



**PLANNING COMMISSION HEARING DATE: SEPTEMBER 16, 2021**

**AGENDA ITEM NO.: 5**

**PROPOSED PROJECT**

|                          |  |  |  |
|--------------------------|--|--|--|
| Case Number              | PR-2020-001055 (Conditional Use Permit and Design Review)  |  |  |
| Request                  | To consider the following entitlements to facilitate modifications of an existing vehicle fuel station:<br>1) Revision of a Conditional Use Permit to permit the installation of two hydrogen fuel dispensers and construction of an accessory building for equipment storage; and<br>2) Design Review of project plans. |  |  |
| Applicant                | Jacqueline Muhich for I&D Consulting   |  |  |
| Project Location         | 3505 Central Avenue, situated on northwest corner of Central Avenue and Riverside Avenue   |  |  |
| APN                      | 225-150-027  |  |  |
| Project Area             | 0.52 acres   |  |  |
| Ward                     | 3  |  |  |
| Neighborhood             | Magnolia Center  |  |  |
| General Plan Designation | CRC – Commercial Regional Center   |  |  |
| Zoning Designation       | CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones  |  |  |
| Staff Planner            | Suhaim Bawany, Associate Planner<br>(951) 826-5658<br><a href="mailto:sbawany@riversideca.gov">sbawany@riversideca.gov</a>   |  |  |

**RECOMMENDATIONS**

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and

2. **APPROVE** Planning Case PR-2021-001055 (Conditional Use Permit and Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 & 2).

## SITE BACKGROUND

The 0.52-acre project site is currently developed with a Chevron vehicle fuel station, consisting of four double-sided fuel pumps and a 945 square-foot convenience store (Exhibit 3). The use was originally established in 1964 as a permitted use in the C-2 – Commercial Zone according to the zoning regulations effective at the time.

Following is a summary of entitlements processed for this property:

- In 1983, a Conditional Use Permit (CU-021-834) was approved for the installation of a cashier's pump and computerized pumping facilities, however, this project was never constructed; and
- In 1985, the Conditional Use Permit (CU-021-834) was revised to demolish the then existing service station building and pump islands and establish the existing self-service vehicle fuel station and mini market.

Access to the site is provided via one driveway on Central Avenue and one driveway on Riverside Avenue.

Surrounding land uses include Riverside Plaza to the north, commercial uses to the west and south, and dental office to the east, across Riverside Avenue (Exhibit 4).

## PROPOSAL

The applicant is requesting approval for revisions to the previously approved Conditional Use Permit to permit: 1) the expansion of the existing vehicle fuel station for the installation of two double sided hydrogen fuel dispensers; and 2) Design Review of proposed project plans for the construction of a detached accessory building for equipment storage, a trash enclosure, and landscaping.

The proposed hydrogen fuel dispensers will be located between the existing gasoline pump islands on each side of the existing convenience store. Each dispenser includes two fuel nozzles. The dispensers are designed solely for use with zero emission hydrogen to power fuel cell electric vehicles.

The proposed project also includes construction of a 472 square foot accessory structure on the northwest (rear) corner of the project site to house equipment related to the hydrogen fuel pumps and the replacement of the existing trash enclosure along the west property line to allow for adequate circulation.

Other improvements include relocation of the parking spaces along with air and water equipment and enhancement of existing landscaping throughout the site, particularly along the street frontages.

The proposed project site will be served by a total of five parking spaces, and primary vehicular access will not change as a result of the proposed project. No changes are proposed to the existing convenience store or fuel pump canopy.

