

# **Planning Commission** Memorandum

**Community & Economic Development Department** 

**Planning Division** 3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

# PLANNING COMMISSION HEARING DATE: SEPTEMBER 26, 2024 **AGENDA ITEM NO.: 4**

# **PROPOSED PROJECT**

Case Number	<b>PR-2024-001665</b> (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience or Necessity)					
	To consider the following entitlements to facilitate the construction of a vehicle fuel station (7-Eleven) with convenience store and off-sale of alcohol:					
Request	<ol> <li>Zoning Code Map Amendment to Rezone the project site from MU-V-SP – Mixed-Use – Village and Specific Plan (Magnolia Avenue) Overlay Zones to CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones;</li> </ol>					
	<ol> <li>Conditional Use Permit to permit a vehicle fueling station and off-sale of alcohol (Type 20 Beer and Wine);</li> </ol>					
	3. Design Review of project plans; and					
	<ol> <li>Public Convenience or Necessity (PCRN) to allow for an over concentration of off-sale alcohol licenses in Census Tract 316.01</li> </ol>					
Applicant	Mike Sadeghian of AMCMAG, LLC					
Project Location	3570 and 3596 Van Buren Boulevard, situated on the southwest corner of Van Buren Boulevard and Primrose Drive					
APN	234-150-039 and 234-150-040					
Project Area	234-150-039 and 234-150-040 0.85-acres					
Ward	5					
Neighborhood	Arlington					
General Plan Designation	MU-V – Mixed-Use Village					
Zoning Designation	MU-V-SP – Mixed-Use – Village and Specific Plan (Magnolia Avenue) Overlay Zones					
Specific Plan	Magnolia Avenue					
Staff Planner	Candice Assadzadeh, Senior Planner 951-826-5667 <u>cassadzadeh@riversideca.gov</u>					

# RECOMMENDATIONS

Staff recommends that the Planning Commission:

- 1. **RECOMMEND that the City Council DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
- 2. **RECOMMEND that the City Council APPROVE** Planning Case PR-2024-001665 (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and 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 0.85-acre project site is comprised of two contiguous parcels, developed with two commercial buildings (Exhibit 3). Surrounding land uses include commercial uses to the north (across Primrose Drive), south, and east (across Van Buren Boulevard), and single-family residences to the west (Exhibit 4).

# PROPOSAL

The applicant is requesting approval of the following entitlements to facilitate the construction of a vehicle fuel station (7-Eleven) with a convenience store and off-sale of alcohol:

- Zoning Code Map Amendment to Rezone the project site from MU-V-SP Mixed-Use Village and Specific Plan (Magnolia Avenue) Overlay Zones to CR-SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones;
- Conditional Use Permit to permit a vehicle fueling station and off-sale of alcohol (Type 20 Beer and Wine);
- Design Review of project plans; and
- Public Convenience or Necessity (PCRN) to allow for an over concentration of off-sale alcohol licenses in Census Tract 316.01.

The proposed vehicle fuel station consists of a 3,048 square foot convenience store, a 4,947 square foot fuel canopy, and 12 gasoline pumps.

Building elevations and the fuel canopy reflect a contemporary architectural style. The conceptual landscape design features a variety of trees and water efficient shrubs.

Vehicular access to the project site will be provided via a driveway on Van Buren Boulevard and one on Primrose Drive.

The vehicle fuel station and convenience store will operate 24 hours per day, seven days per week. The applicant indicated fuel delivery is typically scheduled twice a week, during off-peak hours. The vehicle fuel station will have approximately two to four employees per shift.

As a matter of information, the proposed 7-Eleven will replace the existing convenience store only 7-Eleven located at 9580 Magnolia Avenue.

