containing only commercial businesses. The businesses that surround the Arco include: New India Sweets and Spices, Bakers drive thru, and a large strip mall that includes shops selling Donuts, the Morgan Barber Shop, the Mercado Don Juan #3 grocery store, Hala (a small grocery store), Boba Tea, Food Fusion restaurant, a Comics shop, a Nail salon, a Poke Bistro restaurant, providing Embroidery and screen print services, Insurance, Metro PCS, a Liquor store, a Subs sandwich shop and a Dentist (the "Strip Mall Businesses").

As discussed above, Iowa Avenue separates The Church from the Arco. The Church is also located in a residential neighborhood, surrounded on two sides by large apartment complexes. The Church does have one commercial neighbor, a small strip mall containing a Starbucks and a Subway, at the corner of Iowa

Avenue and Blaine Street. However, the back wall of The Church is next to the strip mall, and a fence separates The Church from the commercial corner.

**3. No, granting a variance to permit the sale of beer and wine at the Arco will not prove materially detrimental to public welfare or injurious to the surrounding property or improvements.**

As discussed in paragraph 2, above, The Church fronts Iowa Avenue, whereas the Arco fronts Blaine Street. The Church is located in a residential area, it is enclosed by a fence, and the parking lot is gated. The Arco is located in a business area, next to the freeway, at an offramp. The New India Sweets and Spices building, Valvoline, and Iowa Avenue separate the Arco from the Church. There is no sidewalk or pathway behind New India and Valvoline Strip Mall businesses). No sidewalks or paths connect the back of the Arco to Iowa Avenue. In fact, two buildings (New India Sweets and Spices and Valvoline) prevent any view of The Church from the Arco.

Because the Arco is surrounded by businesses and the freeway, any impacts associated with the sale of beer and wine at the Arco would not be expected to extend across Iowa Avenue to The Church or to the residential neighborhood that surrounds The Church.

**4. No. Granting this variance will not be contrary to the objectives of any part of the General Plan.**

- (i) Stimulate business-type clusters: Permitting beer and wine sales at the Arco would stimulate the cluster of businesses at the northbound freeway offramp at Blaine Street consistent with policy 8.8, of the City of Riverside General Plan, Land Use Element.

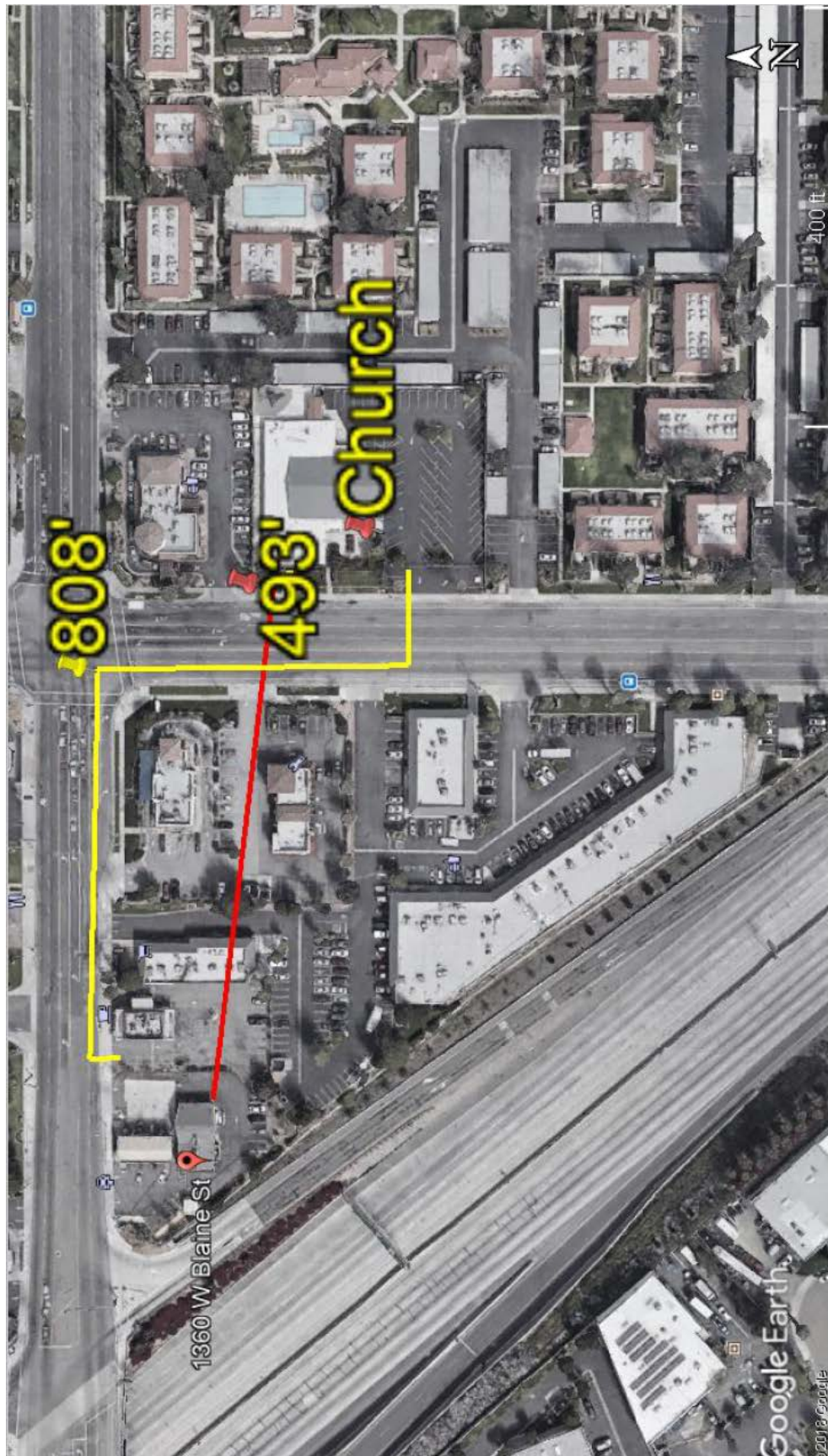
*LU 8.8 Stimulate industrial/business-type clusters that facilitate competitive advantage in the marketplace, provide attractive and well landscaped work environments, and fit with the character of our varied communities.*

