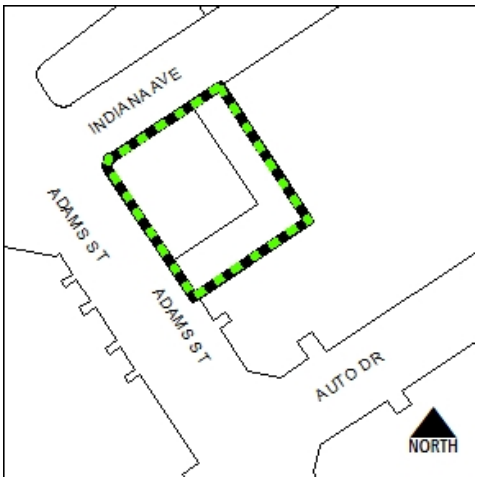




**PLANNING COMMISSION HEARING DATE: APRIL 30, 2020
AGENDA ITEM NO.: 2**

PROPOSED PROJECT

| | | |
|---------------------------------|---|---|
| <i>Case Numbers</i> | P19-0307 (Conditional Use Permit) P19-0449 (Public Convenience or Necessity) | |
| <i>Request</i> | To consider the following entitlements to permit a Type 20 Alcohol License (Off-Sale Beer and Wine) in conjunction with a 4,159 square foot convenience store and vehicle fuel station (Mobil): 1) A Conditional Use Permit to permit the off-sale of beer and wine; and 2) Public Convenience or Necessity Determination for the off-sale of beer and wine in an over concentrated census tract. | |
| <i>Applicant</i> | Mohamad Khaled | |
| <i>Project Location</i> | 3399 Adams Street, situated on the southeast corner of Adams Street and Indiana Avenue |  |
| <i>APN</i> | 231-221-005 | |
| <i>Project Area</i> | 0.90 acres | |
| <i>Ward</i> | 4 | |
| <i>Neighborhood</i> | Presidential Park | |
| <i>Specific Plan</i> | Riverside Auto Center | |
| <i>General Plan Designation</i> | CRC – Commercial Regional Center | |
| <i>Zoning Designation</i> | CG- SP – Commercial General and Specific Plan (Riverside Auto Center) Overlay Zones | |
| <i>Staff Planner</i> | Judy Egüez, Associate Planner 951-826-3969 jeguez@riversideca.gov | |

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Cases P19-0307 (Conditional Use Permit) and P19-0449 (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

On December 8, 2015, the City Council approved a Conditional Use Permit, Design Review, and Variances (Planning Cases P15-0404, P15-0545, P15-0568, and P15-0631) for the construction of a convenience store, vehicle fuel station and an automated car wash.

The 0.90-acre site is currently under construction for the 4,159 square foot convenience store, vehicle fuel station and automated car wash. The site is surrounded by auto dealerships to the north, east, west, and south (Exhibit 3).

PROPOSAL

The applicant requests approval of the following entitlements: 1) Conditional Use Permit to permit a Type 20 Alcohol License (Off-Sale Beer and Wine) in conjunction with a gas station convenience store currently under construction; and 2) Determination of Public Convenience or Necessity to allow for the off-sale of beer and wine in an over concentrated census tract.

The convenience store will operate daily, 24 hours a day with alcohol sales between the hours of 8:00 a.m. to 2:00 a.m. The floor plan shows that the display area for beer and wine display is approximately 421 square feet and is located on the south side of the convenience store. Beer and wine will be displayed in a 108 square foot refrigerated case and a 281 square foot refrigerated "Beer Cave" with an automatic locking device. A 32 square foot wine display will be located within the sales area. The overall display areas constitute 10 percent of the store area. The applicant has identified 14 cameras throughout the convenience store for security purposes.

PROJECT ANALYSIS

Authorization and Compliance Summary

| | Consistent | Inconsistent |
|---|-------------------------------------|--------------------------|
| <i>General Plan 2025</i> The proposed project is consistent with the General Plan Land Use designation of CRC – Commercial Regional Center, which will further the intent of the General plan by ensuring the long-term viability of the Riverside Auto Center (Exhibit 4). | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Consistent | Inconsistent |
|---|-------------------------------------|--------------------------|
| <p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The project site is zoned CG – Commercial General Zone, which permits the sale of alcoholic beverages subject to the approval of a Conditional Use Permit and compliance with Site Location, Development, and Operational Standards outlined in Chapter 19.450 (Alcohol Sales) of the Zoning Code (Exhibit 5).</p> <p>The provisions of Chapter 19.450 are intended to avoid any detrimental impacts on neighborhood uses resulting from the operation of the proposed use. This proposal is consistent with the applicable development standards and separation requirements for alcohol sales.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Riverside Auto Center Specific Plan</i></p> <p>The project site is located within the Riverside Auto Center Specific Plan. The Specific Plan does not specifically permit Alcohol Sales, but permits other uses as provided in the Municipal Code, in the judgement of the Planning Commission, that are similar to, compatible with and no more objectionable than any other uses allowed in the Riverside Auto Center Specific Plan (Exhibit 6).</p> <p>The proposed a Type 20 Alcohol License (Off-Sale Beer and Wine) is incidental to the convenience store and vehicle fuel station and is no more detrimental than other allowed uses in the Riverside Auto Center Specific Plan. These include but are not limited to: vehicle sales, vehicle painting and body repairs, automobile service stations, automobile service centers, automobile wash and detailing facilities, offices, banks and financial institutions, restaurants, and rental of automobiles.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>No physical improvements are proposed to the building in conjunction with the Conditional Use Permit. Any future site modifications will be subject to consistency with the applicable provisions of the Citywide Design and Sign Guidelines for commercial development.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><i>Riverside County Airport Land Use Compatibility Plan</i></p> <p>The project is located in Zone E (Other Airport Environs) of the Riverside Municipal Airport Land Use Compatibility Plan (RMA LUCP). This zone is identified as having a low safety risk level and a low noise impact level and contains no restrictions on development. The project was analyzed for consistency with Zone E and staff concluded that the proposed project is consistent.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| <i>Chapter 19.450 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 | R-1-7000 – Single Family Residential Zone (8227 Indiana Avenue): 285 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Schools, Assemblies of People - Non Entertainment Facilities, Public Park | 600 feet | Arlington High School (2951 Jackson Street): 4,377 feet Don Derr Park (3003 Monroe Street): 1,500 feet Magnolia Avenue Baptist Church (8351 Magnolia Avenue): 3,025 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Other Business with Concurrent Sale of Motor Vehicle Fuel with Alcoholic Beverage | 300 feet | Circle K (3480 Madison Street): 5,185 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Business with Off-Sale General License | 1,000 feet | Indiana Liquor (7580 Indiana Avenue): 4,699 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Existing Parolee/Probationer Home, Emergency Shelter, and Supportive Housing | 1,000 feet | Balcom Care Home (3615 Crowell Avenue): 1,810 feet | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