# **PROJECT ANALYSIS**

# Authorization and Compliance Summary

	Consistent	Inconsistent
General Plan 2025		
The proposed project, in combination with surrounding commercial/office, retail, and residential uses, contributes to the mixed-use concept consistent with the underlying General Plan 2025 land use designation of MU-V – Mixed Use -Village (Exhibit 5). The MU-V designation is generally intended to provide medium to high density residential development with commercial, office, and service uses.		
The proposed development also furthers the Objectives and Policies of the General Plan 2025, specifically:		
• <u>Objective LU-37</u> : Spur the economic revitalization of the Arlington Neighborhood.		
Magnolia Avenue Specific Plan (MASP)		
<ul> <li>The project site is in the Arlington District of the Magnolia Avenue Specific Plan (Exhibit 6). The Arlington District is characterized by a concentration of one and two-story, pre-1950's retail buildings surrounded by a single-family neighborhood. The land use consists of a mix of commercial and office uses, the historic Arlington Branch Public Library and a small amount of multi-family housing.</li> <li>The proposed development also furthers the Objectives and Policies of the Arlington District, specifically:</li> <li><u>Policy 1.6</u>: Encourage lot consolidation, driveway consolidation, shared parking, and frontage on Magnolia Avenue for meaningful, coordinated mixed-use and</li> </ul>	V	
commercial projects that contribute to an attractive streetscape. (General Plan 2025 Policy LU-36.3)		
The proposed project substantially meets the Arlington Design Guidelines for the South Van Buren Portal area. It is the intent of the design guidelines for the portal areas to provide a sense of entry to the Village, offering automobile-oriented uses that complement the Village's more pedestrian oriented uses.		
As proposed and conditioned, the proposed project is consistent with the Arlington Design Guidelines and the Magnolia Avenue Specific Plan.		
Zoning Code Land Use Consistency (Title 19)		
The applicant requests approval of a Zoning Code Map Amendment to rezone the project site from MU-V-SP – Mixed-Use - Village and Specific Plan (Magnolia Avenue) Overlay Zones to CR- SP – Commercial Retail and Specific Plan (Magnolia Avenue) Overlay Zones which is intended to allow a broad range of indoor		

oriented retail sales and service, and office uses. The proposed zoning is consistent with the MU-V – Mixed Use -Village General Plan Land Use designation (Exhibit 7). The CR – Commercial Retail Zone allows for vehicle service stations and the off-sale of alcoholic beverages subject to approval of a Conditional Use Permit and compliance with the Site Location, Operation, and Development Standards.	
As designed, the project meets all applicable development standards for a vehicle service station, except for the requirement that vehicle service stations be on lots with a minimum lot area of one acre. The applicant is requesting a Modification for site size. The Zoning Code allows for consideration of Modifications to the development standards for vehicle service stations.	
Compliance with Citywide Design & Sign Guidelines	
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.	
Senate Bill 330 and Housing Element	
The project proposes to rezone the site's existing zoning designation from MU-V – Mixed-Use - Village to CR – Commercial Retail. Under the current MU-V zone, a total of 26 residential units could potentially be built on the project site.	
The Housing Crisis Act of 2019, adopted under Senate Bill 330 (SB 330), requires the preservation of existing residential capacity of Cities, as identified in the City's General Plan land use and zoning designations. Pursuant to Government Code section 66300 (No Net Loss Law), the Project Applicant must identify an alternative site that can accommodate the number of residential units that were removed from the City's residential capacity. This would ensure no net loss of residential units is caused by the rezoning of the project site.	
In addition, the parcel located at 3570 Van Buren Boulevard was included as part of the 6 <sup>th</sup> Cycle Housing Element and identified for Moderate Income residential units, for the City's Regional Housing Needs Allocation (RHNA).	
On September 17, 2024, Planning Cases DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map), DP-2022-00047 (Certificate of Appropriateness), and DP-2022-00048 (Environmental Impact Report) will go before the City Council for consideration of a mixed-use development consisting of 388 residential units and 25,320 square feet of commercial retail on 17.37-acres, located at 5261 Arlington Avenue. The project site is proposing to change the	

existing C – Commercial General Plan land use designation to MU-V – Mixed Use - Village and the existing zoning designation from CG – Commercial General Zone to MU-V – Mixed Use – Village Zone, to allow for the construction of a mixed-use project. The project is proposed to yield 388 dwelling units for the City's residential capacity.	
Should the proposed mixed-use project be approved, there will be no net loss from the rezone of this project site from MU-V – Mixed-Use - Village Zone to CR – Commercial Retail Zone, pursuant to SB 330. However, should the proposed mixed-use project not be approved, another site would need to be identified to accommodate replacement of 26 residential units. Additionally, with the loss of 10 units, there continues to be sufficient capacity in the City's residential inventory to accommodate the RHNA requirements for Moderate Income units.	

