



**PLANNING COMMISSION HEARING DATE: OCTOBER 31, 2019
AGENDA ITEM NO.: 4**

PROPOSED PROJECT

<i>Case Numbers</i>	<p>P18-0571 (Specific Plan Amendment) P18-0612 (Zoning Code Amendment) P18-0432 (Conditional Use Permit – Drive Thru Restaurant) P18-0433 (Conditional Use Permit – Vehicle Fuel Station and Type 20 Alcohol License) P18-0434 (Conditional Use Permit - Automated Car Wash Facility) P18-0436 (Design Review) P18-0437 (Variance) P19-0282 (Public Convenience or Necessity)</p>
<i>Request</i>	<p>To consider the following entitlements for the construction of a commercial shopping center:</p> <ol style="list-style-type: none"> 1. Specific Plan Amendment to amend the Magnolia Avenue Specific Plan to permit a Community Entry Sign (freeway-oriented sign); 2. Zoning Code Amendment to modify the boundary of the NC – Neighborhood Commercial Overlay Zone; 3. Conditional Use Permit to permit a 3,812 square foot fast food drive-thru restaurant (In-N-Out Burger); 4. Conditional Use Permit to permit a vehicle fuel station (Arco) consisting of a 3,800 square foot convenience store with off-sale of beer/wine (Type 20 Alcohol License), and a 1,300 square foot quick service restaurant; 5. Conditional Use Permit to permit a 1,200 square foot automated car wash facility; 6. Design Review of project plans for the proposed improvements including the vehicle fuel station, automated car wash facility and a 9,250 square foot multi-tenant commercial building, and fast food drive thru restaurant; 7. Variance to allow alcohol sales within 100 feet of property zoned for residential uses; and 8. Determination of Public Convenience or Necessity to allow the off-sale of beer/wine in a Census Tract with an over concentration of alcohol licenses.
<i>Applicant</i>	Ash Etemadian of Magnolia Crossings, LLC
<i>Project Location</i>	3483, 3505, and 3519 Van Buren Boulevard, situated on the northeast corner of State Route 91 and Van Buren Boulevard
<i>APNs</i>	233-062-039 and 233-062-040
<i>Project area</i>	3.84 acres
<i>Ward</i>	5
<i>Neighborhood</i>	Arlington

<i>Specific Plan</i>	Magnolia Avenue Specific Plan – Arlington District	
<i>General Plan Designation</i>	MU-V – Mixed Use-Village	
<i>Zoning Designations</i>	<p>CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones; and</p> <p>CR-NC-SP – Commercial Retail, Neighborhood Commercial and Specific Plan (Magnolia Avenue) Overlay Zones</p>	
<i>Staff Planner</i>	Judy Egüez, Associate Planner 951-826-3969 jeguez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to Sections 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and
2. **RECOMMEND that the City Council APPROVE** Planning Cases P18-0571 (Specific Plan Amendment), P18-0612 (Zoning Code Amendment), P18-0432 (Conditional Use Permit – Drive Thru Restaurant), P18-0433 (Conditional Use Permit - Vehicle Fuel Station and Type 20 Alcohol License), P18-0434 (Conditional Use Permit - Automated Car Wash Facility), P18-0436 (Design Review), P18-0437 (Variance), and P19-0282 (Public Convenience or Necessity) 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 project site is currently vacant and consists of two contiguous parcels, totaling 3.84 acres. The southernmost parcel was developed with a vehicle fuel station (Texaco). The other parcel was developed with a single-family residence and a commercial building for Rainbow Stereo, an automobile stereo and installation business. Records show the structures have either been relocated or demolished and the site is currently vacant.

The following summarizes previous approvals and permits granted for this site:

- 1941 – Building permits issued for the single-family residence (Use Permitted by right).
- 1961 – Building permits issued for vehicle fuel station (Use permitted by right).

- 1987 – Vehicle fuel station expansion to add a 410 square foot convenience store (CU-13-878).
- 1993 – Construction of an automobile stereo and installation facility (Rainbow Stereo) (DR-029-923).
- 2001 – Demolition of the vehicle fuel station.
- 2010 – Demolition of automobile stereo building.
- 2010 – Relocation of the single-family residence to 10092 Cleveland Avenue.

Surrounding land uses include single-family residences to the east, commercial uses to the west (across Van Buren Boulevard), commercial uses and Arlington Fire Station No. 2 to the north, and State Route 91 to the south (Exhibit 3).