- (ii) Concentrate development to reduce air emissions: Arco customers would find the addition of beer and wine to be a convenience, which may also reduce the number of vehicle trips in the City, consistent with Goal LU 11.3, below.

*LU 11.3 Accommodate the development of community centers and concentrations of development to reduce reliance on the automobile and help improve air quality.*

- (iii) The Arco is constructing a new car wash to serve its customers and believes adding beer and wine at the convenience store would serve the City, the local neighborhood and its residents, consistent with Land Use Policy 2.1, below.

*LU 2.1 Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the General Plan Land Use Map (Figure LU-1) and the Area Plan Land Use Maps, in accordance with the following: (AI 1, 3, 5, 9, 27, 29, 30, 41, 60, 91). c. Provide for a broad range of land uses, intensities, and densities, including a range of residential, commercial, business, industry, open space, recreation, and public facilities uses.*



P18-0492, P18-0590, P18-0591, P18-0592, P18-0593,  
Exhibit 10 - Applicant Prepared Variance Justifications

**Arco AM/PM at 1340 – 1360 Blaine Street is 295’ from the Shell Station at 3261 Iowa Avenue**

**300’ Separation Requirement**

The Riverside Zoning Code prohibits the sale of gasoline and beer and wine (“Concurrent Sales”) from a convenience store located within 300’ from any other Concurrent Sales business. (*Riverside Municipal Code (“RMC”) §19.450.030(D)*). The convenience store at the Arco is 295’ away from the Shell gas station. See Exhibit “A”, attached.

- 1. Yes, the 295’ separation requirement prohibits the sale of beer and wine at the Arco, imposing an unnecessary hardship inconsistent with the general purpose and intent of the Zoning Code.**

The purpose of the 300’ separation requirement between two gas stations with Concurrent Sales is to “ensure compatibility of such uses with surrounding uses and properties and avoid any impacts associated with such uses”. (*RMC § 19.450.010 Purpose.*)

Prohibiting the sale of beer and wine at the Arco because the store is less than 300’ from the Shell parcel line would be an unnecessary hardship because the distance is only 5’ short of the 300’ requirement (the Arco store is 98.33% compliant with the 300’ separation requirement).