Chapter 19.110 – Commercial Development Standards for the CR – Commercial Retail Zone								
St	andard		Proposed	Consistent	Inconsistent			
Floor Area Ratio	0.50 maximu	m	0.08	$\checkmark$				
Lot Area	20,000 squar	e feet	37,026 square feet	$\checkmark$				
Lot Width	60 feet		180 feet	$\checkmark$				
Lot Depth	100 feet		195 feet	$\checkmark$				
Building	Front	0 feet	10 feet (Primrose Drive) 19 feet, 10 inches (Van Buren Boulevard)	$\checkmark$				
Setbacks	Interior Side	0 feet	138 feet (South)	$\checkmark$				
	Rear	15 feet	105 feet (West)	$\checkmark$				
Landscape	Parking: 10 feet along street frontages		15 feet	$\checkmark$				
Setback	5 feet adjac residential us		15 feet					

# COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.410 – Vehicle Fuel Stations Site Location, Operation, and Development Standards							
S	Standard	Proposed	Consistent	Inconsistent			
Lot Area 1 acre		0.85 acres		$\checkmark$			

Г

Frontage	Located on an arterial street	Van Buren Boulevard (120 foot arterial)		
Setbacks	Gasoline pumps, dispensers, and canopies: 20 feet	38 Feet (Gas Pumps/Dispenser) 27 feet (Canopy)	V	
Landscape Setback	10-foot landscape setback adjacent to public street	10 feet (Primrose Drive and Van Buren Boulevard)		
Maximum Building Height	35 feet	24 feet, 8 inches	V	

	Chapter 19.450 – Concurrent Off-Sale of Alcoholic Beverage Sales							
	Standard		Proposed	Consistent	Inconsistent			
Alcohol Type Limitations	Only Beer and Wine M Sold	ay be	Type 20 License (Off- Sale Beer and Wine)	V				
Minimum Retail Sales Area	Minimum enclosed ret sales are for store proc shall be 1,500 square fo	lucts	3,048 square feet					
Setbacks	Schools, Assemblies of People - Non- Entertainment Facilities, Public Park	600 feet	None within a 1,000-foot radius of project site					
	Residential Zone or Use	100 feet	105 feet	$\checkmark$				
	Business with the concurrent sale of motor vehicle fuel with alcoholic beverages	300 feet	300 feet					
	Business licensed by the State of California for the off- sale general alcoholic beverage sales with less than 15,000 square feet of floor area	1,000 feet	None within a 1,000-foot radius of project site	V				

Chapter 19.450 – Concurrent Off-Sale of Alcoholic Beverage Sales								
Star	ndard		Proposed	Consistent	Inconsistent			
Home, Shelter,	e/Probationer Emergency	1,000 feet	None within a 1,000-foot radius of project site					

Chapter 19.580 – Parking and Loading Development Standards							
Standard Required Proposed				Consistent	Inconsistent		
Vehicle Fuel Station	1 space/250 SF (3,048 SF)	12 spaces	24 spaces	$\checkmark$			

California Department of Alcoholic Beverage Control (Census Tract 316.01) Off-Sale Alcohol Licenses								
StandardExisting LicensesProposed LicensesTotal Number of Existing and 					Consistent	Inconsistent		
Maximum Number of Off- sale Licenses	2	6	1	7				

The subject site is located in Census Tract 316.01. Per the California Department of Alcoholic Beverage Control (ABC), there are six existing off-sale licenses within the tract, where two off-sale licenses are permitted. The proposed license would be the seventh 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;
- Given the wide array of general and convenience merchandise sold at this facility, offsale 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.

# FINDINGS SUMMARY

# Rezoning and Conditional Use Permit

The proposal to apply the CR – Commercial Retail Zone to the project site will facilitate the development of the proposed vehicle fuel station with the off-sale of beer and wine, which is an

appropriate use for the southwest corner of Van Buren Boulevard and Primrose Drive. The proposed project will provide convenient and accessible goods and services to neighborhood residents.

The project site has been designed to provide safe and efficient vehicular access and internal circulation while providing adequate landscaping, water quality treatment facilities, utility equipment, and pedestrian access. The proposed project is generally consistent with the applicable development standards of the proposed CR Zone as well as the specific standards for vehicle fuel stations and the off-sale of beer and wine.

The proposed project is consistent and compatible with the surrounding development and will provide convenient access to goods and services for the surrounding neighborhoods.