## PROJECT ANALYSIS

### Authorization and Compliance Summary

|  | Consistent                          | Inconsistent             |
|--|-------------------------------------|--------------------------|
| <p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of CRC – Commercial Regional Center (Exhibit 5), and 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"> <li>• <u>Objective LU-6Z</u>: Revitalize Magnolia Center in its role as a subregional retail and business center, while maintaining and preserving the low-scale character of surrounding residential areas.</li> </ul>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Magnolia Avenue Specific Plan – Magnolia Center</b></p> <p>The proposed project is located in the Magnolia Center District of the Magnolia Avenue Specific Plan, which includes a mix of retail, office, institutional, and residential uses (Exhibit 6).</p> <p>Vehicle fuel stations are permitted within the Specific Plan with the approval of a Conditional Use Permit. Uses in the Magnolia Center District are intended to revitalize the area as a subregional retail and business center. The proposed modifications to the vehicle fuel station will renovate the existing project site and provide a unique service to drivers of hydrogen-fueled vehicles.</p>   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The project site is zoned CR – Commercial Retail Zone, which is consistent with the General Plan Land Use Designation (Exhibit 7). The CR – Commercial Retail Zone allows for vehicle fuel stations with the approval of a Conditional Use Permit and compliance with Site Location, Operation, and Development Standards applicable to those uses.</p> <p>The Zoning Code permits the expansion of a conditionally permitted use, up to a maximum of 25 percent, with the approval of a Minor Conditional Use Permit. Expansions exceeding 25 percent require a Conditional Use Permit. The proposed expansion consists of the addition of two hydrogen fuel pumps to the four existing fuel pumps on the project site, which constitutes a 50 percent expansion of the existing use. Therefore, a revision to the existing Conditional Use Permit is required.</p> <p>This proposal is consistent with the applicable development standards of the Zoning Code.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|  | Consistent                          | Inconsistent             |
|--|-------------------------------------|--------------------------|
| <p><b><i>Compliance with Magnolia Avenue Specific Plan Design Guidelines and Citywide Design Guidelines</i></b></p> <p>The proposed project meets the objectives of the Citywide Design Guidelines and the Magnolia Avenue Specific Plan for commercial development related to architectural treatment, landscaping, building siting, orientation, parking layout, landscaping, materials, colors, and equipment screening. The proposed hydrogen fuel dispensers, accessory structure, and trash enclosure will be architecturally consistent with the style, colors, and materials of the existing vehicle fuel station and convenience store. The Conceptual Landscape Plan proposes enhanced landscaping throughout the site particularly along Central and Riverside Avenues.</p> <p>As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines and Magnolia Avenue Specific Plan.</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

| <p><b><i>Chapters 19.110 and 19.440</i></b></p> <p><b><i>Commercial Development Standards for the CR - Commercial Retail Zone - Detached Accessory Building</i></b></p> |                        |         |                        |                                     |                            |
|---|------------------------|---------|------------------------|-------------------------------------|----------------------------|
| <b><i>Standard</i></b>  |                        |         | <b><i>Proposed</i></b> | <b><i>Consistent</i></b>            | <b><i>Inconsistent</i></b> |
| <b><i>Building Height</i></b>   | 20 feet (Single-Story) |         | 13.2 feet              | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |
| <b><i>FAR</i></b>   | 50 percent             |         | 6 percent              | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |
| <b><i>Setbacks</i></b>  | Front*                 | 50 feet | 125 feet               | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |
|   | Street Side            | 0 feet  | 121 feet               | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |
|   | Interior Side          | 0 feet  | 3.9 feet               | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |
|   | Rear                   | 0 feet  | 3.6 feet               | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |

\*Accessory structures shall be no closer to the front lot line than the front-most wall of the building nearest the front lot line, or 50 feet, whichever distance is less.

| <p><b><i>Chapter 19.410</i></b></p> <p><b><i>Vehicle Fuel Facilities Site Location, Operation, and Development Standards</i></b></p> |         |                        |                                     |                            |
|--|---------|------------------------|-------------------------------------|----------------------------|
| <b><i>Standard</i></b>   |         | <b><i>Proposed</i></b> | <b><i>Consistent</i></b>            | <b><i>Inconsistent</i></b> |
| <b><i>Fuel Pump Setbacks</i></b>   | 20 feet | 29.6 feet              | <input checked="" type="checkbox"/> | <input type="checkbox"/>   |

## FINDINGS SUMMARY

### ***Conditional Use Permit***

The proposed vehicle fuel station expansion is appropriate for the Magnolia Center District of the Magnolia Avenue Specific Plan, as it will enhance the existing types of fuels provided with two hydrogen fuel dispensers. Owners of hydrogen cell vehicles will be able to fill up their vehicles at

a centrally located vehicle fuel station. Further, the proposed project will not be detrimental to the health, safety, or general welfare of the public or surrounding area, as it will provide a convenient source of fuel for zero emission vehicles.

The proposed improvements, including the hydrogen fuel dispensers, have been located in areas of the project site to ensure adequate vehicular access and circulation.

The proposed project is consistent with the applicable development standards required by the Specific Plan and the Zoning Code.