PUBLIC CONVENIENCE OR NECESSITY DETERMINATION

| <i>California Department of Alcoholic Beverage Control (Census Tract 313.00) Off-Sale Alcohol Licenses</i> | | | | | | |
|--|---|--------------------------|--------------------------|---|--------------------------|-------------------------------------|
| <i>Standard</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> | 1 | 4 | 1 | 5 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The subject site is located in Census Tract 313.00. Per the California Department of Alcoholic Beverage Control (ABC), there are four existing off-sale licenses within the tract, where one off-

sale licenses are permitted (Exhibit 9). The proposed license would be the fifth off-sale license in the tract requiring a determination of Public Convenience or Necessity pursuant to State law.

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 small display area 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. Adequate parking, visibility, access, and lighting will be provided for a safe and secure environment in which to conduct alcohol sales.

FINDINGS SUMMARY

Conditional Use Permit

The proposed off-sale of beer and wine (Type 20 License), concurrent with the sale of motor vehicle fuel, is an appropriate use at this location. The proposed project will provide convenient and accessible goods and services to patrons and neighborhood residents.

The Riverside Police Department reviewed the proposed project, including the Security Plan (Exhibit 10). There is no objection to the proposed project, provided that the operator complies with the recommended conditions of approval.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by staff regarding this project.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Specific Plan Map
7. Project Plans (Floor Plan)
8. Distance Requirements Map
9. ABC Alcohol License Census Tract Concentration Map
10. Security Plan
11. Existing Site Photos

Prepared by: Judy Egüez, Associate Planner

Reviewed by: Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – FINDINGS

PLANNING CASES: **P19-0307** (Conditional Use Permit)
 P19-0449 (Public Convenience or Necessity)

A. Conditional Use Permit Findings Pursuant to Chapter 19.760.040

1. The proposed project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
2. The proposed project will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
3. The proposed project will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: **P19-0307** (Conditional Use Permit)
 P19-0449 (Public Convenience or Necessity)

Planning Division

1. All applicable Conditions of Approval of Planning Cases P15-0404 (Conditional Use Permit), P15-0405 (Design Review), P15-0568 (Variance), and P15-0631 (Variance) shall apply.

Operational Conditions:

2. The subject property shall be developed and/or operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
3. The display of beer and wine shall be limited to a maximum 421 square feet of shelving spaces within the building. No outdoor display of alcohol shall be permitted.
4. The maximum percentage of beer and wine sales to total store sales shall be 30 percent on a retail basis during any consecutive twelve-month period.
5. Cold beer or wine shall be sold from, or displayed in, permanently affixed electrical coolers only.
6. No beer or wine advertising shall be located on gasoline islands, no lighted advertising for beer or wine shall be located on buildings or in windows.
7. Employee on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
8. 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.
9. 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.
10. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
11. 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.
12. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
13. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including exterior building mounted, monument, and window signs, shall

be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Standard Conditions:

14. There shall be a one-year time limit on this approval in which to commence the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
21. 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.
22. 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.

23. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

Police Department

Operational Conditions:

Alcohol

24. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
25. There shall be no consumption of alcoholic beverages on the property and this requirement will be prominently posted throughout the property.
26. No cold single units of beer or fortified wine/liquor shall be allowed to be sold. Beer shall only be sold in three packs or larger pre-packaged lots.
27. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows or checkout counter.
28. 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

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

Entertainment

33. There shall be illegal gambling devices, such as coin-pushers or video slot machines, etc. maintained upon the premises at any time.
34. 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

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

Compliance

39. The licensee/employees shall attend a 4 hour LEAD (License, Education, Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining the license upgrade.
40. The required conditional use permit is subject to a mandatory six-month review by the Planning Division and the Riverside Police Department. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any 12-month period regarding disturbances caused by patrons or staff at the site shall be grounds for revocation proceedings.