### **Modification of Development Standards**

The applicant is requesting a modification to a development standard to allow for a reduced site area of 0.85 acre where the Zoning Code requires a minimum of one acre for vehicle fueling stations. Section 19.410.060 of the Zoning Code allows for the modification of development standards through the consideration of a Conditional Use Permit. Staff has prepared the following supplemental justifications in support of the modification:

- 1. The site contains adequate circulation, parking, and meets all the development standards as it relates to the development of the site for a vehicle service station. No deviations from the Zoning Code have been requested as a result of having a lot less than one acre in size; and
- The existing development pattern along the west side of Van Buren Boulevard consists of lots that are not in compliance with the lot size requirements for the proposed CR – Commercial Retail Zone. The applicant is proposing to merge the two existing lots to create a larger lot.

Allowing a reduced site area of 0.85 acres where the Zoning Code requires a minimum of one acre will not be detrimental to the site or surrounding area.

# STRATEGIC PLAN

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 3 – Economic Opportunity (Goal 3.3 – Cultivate a business climate that welcomes innovation, entrepreneurship and investment).

This item aligns with the following Cross-Cutting Threads:

- 1. <u>Community Trust</u>: The proposed project will be reviewed at a public meeting held by the City Planning Commission and the City Council. Additionally, public comment is encouraged throughout the process through the 15-day public noticing period and at public hearings.
- 2. <u>Equity</u>: The proposed project will provide a service available to all residents and visitors of the City.
- 3. <u>Fiscal Responsibility</u>: All fiscal responsibility for the proposed project is borne by the applicant.
- 4. <u>Innovation</u>: The proposed project has been designed to be sensitive to the adjacent residential uses.
- 5. <u>Sustainability and Resiliency</u>: All new construction will meet the most up-to-date Building Codes.

# ENVIRONMENTAL REVIEW

The Planning Division of the Community & Economic Development Department determined the proposal to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

The project is consistent with the criteria set forth in Section 15332(a)-(e) as follows:

- a. The project is consistent with the applicable General Plan Designation of MU-V Mixed-Use - Village and all applicable General Plan policies as well as with the applicable development standards of the Zoning Code;
- b. The project occurs within the City Limits on a project site of no more than five acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to air quality, water quality, noise or traffic; and
- e. The site can be adequately served by all required utilities and public services.

Staff has therefore determined that the proposed project requires no further environmental review, and that it 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 the proposed 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. Staff Recommended Findings
- 2. Conditions of Approval
- 3. Existing Site Photos
- 4. Location Map
- 5. General Plan Map
- 6. Specific Plan Map
- 7. Existing and Proposed Zoning Map
- 8. Project Plans (Site Plan, Floor Plan, Roof Plan, Elevations, Conceptual Grading Plan, Demolition Plan, Photometric Plan, Landscape Plan, Floor Plan, Fence and Wall Plan, Alcohol Management/Security Plan)

Prepared by: Candice Assadzadeh, Senior Planner Reviewed by: Brian Norton, Principal Planner Approved by: Maribeth Tinio, City Planner



**COMMUNITY & ECONOMIC DEVELOPMENTDEPARTMENT** 

**PLANNING DIVISION** 

# EXHIBIT 1 – FINDINGS

# **PLANNING CASE: PR-2024-001665** (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience or Necessity)

### Zoning Code Map Amendment Findings Pursuant to 19.810.040, as outlined in the staff report

- 1. The proposed Zoning Code Map Amendment is consistent with the goals, policies, and objectives of the General Plan;
- 2. The proposed Zoning Code Map Amendment will not adversely affect surrounding properties; and
- 3. The proposed Zoning Code Map Amendment 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, as outlined in the staff report

- 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 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.

#### Vehicle Fuel Station Findings pursuant to Chapter 19.410.030, as outlined in the staff report

- 1. The vehicle fuel station 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 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 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 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 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.



PLANNING DIVISION

# EXHIBIT 2 – CONDITIONS OF APPROVAL

# **<u>PLANNING CASE</u>: PR-2024-001665** (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience or Necessity)

### Planning

- 1. Approval of the project shall be contingent upon the approval Planning Cases DP-2022-00035 (General Plan Amendment), DP-2022-00036 (Rezone), DP-2022-00025 (Site Plan Review), SD-2022-00002 (Tentative Parcel Map), DP-2022-00047 (Certificate of Appropriateness), and DP-2022-00048 (Environmental Impact Report) or an alternative project that can satisfy No Net Loss requirements under State Law.
- 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 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.
- 4. Advisory: Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new 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 Issuance of Grading Permit:

- 5. A 40-scale precise grading plan shall be submitted to Public Works and 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 qualified soils engineer to minimize potential soil stability problems;
  - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
  - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

During Grading and Construction Activities:

6. During all project site construction, the Construction Contractor shall limit all constructionrelated 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.