PROPOSAL

The applicant requests approval of the following entitlements: 1) Specific Plan Amendment; 2) Zoning Code Amendment, 3) Conditional Use Permit for a drive-thru restaurant; 4) Conditional Use Permit for a vehicle fuel station; 5) Conditional Use Permit for an automated car wash facility; 6) Design Review; 7) Variance to allow alcohol sales within 100 feet of property zoned for residential uses; and 8) Public Convenience or Necessity Determination to facilitate development of the subject two parcels with a commercial shopping center.

A Lot Line Adjustment is concurrently being processed by the Public Works Department. The following is a description of each component of the project in Parcels 1 and 2:

Parcel 1:

- Vehicle Fuel Station, Convenience Store with Off-Sale of Alcoholic Beverages and a Quick Service Restaurant.

The proposed vehicle fuel station (Arco) is proposed on the northern area of the site. The vehicle fuel station includes the construction of a 3,800 square foot convenience store with the off-sale of beer and wine (Type 20 Alcohol License), a 1,300 square foot quick service restaurant, and a 4,600 square foot fueling canopy consisting of 8 multi-product dispensers with two gasoline pumps each.

The proposed vehicle fuel station and convenience store will operate 24 hours a day, seven days a week. The applicant has indicated that fuel delivery is typically scheduled during off-peak hours. The vehicle fuel station will have approximately three to five employees per shift. A 1,300 square foot quick service restaurant (QSR) is proposed adjacent to the convenience store. A tenant has not been identified for the QSR.

- Automated Car Wash Facility

The automated car wash facility is proposed west of the fueling canopy facing Van Buren Boulevard. It consists of a single bay with a queuing lane, 12 feet wide and 150 feet long. An overhead trellis is proposed at the entrance of the carwash tunnel to screen it from Van Buren Boulevard. A 3-foot high decorative screen wall is proposed along the south side of the queuing lane for additional screening along Van Buren Boulevard. The self-serve car wash will operate daily from 7:00 a.m. to 10:00 p.m.

- Multi-Tenant Commercial Building

The proposed 9,250 square foot multi-tenant commercial building is proposed on the east side of the project site, south of the vehicle fuel station. The building consists of seven suites, with the capability to combine suites. Tenants have not been identified; however, the applicant has indicated uses will likely include retail and personal services that will serve the surrounding neighborhood.

- Community Entry Sign (Freeway Oriented Sign)

A Community Entry Sign (Freeway Oriented Sign) is proposed along the south of the parcel, adjacent to State Route 91. The sign is 45 feet in height and has a sign area of 176 square feet. The sign copy includes "Arlington Business District" at the top of the sign and two additional panels for sign copy. Sign copy will consist of 5-inch deep LED (Light Emitted Diode) illuminated channel letters with translucent vinyl colors. The proposed panels will not be backlit.

Parcel 2

- Drive-Thru Restaurant

The proposed 3,812 square foot drive-thru restaurant (In-N-Out Burger) is proposed on the southwest corner of the project site. The drive-thru queuing lane is 12 feet wide, 566 feet long, and accommodates stacking for 28 vehicles. A 3-foot high decorative screen wall will screen the drive-thru lane from Van Buren Boulevard. The menu board is located on the west side of the building, facing Van Buren Boulevard, and the pick-up window on the east side of the building. An outdoor seating area is located on the north side of the building.

A total of 158 vehicle parking spaces are provided to serve the shopping center. Reciprocal access and parking is proposed throughout the entire site. Primary access is provided from a 49-foot, two-way driveway along Van Buren Boulevard. The driveway entrance will be signalized to allow south bound vehicles on Van Buren Boulevard to make left turn movements into the project site. Secondary access is provided via Andrews Street through the existing commercial development to the north. A shared access agreement currently exists between the subject site and the development to the north.

The proposed architectural design reflects a contemporary commercial style with Tuscan influences, consisting of: stone accents, stucco walls, metal panels to mimic rustic wood textures, and a tile roof. The proposed trash enclosures and the fueling canopy are consistent with the proposed building architecture through the use of similar materials and finishes. The proposed color palette is primarily shades of white and brown.

Proposed landscaping includes a 15-foot wide landscaped setback along Van Buren Boulevard and a 6- to 30-foot wide landscape setback along State Route 91. A 5- to 10-foot wide landscape planter consisting of various shrubs and 24 inch box trees are proposed along the east property line adjacent to residences.