- 2. Yes, the Project Site is uniquely located at the northbound freeway offramp of the I-215 and Blaine Street, a special circumstance that does not apply generally to other property in the vicinity and under the identical zoning classification.**

The Arco is located in a prominent location, next to the I-215 northbound freeway offramp at Blaine Street. The Arco is also located across the street from the on-ramp to the I-215. The I-215 off-ramp at Blaine Street provides access to the large block of high-density student housing for UCR (the University of California at Riverside). According to data Caltrans collected in 2015 (the most recent year for which traffic counts are available) 13,000 cars exit the I-215 freeway at Blaine Street every day. Each of these cars drives past the Arco after exiting the freeway. This location is a unique circumstance.

Other nearby properties zoned commercial front Iowa Avenue to the north and south of Blaine Street, as shown on the map, attached as Exhibit “B”. From the perspective of any one of the 13,000 cars that exit the freeway at Blaine Street every day, these other commercially zoned properties are located “after” the intersection of Blaine Avenue and Iowa Street. Because each traveler has the option of turning right or left, or continuing straight at the intersection, businesses located “after” the intersection do not benefit from the same high traffic count as the ARCO (which is located “before” the intersection). The Arco, the Baker’s restaurant, and the small multi-tenant building between the Arco and the Bakers all benefit from the 13,000 cars exiting the freeway at Blaine Street every day. Because of the high traffic count, the Arco is located at a unique location that different from the other nearby properties zoned commercial.

- 3. No, granting a variance to permit the sale of beer and wine at the Arco will not prove materially detrimental to the public welfare or injurious to the surrounding property or improvements.**

The state of California requires retailers to teach their Clerks how to responsibly sell alcohol (in this case, beer and wine). In California, retailers and sales Clerks are personally responsible to abide by the laws that govern alcohol sales. The Department of Alcoholic Beverage Control (“ABC”) requires all Clerks to sign an Affidavit (ABC Form 299) agreeing that if they violate the law they may be fined. For example, the Affidavit explains to every Clerk that if they are caught selling beer and wine to a minor they will be guilty

of a misdemeanor punishable by a \$250 fine and/or jail time. The Arco will also train all Cashiers regarding the responsible sale of beer and wine, and renew the training regularly, to ensure the Cashiers know the law and how to follow it. This training will protect the surrounding businesses and the neighborhood.

The Arco is a relatively self-contained site surrounded by commercial uses. The commercial uses include the New India Sweets and Spices, located next door to the east, Bakers drive thru is on the corner of Blaine Street and Iowa Avenue, Valvoline oil change and 15 small retailers are adjacent to the south. There are no internal pathways connecting the Arco and the businesses that surround it. The Arco is open 24 hours per day and the exterior of the site is well lit. Two employees man the store 18 hours per day. Between 2 am and 6 am only 1 employee is present. Because the store employs 2 people during the busy hours, one employee is able to patrol the outside of the store (the "Employee Patrol") every 30 minutes. Based on the exclusively commercial nature of the surrounding land uses, the training in the responsible sale of alcohol, and the Employee Patrol, the sale of gasoline and beer and wine at the Arco is not expected to be detrimental to customers, to the surrounding retailers, to the neighborhood, to the surrounding community, or to the City at large.

**4. No. Granting this variance will not be contrary to the objectives of any part of the General Plan.**

- (i) Stimulate business-type clusters: The owner of New India Sweets and Spices (the business adjacent to the Arco to the east) supports Arco's request to sell beer and wine. The owners of New India draw customers from the Arco and believe that adding beer and wine sales at the Arco may draw more customers to the store. Permitting beer and wine sales at the Arco may increase sales at the businesses surrounding the Arco, consistent with policy 8.8, of the City of Riverside General Plan, Land Use Element.

*LU 8.8 Stimulate industrial/business-type clusters that facilitate competitive advantage in the marketplace, provide attractive and well landscaped work environments, and fit with the character of our varied communities.*

- (ii) Concentrate development to reduce air emissions: Arco customers would find the addition of beer and wine a convenience, which may also reduce the number of vehicle trips in the City, consistent with Goal LU 11.3, below.

*LU 11.3 Accommodate the development of community centers and concentrations of development to reduce reliance on the automobile and help improve air quality.*

- (iii) Broaden the Range of Land Uses: The Arco is expanding the facility by constructing a new gasoline sales island containing 12 new gas pumps and a new car wash. Adding beer and wine sales at the store, sold by responsible Clerks in compliance with California law, will broaden the range of products consistent with Land Use Policy 2.1, below.