- 7. 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.
- 8. The applicant shall be responsible for erosion and dust control during construction phases of the project.
- 9. 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:

- 10. **Plot Plan**: Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following:
  - a. Relocate the proposed landscape planter to the north of the electrical switchgear, to allow for landscape material to be planted and screen the equipment and exterior sales/storage;
  - Relocate the ice machine to the west side of the entry doors, to the satisfaction of staff, allowing for greater separation of the exterior sales/storage from the public rightof-way (Van Buren Boulevard);
  - c. Provide decorative paving at entry driveways;
  - d. Verify that all internal drive aisles have a minimum width of 24 feet; and
  - e. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to a planter.
- 11. **Landscaping and Irrigation Plans** shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate application and filing fee is required. Include the following on the plans:
  - a. Provide one shade tree per four parking spaces;
  - b. Provide enhanced landscaping along all street frontages, subject to the satisfaction of staff;

- c. Provide dense evergreen trees along the west property line, shared with the residences, subject to the satisfaction of staff; and
- d. Trees along the west property line shall comply with height restrictions provided by Public Utilities Electric, due to the overhead electrical lines.
- 12. **Fence and Wall Plan:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following:
  - a. All walls shall be constructed of, or finished in, a decorative material and finished with a decorative cap;
  - b. Pilasters shall be constructed at the end of the wall segments, to the satisfaction of staff;
  - c. All walls shall be no greater than 3-feet in height in any front yard setbacks; and
  - d. Specify the color and materials of all proposed walls and fences.
- 13. **Building Elevations:** Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:
  - a. The building elevations submitted for building permits shall clearly specify all building materials and colors to match the materials and colors as approved by the City Planning Commission as applicable; and
  - b. Roof-mounted mechanical equipment shall not protrude above the height of the building parapet wall.
- 14. **Photometric/Lighting Plan:** A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas, parking lots and pedestrian paths shall be submitted for review and approval.
  - a. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1);
  - The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rightsof-ways;
  - c. If lights are proposed to be mounted on buildings, down-lights shall be utilized;
  - d. Light poles within 50 feet of residential zone or uses shall not exceed 14 feet in height, including the height of any concrete or other base material;
  - e. Light poles not within 50-feet of residential zones shall not exceed 20 feet in height, including the height of any concrete or other base material; For safety, all pedestrian paths shall be adequately lighted throughout the project.
- 15. 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.
- 16. Roof and building mounted equipment shall be fully screened from the public right-ofway. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.
- 17. Ground mounted equipment shall be fully screened from the public right-of-way.

### During Construction:

- 18. 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.
- 19. 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:

20. 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:

- 21. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
- 22. 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
- 23. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
- 24. 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.
- 25. Applicant will be required to remove any graffiti on the project site within 48 hours of the incident being reported to City of Riverside Code Enforcement.
- 26. No outdoor display of alcohol shall be permitted.

### Standard Conditions:

- 27. 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.
- 28. The Zoning Code Map Amendment, 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.

- 29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
- 36. 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**

- 37. <u>Codes in Effect</u>: The proposed project shall fully comply with the 2022 Edition of Title 24, the California Building Standards Code, as adopted and amended by the City of Riverside, or the version of these codes in effect at the time a building permit application is filed.
- 38. <u>Separate Permits Required</u>: Where installation is required, a separate plan review and permit application must be submitted directly to the fire department for each of the following improvements:
  - a. Underground piping for private fire water supply (Fire Underground);
  - b. Automatic Fire Sprinkler System (Fire Overhead);
  - c. Fire Alarm/or Sprinkler Monitoring System; and
  - d. Gas Detection System
- 39. <u>Fire Sprinkler System & Sprinkler Monitoring</u>: An automatic fire sprinkler system meeting the requirements of the California Building Code and National Fire Protection Administration Standard 13 will be required. Fire sprinkler system monitoring by a Central Station will also be required.
- 40. <u>Carbon Dioxide Gas Detection System</u>: For insulated liquid carbon dioxide systems used in beverage dispensing applications with more than 100 pounds of Carbon Dioxide a gas detection system with visual and audible notification is required.