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of MU-V Mixed Use-Village (Exhibit 4), which will further the intent of the General Plan 2025 through consistency with the following goals, policies and objectives:</p> <ul style="list-style-type: none"> Objective LU-35: Maintain Arlington’s sense of community through careful and coordinated planning that builds upon the neighborhood’s key assets and reinforces its historic development patterns. Policy LU-36.4: Enhance the appearance of the Arlington gateway at the intersection of Van Buren Boulevard and the 91 Freeway. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Magnolia Avenue Specific Plan (MASP)</p> <p>The proposed project is located within the Arlington District of the Magnolia Avenue Specific Plan (Exhibit 5). The applicant requests approval of a Specific Plan Amendment to permit a Community Entry Sign (Freeway Oriented Sign) within the Arlington District to identify and highlight the entrance to the Arlington District from the freeway. The proposed amendment is consistent with the MASP which recommends a prominent community entry to denote entry into the Arlington District. Specific standards for the community entry sign are proposed to ensure compatibility with surrounding uses (Exhibit 6). The Community Entry Sign (Freeway Oriented Sign), as defined in Section 4.A.3 above, shall comply with the following development standards and findings:</p> <ol style="list-style-type: none"> Maximum height shall not exceed 45 feet as measured from the finished grade to the top of the sign. The sign shall be limited to a maximum of two 100 square foot panels, each with a maximum of 65 square feet of sign copy area. The District name shall be prominently displayed at the top of the sign within a maximum sign area of 60 square feet. The sign location shall be reviewed in conjunction with a Design Review application for the subject site. The following findings shall be made: <ol style="list-style-type: none"> A community entry sign is necessary because signage conforms to the area and height standards otherwise applicable to the site would not be visible to the traveling public for a distance on the freeway of one-third mile (1,760 feet) preceding the freeway exit providing access to said premises; or for a line-of-sight distance of two-thirds’ mile (3,520) feet, whichever is less. The community entry sign will not interfere with the driving public’s view of a significant feature of the natural or built environment. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>There are two zones covering the project site. The front half of the site, facing Van Buren Boulevard, is zoned CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones. The rear half of the site is zoned CR-NC-SP – Commercial Retail, Neighborhood Commercial and Specific Plan (Magnolia Avenue) Overlay Zones (Exhibit 7). Application of the NC Overlay Zone on the rear of the site protects the adjacent residential neighborhood to the east from incompatible uses. The underlying CR-Commercial Retail Zone, applied to the entire site, is consistent with the MU-Mixed Use General Plan land use designation.</p> <p>The applicant is requesting approval of a Zoning Code Amendment to modify the boundary of the NC - Neighborhood Commercial Overlay Zone, generally applied to the rear half of the site. This will facilitate the uses on the front half of the development. The zoning map modification would straighten the NC Overlay Zone boundary across the site and move it approximately 16 feet to the rear (east side of the site). Uses and improvements proposed within the rear half of the site include a multi-tenant commercial building, a convenience store, associate landscaping and parking, consistent with the NC Overlay Zone. The proposed zoning map modification will continue to provide adequate separation from the fast food drive thru business, car wash facility, and vehicle fuel station, proposed on the front half of the site, where the NC Overlay Zone is not applied.</p> <p>With the proposed zoning map modification, development of the front half of the site with a drive-thru restaurant, vehicle wash facility, vehicle fuel station, and the off-sale of beer and wine is permitted, subject to the approval of a Conditional Use Permit and compliance with the Site Location, Development and Operational Standards prescribed in the Zoning Code for each use.</p> <p>The proposal is generally consistent with the applicable development standards of the Zoning Code except for a separation requirement for the off-sale of alcoholic beverages (Exhibit 8). The Zoning Code allows for consideration of Variances to deviate from the development standards. Therefore, the applicant is requesting a Variance to facilitate implementation of this proposed project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Citywide Design & Sign Guidelines</i></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"/>

**PARCEL 1 - COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
 VEHICLE FUEL STATION, CONVENIENCE STORE WITH BEER/WINE SALES, VEHICLE WASH
 FACILITY, AND MULTI-TENANT COMMERCIAL BUILDING**

<i>Chapter 19.110.030</i>					
<i>CR-Commercial Retail Zone - Commercial and Office Development Standards</i>					
<i>Standard</i>		<i>Proposed</i>		<i>Consistent</i>	<i>Inconsistent</i>
<i>Floor Area Ratio</i>	0.50		0.16	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Size	20,000 sq. ft.	118,430 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	60 feet	230 feet		
	Lot Depth	100 feet	318 feet		
<i>Setbacks</i>	Front (Van Buren Boulevard)	0 feet	40 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)	0 feet	8 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (SR 91)	0 feet	200 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (East)	15 feet	15 – 28 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	75 Feet	18 feet, 6 inches (fueling canopy)	23 feet, 3 inches (car wash)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		27 feet (convenience store)			
		32 feet (retail building)			