## **ENVIRONMENTAL REVIEW**

This proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, as the proposed project consists of a minor expansion to an existing facility and 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 Planning Staff.

## **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 Division Public Information Section, 3rd Floor, City Hall.

## **EXHIBITS LIST**

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Specific Plan Map
7. Zoning Map
8. Project Plans (Existing Site Plan, Proposed Site Plan, Elevations, Conceptual Landscape Plan, Hydrogen Storage Equipment Overview)

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Prepared by: Suhaim Bawany, Associate Planner

Reviewed by: Veronica Hernandez, Senior Planner, and Patricia Brenes, Principal Planner

Approved by: Mary Kopaskie-Brown, City Planner



*EXHIBIT 1 – STAFF RECOMMENDED FINDINGS*

**PLANNING CASE:** PR-2021-001055 (Conditional Use Permit and Design Review)

**Vehicle Fuel Stations pursuant to Chapter 19.410.030:**

1. The vehicle fuel station expansion will not substantially increase vehicular traffic on streets in a residential zone and will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.
2. The vehicle fuel station expansion will not substantially lessen the usability of adjacent or nearby commercially zoned property for commercial use by interfering with pedestrian traffic.
3. The vehicle fuel station expansion will not create increased traffic hazards to pedestrians when located near a school, assemblies of people—non-entertainment or assemblies of people—entertainment.
4. The vehicle fuel station site, including the proposed expansion, is served by streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by such service station use.
5. The vehicle fuel station site is adequate in size and shape to accommodate said use, the proposed expansion, and to accommodate all yards, walls, parking, landscaping and other required improvements.

**Conditional Use Permit Findings pursuant to Chapter 19.760.040**

1. The proposed expansion of the vehicle fuel station 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 expansion of the vehicle fuel station 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 expansion of the vehicle fuel station will be consistent with the purpose 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.



**EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL**

**PLANNING CASES:**     **PR-2021-001055** (Conditional Use Permit and Design Review)

**Planning Division**

1. 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.
2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.

*During Construction Activities:*

3. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
4. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust 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. The project 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 off;
  - f. Disturbed/loose Soils shall be kept moist at all times.
  - g. All 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.
5. The applicant shall be responsible for erosion and dust control during construction phases of the project.
6. 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 Issuance of Building Permit:*

7. Landscaping and Irrigation plans shall be submitted to the Planning Division for review. Separate applications and filing fees are required.
8. **Staff Required Landscape and Irrigation Condition:** Revise the submitted landscape and irrigation plans to include the following:
  - a. Landscaping along the corner of Central and Riverside Avenue shall consist of tiered plant materials.
9. **Trash Enclosure:** Submit trash enclosure elevations such that the plan provided for building permit plan check incorporates the following changes:
  - a. Trash enclosures shall be constructed with a decorative masonry block, with a decorative overhead trellis.
10. Plans submitted for plan check review shall specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
11. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall comply with Chapter 19.566 of the Zoning Code (Outdoor Lighting). The 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 lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Light poles within fifty (50) feet of residences are limited to fourteen (14) feet in height.
12. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.
13. Ground mounted equipment shall be fully screened from the public right-of-way.

*During Construction:*

14. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
15. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment



of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

*Prior to Release of Utilities and/or Occupancy:*

16. 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. Contact the Case Planner, at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.

*Site Operation Standards:*

17. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
18. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to 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
19. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
20. 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.

*Standard Conditions:*

21. There shall be a one-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.
22. The Conditional Use Permit 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.

**Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.**

23. 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.
24. 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.

25. 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.
26. 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.
27. This permit is issued based upon the plans 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. Permittee 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.
28. 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.
29. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
30. 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.

#### **Fire Department**

31. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
32. 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.
33. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

35. Construction plans shall be submitted and permitted prior to construction.
36. Fire Department access shall be maintained during all phases of construction.
37. Fire Department permit is required to construct a motor vehicle dispensing station and hydrogen storage.

**Public Utilities – Electric**

*Prior to Issuance of Building Permit:*

38. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, also stub & cap along property frontage.
39. Plot existing electrical distribution facilities on the original site plan.
40. Provide transformer, & switchgear location.
41. Existing service needs to be upgraded to provide power to EV chargers.
42. One point of connection per parcel is allowed.
43. RPU will coordinate a field meeting with customer to determine slab box location.