*LU 2.1 Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the General Plan Land Use Map (Figure LU-1) and the Area Plan Land Use Maps, in accordance with the following: (AI 1, 3, 5, 9, 27, 29, 30, 41, 60, 91). c. Provide for a broad range of land uses, intensities, and densities, including a range of residential, commercial, business, industry, open space, recreation, and public facilities uses.*





**Exhibit "A"**

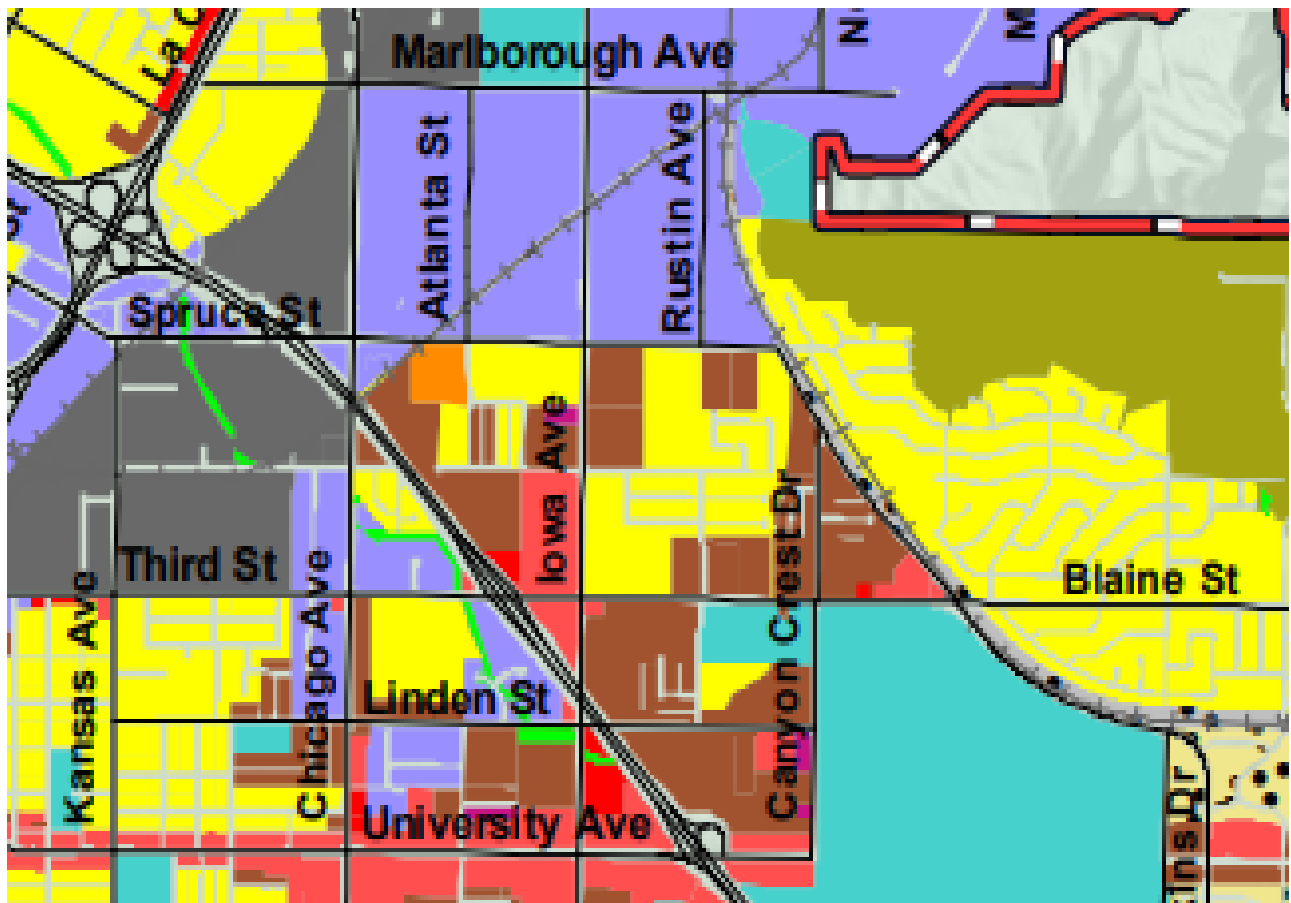


Exhibit "B"