## Parks, Recreation & Community Services – Park Planning

- 41. Prior to lot consolidation, developer shall make payment of all applicable Park Development Impact fees (regional/reserve and trail fees) for all recorded ROW.
- 42. Prior to Building Permit Issuance, developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

### Police Department

### <u>Alcohol</u>

- 43. The business shall follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as an off-sale premise.
- 44. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
- 45. No single units of beer shall be sold. Beer shall only be sold in three packs or larger prepackaged lots.
- 46. No displays of beer or wine/liquor shall be located within five feet of the store's entrance, windows, or checkout counter.
- 47. 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.

### <u>Security</u>

- 48. 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.
- 49. 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.

- 50. Installation of a security camera surveillance system consisting of the latest high-definition video technologies with the minimum requirement of having the ability to save recorded video for a thirty-day period and which shall also be made immediately available to the Riverside Police Department upon request. An on-sight manager shall have working knowledge on how to retrieve video when requested by Riverside Police Department
- 51. Management shall actively participate in Business Watch through the Riverside Police Department.

### <u>Entertainment</u>

- 52. There shall be no illegal gambling devices, such as coin-pushers or video slot machines, etc., maintained upon the premises at any time.
- 53. 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".

### <u>Grounds</u>

- 54. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
- 55. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises over which they have control.
- 56. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
- 57. If tobacco is to be sold on the premises, a Tobacco Retail Establishment Permit shall be obtained. Riverside Municipal Code 6.24

### <u>Compliance</u>

- 58. The licensee/employees shall attend a License, Education, Alcohol and Drugs (LEAD) class and Responsible Beverage Service (RBS) training, both of which are presented by the Department of Alcoholic Beverage Control within 90 days of obtaining an ABC sales license.
- 59. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department in the enforcement of all laws relating to this permit. The violation of any laws in connection with this use or failure to cooperate with the Riverside Police Department will be cause for revocation.
- 60. A copy of the Conditional Use Permit and the Conditions of Approval shall be available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement upon request.
- 61. 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.

#### Public Utilities – Electric

- 62. Developer will be responsible for reservicing power to 3464 Van Buren Boulevard.
- 63. 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.

- 64. The provision of utility easements, water, streetlights, and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.
- 65. Easements & any associated fees will be acquired during the design process.
- 66. 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.
- 67. 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, and stub & cap along property frontage. Contact RPU for information on private street lighting.
- 68. Plot existing electrical distribution facilities on the original site plan.
- 69. The circuit in this area has been recently flagged. This circuit does not have the capacity to add any new load. Any necessary circuit improvements, and their associated costs, to bring power to the site will be the responsibility of the customer.
- 70. Provide proposed PJC and transformer locations.
- 71. Provide E-sheets reflecting estimated load. Show location, size, and voltage of proposed switchgears on site plan.
- 72. Developer must notify RPU at least 4 weeks in advance of any removals prior to demolition phase. A separate application and design deposit may be collected depending on the scope.
- 73. Contact <u>ElectricDevelopment@riversideca.gov</u> for new RPU Electric Customer AutoCAD File Requirements.

### Public Utilities – Water

- 74. Project is required to install a separate dedicated water meter for landscape irrigation.
- 75. New water service installations are processed under a separate plan and permit submitted directly to the Public Utilities Department. Water plan must be submitted prior to issuance of building permit.

### Public Works – Land Development

Conditions to be fulfilled prior to occupancy unless otherwise noted

- 76. 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.
- 77. Installation of sewer lateral to serve this project to Public Works specifications. Sewer to be private all the way to main line connection.
- 78. Removal and Replacement of sub-standard/damaged existing street improvements along property frontage to Public Works Specifications.
- 79. Size, number and location of driveways to Public Works specifications.
- 80. Closure of unused driveway(s) to Public Works specifications.
- 81. On site plan, provide linear footage labels, clearly marked, along all parcel lines. plant 24inch box size Cupaniopsis Anacardiodes in public right-of-way along Primerose Drive. One tree in cutout near the corner and two more trees in parkway to the west. Typical spacing 25-feet on center. Prior to any planting, email Tree Inspector at gtanaka@riversideca.gov, to schedule inspection for Tree Inspector to determine precise locations at time of

scheduled site inspection after fine grading and hardscape installation is complete. Planting, staking, irrigation, root barriers, trunk protectors, to Landscape and Forestry specifications.