<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		2.76 acres	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Frontage</i>	Located on Arterial Street		Van Buren Boulevard (120-foot arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	Van Buren Boulevard	10 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Canopy Setback</i>	Front (Van Buren Boulevard)	20 feet	115 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)		37 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (South)		95 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (East)		132 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>Perimeter Wall</i>	6-foot high decorative masonry wall	6-foot high decorative masonry wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.425</i>				
<i>Car Wash Facility- Site Location, Operation, and Development Standards</i>				
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Screening of Equipment</i>	Equipment, supplies and activities within an enclosed building.	Vehicle wash equipment - Located within an enclosed building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Frontage</i>	Direct access to an arterial or collector street	Access to Van Buren Boulevard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Circulation</i>	Preclude traffic congestion on public streets and provide safe ingress, egress and traffic movement	Adequate circulation and safe ingress and egress movements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	10 feet (adjacent to any public street)	15 feet (Van Buren Boulevard)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Noise</i>	Comply with Title 7 of the Municipal Code	Project will comply with Title 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Water Runoff</i>	Water flow shall be confined to the site	Water flows are confined to the site	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.450</i>					
<i>Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverages Sales</i>					
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>	
<i>Setbacks</i>	Residential Zone or Use	100 feet	28 feet R-1-7000 Zone (East)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Schools, Assemblies of People-Non Entertainment Facilities, Public Park	600 feet	2,053 feet Arlington Park (3860 Van Buren Boulevard) 2,451 feet Sherman Indian High School(9010 Magnolia Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.450</i>					
<i>Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverages Sales</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
	Other Business with Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverage	300 feet	435 feet Chevron (3476 Van Buren Boulevard) 1,002 feet USA Gasoline (3399 Van Buren Boulevard)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other Off-Sale General Licenses	1,000 feet	1,948 feet Palm Liquor (9234 Magnolia Avenue) 2,118 feet Riverside Liquor (9742 Magnolia Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Existing Parolee/Probationer Home, Emergency Shelter, and Supportive or Transitional Housing	1,000 feet	10,766 feet MFI Recovery Center (5870 Arlington Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC CONVENIENCE OR NECESSITY DETERMINATION

<i>California Department of Alcoholic Beverage Control</i>						
<i>Census Tract 316.01 - Off-Sale Alcohol Licenses</i>						
<i>Standard</i>	<i>Allowed Licenses</i>	<i>Existing Licenses</i>	<i>Proposed Licenses</i>	<i>Total Number of Existing and Proposed Licenses</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Maximum Number of Off-sale Licenses</i>	2	5	1	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project site is located in Census Tract 316.01. Per the California Department of Alcoholic Beverage Control (ABC), there are five existing off-sale licenses within the tract, where two off-sale licenses are permitted (Exhibit 9).

The proposed license would be the sixth off-sale license in the tract requiring a determination of Public Convenience or Necessity pursuant to State law (Exhibit 11). The request meets the public convenience or necessity findings required by Section 23958.4 of the Business and Professional Codes based on the following:

1. The sale of beer and wine will be clearly incidental as evidenced by the proposed small display area (75 square feet) for beer and wine;
2. Given the wide array of general and convenience merchandise sold at this facility, off-sale of beer and wine is anticipated to amount to a small percentage of gross sales at this facility; and

3. The alcohol license will be located on a site with adequate parking and lighting. As such, the incidental sale of beer and wine in conjunction with the vehicle service station would be a convenience to patrons and area residents.

**PARCEL 2 - COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
DRIVE-THRU RESTAURANT**

<i>Chapter 19.110</i>					
<i>CR - Commercial Retail Zone - Commercial and Office Development Standards</i>					
<i>Standard</i>			<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Floor Area Ratio</i>	0.50		0.08	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Requirements</i>	Lot Size	20,000 sq. ft.	48,700 sq. ft.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Width	100 feet	285 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Lot Depth	100 feet	148 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Height</i>	75 feet		28 feet, 10 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Building Setbacks</i>	Front (Van Buren Boulevard)	0 feet	38 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (North)	0 feet	245 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side (SR 91)	0 feet	36 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (West)	0 feet	18 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	Front (Van Buren Boulevard)	15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.475</i>				
<i>Drive-Thru Business - Site Location, Operation, and Development Standards</i>				
<i>Standard</i>		<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Frontage</i>	100 feet	285 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Van Buren Boulevard (Arterial)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Drive-Thru Lane Standards</i>	Length: 180 feet	566 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	28 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening	A 3-foot high masonry screen wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setbacks</i>	Van Buren Boulevard: 15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru Lane and Interior Property Lines: 5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS
PARKING AND LOADING – PARCELS 1 AND 2**