## **Arco AM/PM at 1340 – 1360 Blaine Street is 50' from Campus Liquor**

### 1000' Separation Requirement

The Riverside Zoning Code prohibits beer and wine to be sold from a gas station located within 1,000' from any other business that sells alcohol and has a floor area of less than 15,000 square feet (the "Separation Requirement"). (*Riverside Municipal Code ("RMC") §19.450.030(D).*)

### Factual Basis for Variance

The Arco AM/PM at 1340-1360 Blaine Street is located 50' from the parcel line of the shopping center next door, in which center is located Campus Liquor at 3375 Iowa Avenue, Suite A (the "Liquor Store"). See the yellow line on Exhibit "A", attached. However, the buildings that comprise the Arco are oriented towards Blaine Street and a fence separates the Arco from the shopping center. The distance a person would travel if they were driving or walking from the Arco to Campus Liquor is indicated on Exhibit "A" and is more than 1,000'.

#### **1. Yes, the 1000' separation requirement prohibits the sale of beer and wine at the Arco, imposing an unnecessary hardship inconsistent with the general purpose and intent of the Zoning Code.**

The general purpose and intent of the 1000' Separation Requirement is to "ensure compatibility of such uses (gas stations proposing to sell beer and wine) with surrounding uses and properties and avoid any impacts associated with such uses". (*RMC § 19.450.010 Purpose, parenthetical information added.*)

The RMC requires distance to be measured from the wall of the convenience store to the closest boundary of the parcel that contains the liquor store. In this case, all of the businesses in the shopping center are located on one parcel. For this reason, the closest boundary of the shopping center parcel is 50' from the back wall of the convenience store causing the Arco to be deemed 50' from the Campus Liquor. Measuring the actual driving or walking distance, the Arco is 1,061' from the Campus Liquor.

The shopping center parcel contains 15 small retail stores, each of which is located between the Arco and the Campus Liquor. The retail stores in the shopping center include: a Donut shop, the Morgan Barber Shop, the Mercado Don Juan #3 grocery store, Hala (a small grocery store), Boba Tea, the Food Fusion restaurant, a Comics shop, a Nail salon, a Poke Bistro restaurant, a shop that provides Embroidery and screen print services, a store that sells Insurance, Metro PCS, a Subs sandwich shop, a Dentist, and Campus Liquor.

In this case, prohibiting the sale of beer and wine at the Arco because the store is less than 1,000' from the shopping center parcel would not further the purpose of the distance separation and would therefore be an unnecessary hardship, since the actual driving or walking distance between the two stores is 1061'.

#### **2. Yes, the Project Site is uniquely located at the northbound freeway offramp of the I-215 and Blaine Street, a special circumstance that does not apply generally to other property in the vicinity and under the identical zoning classification.**

The Arco is located in a prominent location, next to the I-215 northbound freeway offramp at Blaine Street. The Arco is also located across the street from the on-ramp to the I-215. The I-215 off-ramp at Blaine Street provides access to the large block of high-density student housing for UCR (the University of California at Riverside). According to data Caltrans collected in 2015 (the most recent year for which



traffic counts are available) 13,000 cars exit the I-215 freeway at Blaine Street every day. Each of these cars drives past the Arco after exiting the freeway. This location is a unique circumstance.

Other nearby properties zoned commercial front Iowa Avenue to the north and south of Blaine Street, as shown on the map, attached as Exhibit "B". From the perspective of any one of the 13,000 cars that exit the freeway at Blaine Street every day, these other commercially zoned properties are located "after" the intersection of Blaine Avenue and Iowa Street. Because each traveler has the option of turning right or left, or continuing straight at the intersection, businesses located "after" the intersection do not benefit from the same high traffic count as the ARCO (which is located "before" the intersection). The Arco, the Baker's restaurant, and the small multi-tenant building between the Arco and the Bakers all benefit from the 13,000 cars exiting the freeway at Blaine Street every day. Because of the high traffic count, the Arco is located at a unique location that different from the other nearby properties zoned commercial.