- 82. Trash enclosures required per public works specifications. Project is required to use the City of Riverside franchise hauler Athens Services for waste disposal or recycling.
- 83. 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.

- 84. 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:
  - a. 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;
  - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
  - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
  - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
  - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
- 85. 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.
- 86. 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.

- 87. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
  - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
  - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.
- 88. Modification of existing access restrictions along Van Buren required prior to building permit issuance.

### Public Works – Traffic Division

- 89. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements:
  - a. Construct a stop sign (R1-1), stop bar, stop legend, at the Project Driveways. Stop signs must conform to City Standard 664 and the stop bar and legend must conform to the City standard 650.
  - b. Intersection of Van Buren Boulevard and Andrew Street/ Primrose Drive:
    - i. Install yellow retro-reflective signal backplates to all existing vehicular signal heads.
    - ii. Restripe the existing eastbound left turn lane to provide approximately 140feet storage as shown on the "Exhibit 1-5: Conceptual Plan" in the traffic study.
    - iii. Install approximately 82'of red curb on the north side of Primrose Drive to accommodate the proposed eastbound left turn lane extension improvement as shown on the "Exhibit 1-5: Conceptual Plan" in the traffic study.
  - c. Project Driveway @ Van Buren Boulevard:
    - i. The project driveway will allow right turn-in and right turn out only. Hence, the project shall install right turn only pavement marking symbol and associated "R3-5R" signage at the project's entry ways on Van Buren Boulevard.
    - ii. The project driveway will not allow ingress movements for the delivery/commercial trucks (WB-40) to enter the site. Project shall install appropriate signage indicating no access for commercial trucks.

All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards and should be per City of Riverside, Public Works requirements. The applicant shall hire a contractor to complete the work. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage and striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvements.

90. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks

shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.

91. Signing & striping improvement plans and traffic signal modification plans shall be shown as separate design plans signed by a licensed civil or traffic engineer and completed to the satisfaction of the Director of Public Works.



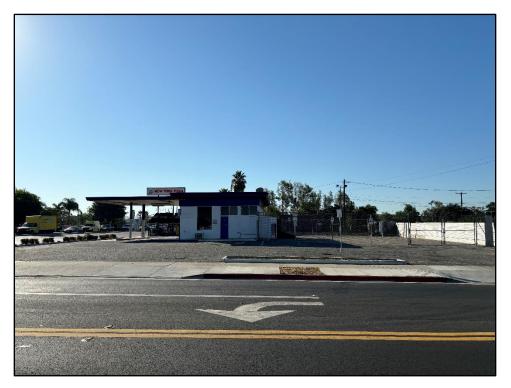
Looking northwest at the project site, from Van Buren Boulevard.



Looking west at the project site from Van Buren Boulevard.



Looking southwest across the project site, from Van Buren Boulevard.



Looking south at the project site, from Primrose Drive.