<i>Chapter 19.580</i>					
<i>Parking and Loading Development Standards</i>					
<i>Standard</i>		<i>Required</i>	<i>Proposed</i>	<i>Consistent</i>	<i>Inconsistent</i>
<i>Multi-Tenant Commercial</i>	Retail: 1 space/250 sq. ft.	37 spaces (9,250 sq. ft.)	158 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Vehicle Fuel Station</i>	Vehicle Fuel Station with Convenience Store: 1 space/250 sq. ft.	16 spaces (3,800 sq. ft.)			
	Quick Service Restaurant: 1 space/100 sq. ft.	13 spaces (1,300 sq. ft.)			
<i>Vehicle Wash Facility</i>	1 space/bay	1 space (1 bay)			
<i>Drive Thru Restaurant</i>	1 space/100 sq. ft.	39 spaces (3,812 sq. ft.)			
<i>Total</i>		106 spaces			
<i>Total Parking Surplus</i>			52 spaces		

FINDINGS SUMMARY

Specific Plan Amendment - Community Entry Sign, Rezoning, Conditional Use Permits, Drive-thru Business, Vehicle Fuel Station

The proposed Specific Plan Amendment to allow a Community Entry Sign (Freeway Oriented Sign) will be consistent with the Arlington District of the Magnolia Avenue Specific Plan (MASP), which recognizes the need to identify and highlight the entrance to the Arlington District from the freeway. Development standards were not identified for this entrance. The proposed amendment include prominent community signing to denote entry into the Arlington District, consistent with the MASP. The proposed community sign will also enhance visibility of future tenant signs from the freeway given the existing 10- to 15-foot high sound wall.

The proposal to modify the boundary of the NC - Neighborhood Commercial Overlay Zone will facilitate the development of a cohesive commercial center while ensuring the uses are compatible with the residences to the east. The proposed project will provide convenient and accessible goods and services to neighborhood residents as well as individuals driving through Riverside on State Route 91. The site has been designed to provide safe and efficient vehicular access and internal circulation while providing adequate landscaping, water quality treatment facilities, utility equipment, pedestrian access and site furnishings.

The proposed uses are appropriate for the northeast corner of Van Buren Boulevard and State Route 91. They are consistent and compatible with the surrounding development and are generally consistent with the applicable development standards of the underlying CR Zone as well as the specific standards for vehicle fuel stations, off-sale of beer, and wine and drive-thru businesses. Staff supports the proposed Zoning Code Map Amendment, and Conditional Use

Permits for the vehicle fuel station and convenience store with off sale of beer and wine, automated car wash facility, and the fast food drive thru restaurant.

Variance

The Zoning Code establishes a minimum 100-foot separation requirement from any existing residential dwelling or property zoned for residential uses for the concurrent sale of motor vehicle fuel with alcohol beverages. The project proposes a convenience store concurrent with the off sale of beer and wine approximately 28 feet from the property line shared with the residential uses, east of the project site.

The applicant provided justifications in support of the Variance requests (Exhibit 12). Staff is able to make the necessary findings in support of the Variance 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 of a convenience store and will provide an additional convenience for the customers. The site will not have direct pedestrian or vehicular access to the residences to the east. Vehicular access to the convenience store will be primarily from Van Buren Boulevard and pedestrians can access the site via Teran Court. Adequate screening, consisting of a 6-foot high block wall and a 5-foot wide landscape planter with of a variety of shrubs and 25 inch box trees, will be provided between the single-family residences and site.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this proposed project in accordance with Section 15074 and 21081.6 of the California Environmental Quality Act (CEQA) Guidelines. The CEQA documentation states the proposed project will not have a significant effect on the environment, subject to implementation of the Mitigation Monitoring and Reporting Program (MMRP).

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 1,000 feet of the site. A phone call expressing support for the project was received by staff from a resident who lives on Farnham Place. Staff also received a comment letter from the South Coast Air Quality Management District (SCAQMD) regarding the air quality assessment in the MND (Exhibit 13).

SCAQMD commented on the lack of discussion regarding the proposed project's potential operational air quality impacts from the fueling process and the fact that a Health Risk Assessment (HRA) was not included to disclose health risks from the operation of the vehicle fuel station. A response to comments has been prepared providing an estimate of ROG emissions associated with the proposed vehicle fuel station and an HRA (Exhibit 13). The analysis indicates that the proposed project ROG emissions are substantially less than the significance threshold of 55 lbs/day, and therefore would result in a less than significant operational-phase emissions. Additionally, the HRA concluded that the gas station will have a Maximum Individual Cancer Risk (MICR) of 9.229, which is below the SCAQMD threshold of 10 MICR, therefore this project will have a less than significant impact to the surrounding sensitive receptors.