**3. No, granting a variance to permit the sale of beer and wine at the Arco will not prove materially detrimental to public welfare or injurious to the surrounding property or improvements.**

If this variance is approved, the Arco will strictly enforce all regulations imposed by the California Department of Alcoholic Beverage Control regarding the sale of beer and wine. Although the Arco backs up to the shipping center parcel, there are no connecting pathways or sidewalks between the Arco and the shipping center. The shipping center faces Iowa Avenue and both entrances provide access from Iowa Avenue. In addition, the Liquor Store and the Arco are separated by the shipping center building and its parking lot.

Because the Liquor Store is located on the opposite side of the shipping center from the Arco, and the driving distance between the two stores is greater than 1000', the sale of beer and wine at the Arco is not expected to be detrimental to customers at the shipping center, to retailers in the shipping center, to the surrounding retail uses, to the neighborhood, or to the surrounding community.

**4. No. Granting this variance will not be contrary to the objectives of any part of the General Plan.**

- (i) Stimulate business-type clusters: The owner of New India Sweets and Spices (the business adjacent to the Arco to the east) supports the request to add beer and wine at the Arco. The owners of New India draw customers from the Arco and believe adding products to the retail inventory at the Arco may draw more customers to the store. New India believes they will sell more desert if the Arco draws more customers. Permitting beer and wine sales at the Arco would stimulate the cluster of businesses at the northbound freeway offramp at Blaine Street consistent with policy 8.8, of the City of Riverside General Plan, Land Use Element.

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**Exhibit "A"**

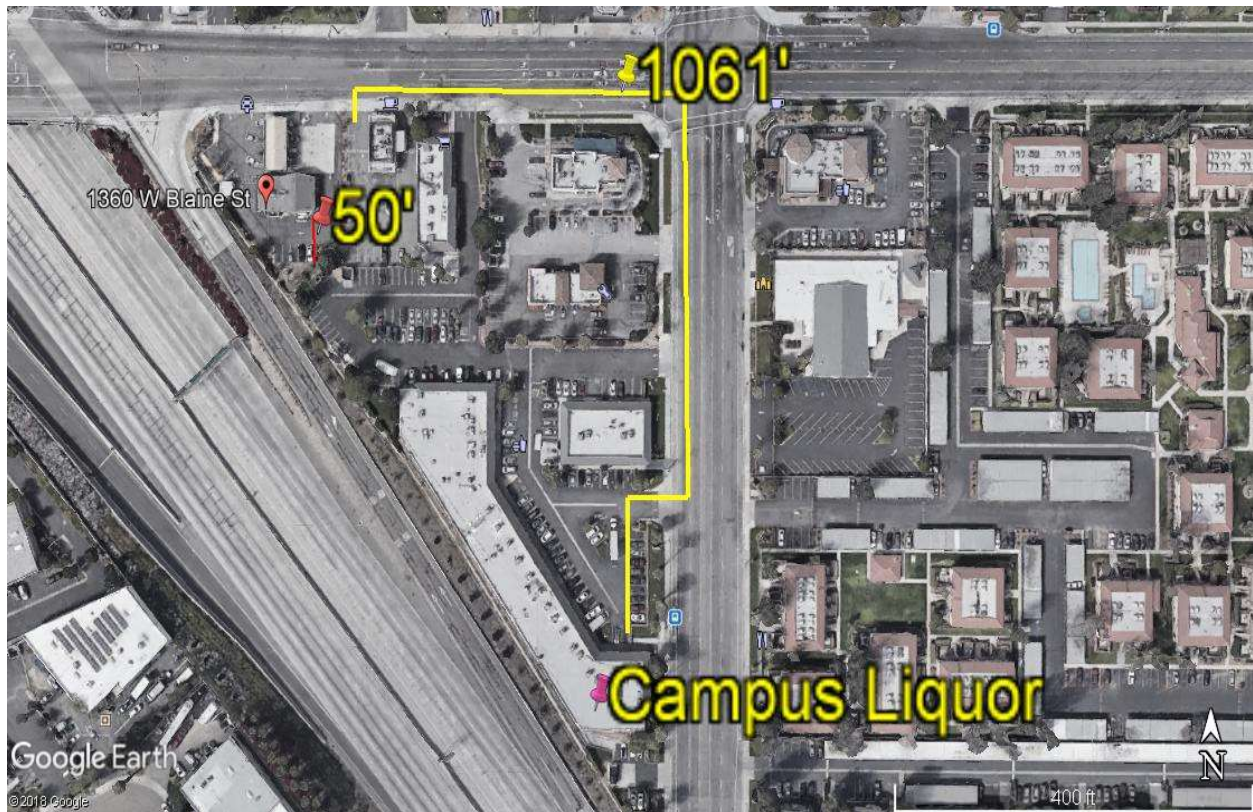
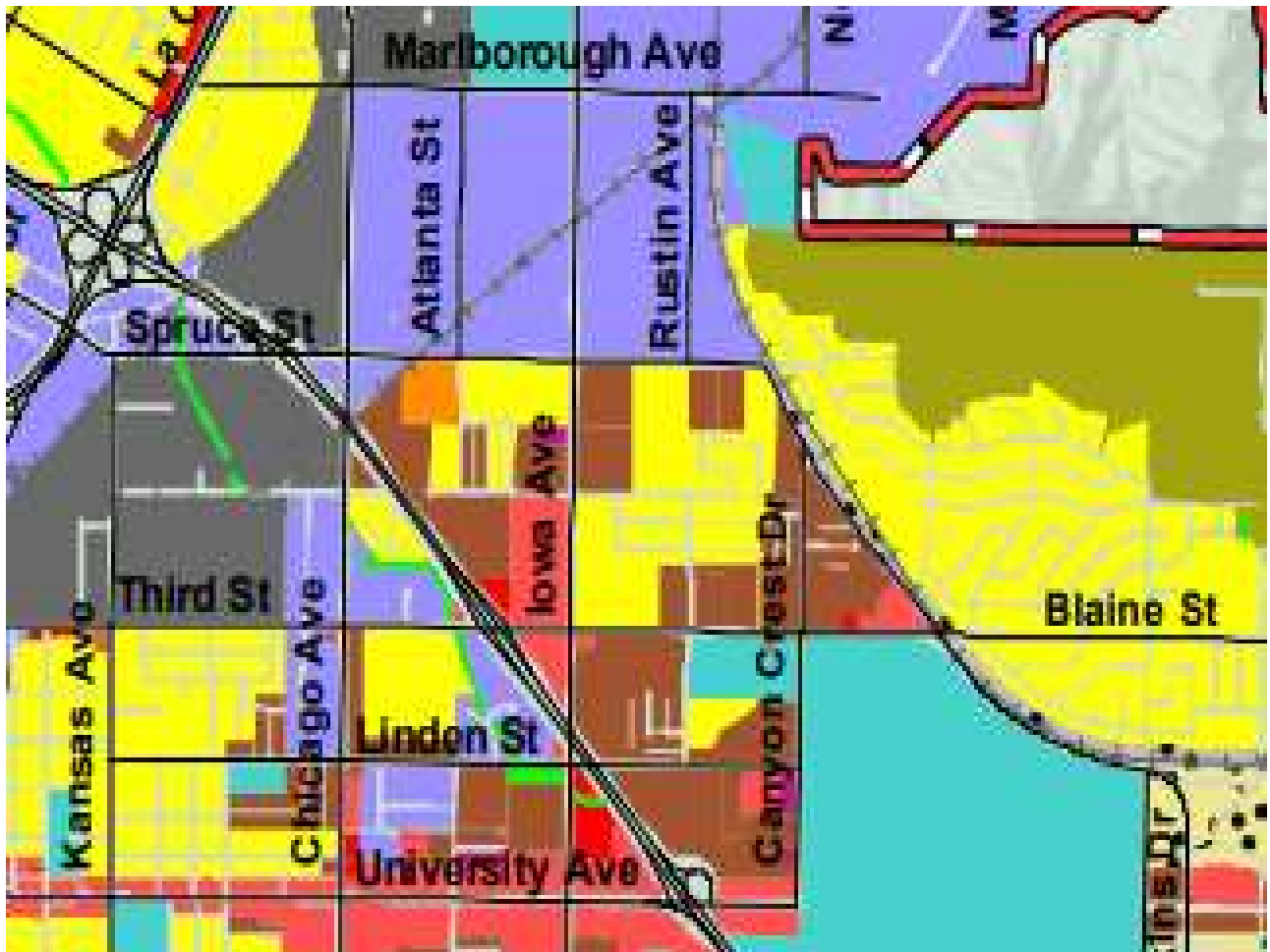


Exhibit "B"







Looking southwest at the project site.



Looking south at the project site.



Looking east at the project site.



Looking east at the project site, behind the convenience store.