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. Aerial Photo/Location
4. General Plan Map
5. Specific Plan Map
6. Proposed Magnolia Avenue Specific Plan Text Amendment
7. Proposed and Existing Zoning Maps
8. Distance Requirement Map
9. ABC Alcohol License Census Tract Concentration Map
10. Project Plans (Zoning Map Amendment, Site Plan, Preliminary Grading, Floor Plans, Building Elevations, Conceptual Landscape Plan, Fence and Wall Plan)
11. Applicant Prepared PCorN Findings and Security Plan
12. Applicant Prepared Variance Justifications
13. Comment Letters and Applicant Prepared Response
14. Existing Site Photos
15. Draft Mitigated Negative Declaration

Prepared by: Judy Egüez

Reviewed by: Patricia Brenes, Principal Planner and Candice Assadzadeh, Senior Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P18-0571 (Specific Plan Amendment)
P18-0612 (Zoning Code Amendment)
P18-0432 (Conditional Use Permits)
P18-0433 (Conditional Use Permits)
P18-0434 (Conditional Use Permits)
P18-0436 (Design Review)
P18-0437 (Variance)
P19-0282 (Public Convenience or Necessity Determination)

Zoning Code Map Amendment (Rezoning) Findings Pursuant to 19.810.040

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

Conditional Use Permit Findings Pursuant to Chapter 19.760.040 (Vehicle Fuel Station with Off-Sale of Beer and Wine/Vehicle Wash Facility and Drive-Thru Restaurant)

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

Vehicle Fuel Station Findings pursuant to Chapter 19.410.030

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

Drive-thru Business Findings Pursuant to Chapter 19.475.050

1. The drive-thru businesses will not substantially increase vehicular traffic on streets in a residential zone;
2. The drive-thru businesses will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
3. The drive-thru businesses will not create increased traffic hazards to pedestrians;
4. The sites are adequate in size and shape to accommodate the drive-thru businesses and all yards, walls, parking, landscaping and other required improvements; and
5. The drive-thru businesses will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.

Community Entry Sign (Freeway Oriented Sign) Findings as proposed in the Magnolia Avenue Specific Plan Chapter 4.C.2.c.v.

1. A community entry sign (freeway oriented sign) is necessary because signage conforms to the area and height standards otherwise applicable to the site would not be visible to the traveling public for a distance on the freeway of one-third mile (1,760 feet) preceding the freeway exit providing access to said premises; or for a line-of-sight distance of two-thirds' mile (3,520) feet, whichever is less.
2. The community entry sign (freeway oriented sign) will not interfere with the driving public's view of a significant feature of the natural or built environment.

Variance - Justification Findings Pursuant to Chapter 19.720.040

Variance A: To allow alcohol sales within 100 feet of property zoned for residential uses; and

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.*

Variance A: 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. 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 existing parcels zoned for residential uses (R-1-7000 Single Family Residential Zone). The exterior wall of the proposed convenience store is located approximately 28 feet from the property line shared with the adjacent residential uses, located east of the project site. The closest residential structure to the proposed convenience store will be physically separated by a 6-foot high decorative masonry wall, a 5-foot wide landscape setback, a 14-foot wide bio retention area, another 4-foot landscaped planter, and a 5-foot walkway. There is no direct vehicular or pedestrian access connecting the proposed convenience store to the parcels zoned for residential uses, east

of the project site. The residences to the east take vehicular access from Andrew Street, a local street located 310 feet east of the project site. Therefore, 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.*

Variance A: The proposed project **complies** with this finding. The project site constitutes an infill site fronting Van Buren Boulevard, designated in the General Plan as a 120-foot arterial and scenic boulevard. Van Buren Boulevard provides connections among neighborhoods and business centers, feeding into local streets. In the immediate area, 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 convenience store in that it is adjacent to property zoned for residential uses. 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.*

Variance A: 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 and the Magnolia Avenue Specific Plan.*

Variances A: 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. The request also supports the Objective of the MASP - Arlington District by maintaining Arlington's sense of community through careful and coordinated planning that builds upon the neighborhood's key assets.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

<u>PLANNING CASES:</u>	P18-0571 (Specific Plan Amendment)
	P18-0612 (Zoning Code Amendment)
	P18-0432 (Conditional Use Permits)
	P18-0433 (Conditional Use Permits)
	P18-0434 (Conditional Use Permits)
	P18-0436 (Design Review)
	P18-0437 (Variance)
	P19-0282 (Public Convenience or Necessity)

All mitigation measures are noted by an asterisk ().*

• **Planning**

1. The hours of operation of the vehicle wash facility shall be limited to the hours of 7:00 a.m. to 10:00 p.m.
2. 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.
3. 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.
4. 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.
5. *Advisory:* Prior to the gas station being operational, the applicant shall obtain all required permits and meet all the requirements of the South Coast Air Quality Management District. Any assumptions used in the CEQA document will be used as the basis for SCAQMD permits.
6. *Advisory:* A sign program is required for multi-occupancy non-residential or mixed-use developments with three or more separate lease spaces, per Section 19.620.110 of the Zoning Code.
7. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including freeway oriented sign, 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:

8. Specific Plan Amendment (P18-0571) shall be finalized and/or adopted.

9. Zoning Code Amendment (P18-0612) shall be finalized and/or adopted.
10. ***MM TCR-1: Tribal Notification:** Prior to grading permit issuance, if there are any changes to project site design and/or proposed grades, the Applicant and the City shall contact interested tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City, developer/applicant, and consulting tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the developer/applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised. In the event of inadvertent discoveries of archaeological resources, work shall temporarily halt until agreements are executed with consulting tribe, to provide tribal monitoring for ground disturbing activities.
11. ***MM TCR-2: On Call Project Archeologist:** Prior to the issuance of a grading permit, the Property Owner/Developer shall provide a letter from a Secretary of Interior Standards County certified Archaeologist and Paleontologist stating that the Property Owner/Developer has retained these individuals, and that the Archaeologist and Paleontologist shall be on call during all grading and other significant ground-disturbing activities in native sediments.
12. 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.

Prior to Ground Disturbing Activities:

13. ***CR-1: Unanticipated Discovery of Paleontological Resources:** In the inadvertent discovery of paleontological resources during ground disturbing activities, all work shall halt in the vicinity of the discovery until a qualified paleontologist inspects the find and evaluates it for significance. The City Planning and Historic Preservation Divisions shall be informed of the discovery immediately. If the paleontological resource is determined to be significant, the paleontologist shall have the authority to quickly and efficiently salvage and remove the fossil from its locality, as appropriate, before ground-disturbing activities resume in the area. Any fossils recovered during the development, along with their contextual stratigraphic data, shall be offered to the City of Riverside or other appropriate institution with an educational and research interest in the materials. The paleontologist shall prepare a report of the results of any findings as part of a testing or mitigation plan following accepted professional practice.
14. ***MM TRC-3: Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading

for this project. The following procedures will be carried out for treatment and disposition of the discoveries:

- a. **Consulting Tribes Notified:** within 24 hours of discovery, the consulting tribe(s) shall be notified via email and phone. Consulting tribe(s) will be allowed to access the discovery, in order to assist with the significance evaluation; and
 - b. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project Archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
 - c. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community and Economic Development Department with evidence of same:
 - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
 - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
 - iii. If more than one Native American tribe or band is involved with the project and cannot come to agreement consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center or Riverside Metropolitan Museum by default; and
 - iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the Archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center and interested tribes.
15. ***MM CUL-2: Cultural Sensitivity Training:** The Secretary of Interior Standards County certified Archaeologist and Native American Tribes consulting on the project shall attend the pre-grading meeting with the Developer/permit holder's contractors to provide Cultural Sensitivity Training for all construction personnel. This shall include the procedures to be followed during ground disturbance in sensitive areas and protocols that apply in

the event that unanticipated resources are discovered. Only construction personnel who have received this training can conduct construction and disturbance activities in sensitive areas. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.

16. 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.
17. 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.
18. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
19. 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.
20. 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.
21. The applicant shall be responsible for erosion and dust control during construction phases of the project.
22. 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:

23. A declaration of Covenants, Conditions and Restrictions (CC&R's) shall be prepared establishing a Master Property Owner Association, or other management entity, subject to the City's Planning Division and City Attorney's Office review and approval. Such declaration shall set forth provisions for maintenance of all common landscaped areas,

and all other privileges and responsibilities of the common ownership. The CC&R's shall contain the following conditions and restrictions:

- a. Establish a Master Property Owners Association (MPA) or other management entity;
 - b. The MPA, or other management entity, shall be responsible for the care and maintenance of all common landscaped areas, parking lots, water quality facilities, site lighting and other shared improvements; and
 - c. Reciprocal parking and access agreements shall be provided between the two parcels.
24. **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. Landscape and Irrigation Plans shall be revised to include the following:
- a. A shrub hedge and accent plant materials shall be planted within the landscape setback to adequately screen the queuing lanes from public view. Plantings within the landscape setback shall be designed for partial screening of vehicles to a minimum height of three (3) feet, measured from the finished grade of the queuing lane; and
 - b. Ground mounted equipment, including but not limited to backflow and FDC devices shall be adequately screened with landscaping, to the satisfaction of staff; and
 - c. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters when adjacent to parking stalls.
 - d. Trees along the east property line adjacent to the residential neighborhood shall consist of evergreen trees. Spacing between trees shall be subject to Staff review and approval.
 - e. Evergreen trees shall be clustered along the rear (east side) of the site to screen visibility of the community entry sign from Farnham Place, subject to Staff review and approval.
25. 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.
26. Ground mounted equipment shall be fully screened from the public right-of-way.
27. 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.
28. 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:

29. 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 the Case Planner at (951) 826-5371 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:

30. 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.
31. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
32. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
33. 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.
34. Operations outside the vehicle fuel station building shall be limited to the dispensing of gasoline, oil, air and water.
35. 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.
36. 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:

37. There shall be a two-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
38. The Rezoning, Conditional Use Permits and Design Review, may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.
39. 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.

40. 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.
41. 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.
42. 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.
43. 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.
44. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
45. 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.
46. 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.
47. 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.
48. 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
49. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

50. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
51. 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.

Public Works

Conditions to be fulfilled prior to building permit unless otherwise noted

52. 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.
53. Provide reciprocal ingress/egress access easement to serve all parcels.
54. Dedication of additional r/w along Van Buren Blvd. to accommodate deceleration lane/right turn pocket.
55. Deceleration lane should be compliant with current standard practice including MUTCD and Caltrans Highway Design Manual.
56. Turn pocket length on Van Buren Blvd. should be sufficient based on TIA. Traffic control and turning movement to be evaluated.
57. Deed for widening Teran Court to accommodate cul-de-sac along project frontage to Public Works Specifications prior to issuance of any Building permits.
58. Installation of sidewalk along project frontage on Teran Court to Public Works specifications.
59. Installation of sewers and sewer laterals to serve this project to Public Works specifications.
60. 24" Box Size Tabebuia with root barrier along all hardscapes. Final spotting will be conducted by the Street Tree Inspector after final grading and construction is completed.
61. Installation of automatic irrigation system to provide deep-root watering to trees is required.
62. Storm Drain construction will be contingent on engineer's drainage study.
63. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to construction permit issuance.
64. Size, number and location of driveways to Public Works specifications.
65. Trash enclosures per public works specifications. Project will require side-by-side double enclosures. No tandems.
66. 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.

67. 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:

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;

Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

68. 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.

69. 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.

70. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

71. Intersection of Van Buren Boulevard & Project Driveway 2:

The Traffic Impact Analysis indicates that the intersection of Van Buren Blvd and Project Driveway 2 satisfies the signal warrant analysis for the following with project conditions:

1. Existing (2018) with Project Peak Hour Signal Warrant
2. Project Completion (2020) with Project Peak Hour Signal Warrant
3. Cumulative (2020) with Project Peak Hour Signal Warrant

The project shall install a half signal at the intersection of Van Buren Boulevard & Project Driveway 2 to provide protected phasing to the southbound left-turn ingress traffic into the project. Left Turns out shall be restricted. Prior to submittal of traffic signal plans, a request for Electrical Service Shall be submitted to the Riverside Public Utility alongside all required design fees. RPU Contact: Adelaida Revuelta, arevuelta@riversideca.gov

72. ***MM-T-1: Traffic Signal Retiming** - The project is anticipated to have a significant impact at the intersection of Van Buren Boulevard and Magnolia Avenue for Cumulative (2020) without project and with project scenario. The study recommends retiming the signal timing splits for each phase while maintaining the existing cycle length. The project's fair share contribution towards mitigation is 23.84% of the total improvement cost. The signal re-timing project shall be completed prior to project operation.

Fire Department

73. 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.

74. 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.
75. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
76. Construction plans shall be submitted and permitted prior to construction.
77. Fire Department access shall be maintained during all phases of construction.
78. One new public fire hydrant is required on Van Buren.
79. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent. Shall comply with fire department turning radius requirements.

Public Utilities – Water

80. Prior to activation of fire service, applicant shall execute a common fire service agreement for any fire service connections shared amongst more than one parcel.

Public Utilities – Electric

81. 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.
82. Blanket Public Utility Easement required on all parcels.
83. 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.
84. 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.
85. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
86. Plot existing electrical distribution facilities on the original site plan.
87. Please show proposed location of transformers and electrical rooms.
88. Point of connection intercept existing conduit near Vault - V8478.
89. Developer is responsible to install spare conduits, street lights, also stub & cap along property frontage.

Parks, Recreation & Community Services – Park Planning

90. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

Police Department

Operational Conditions:

Alcohol

91. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
92. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
93. No 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.
94. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
95. 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

96. 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.

97. 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.
98. 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.
99. Management shall actively participate in Business Watch through the Riverside Police Department.

Entertainment

100. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
101. 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

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

Compliance

106. 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.
107. 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.