Exhibit 4 - Location Map

NORTH

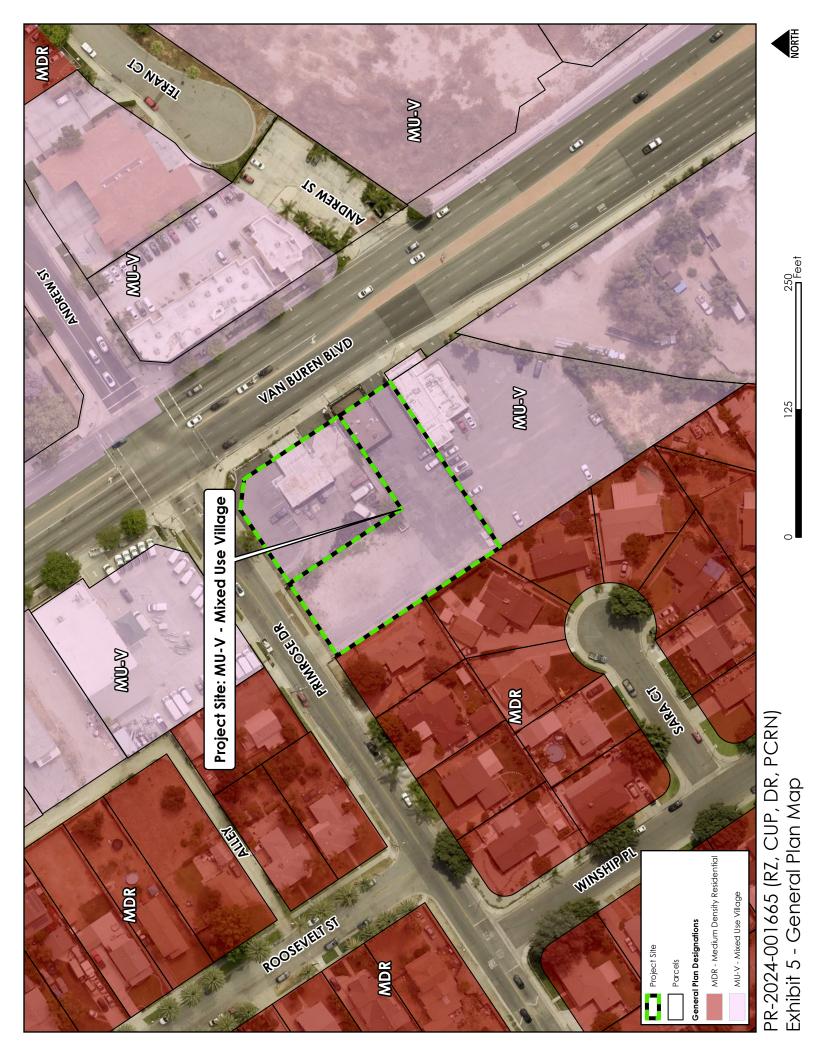








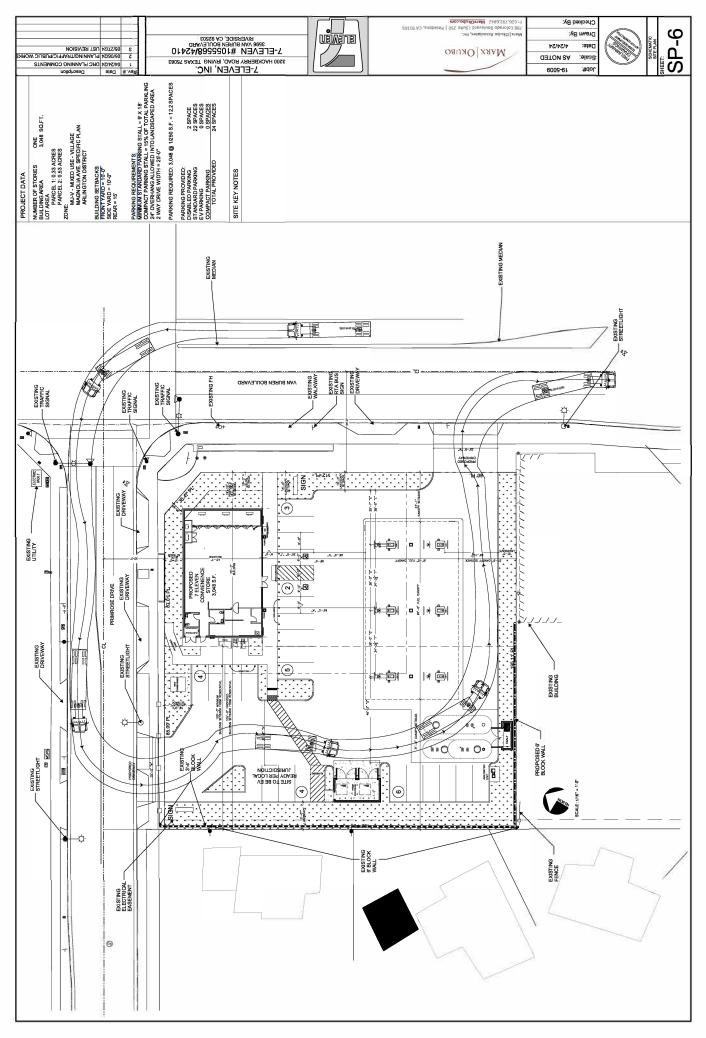
Exhibit 7 - Existing and Proposed Zoning Map PR-2024-001665 (RZ, CUP, DR, PCRN)

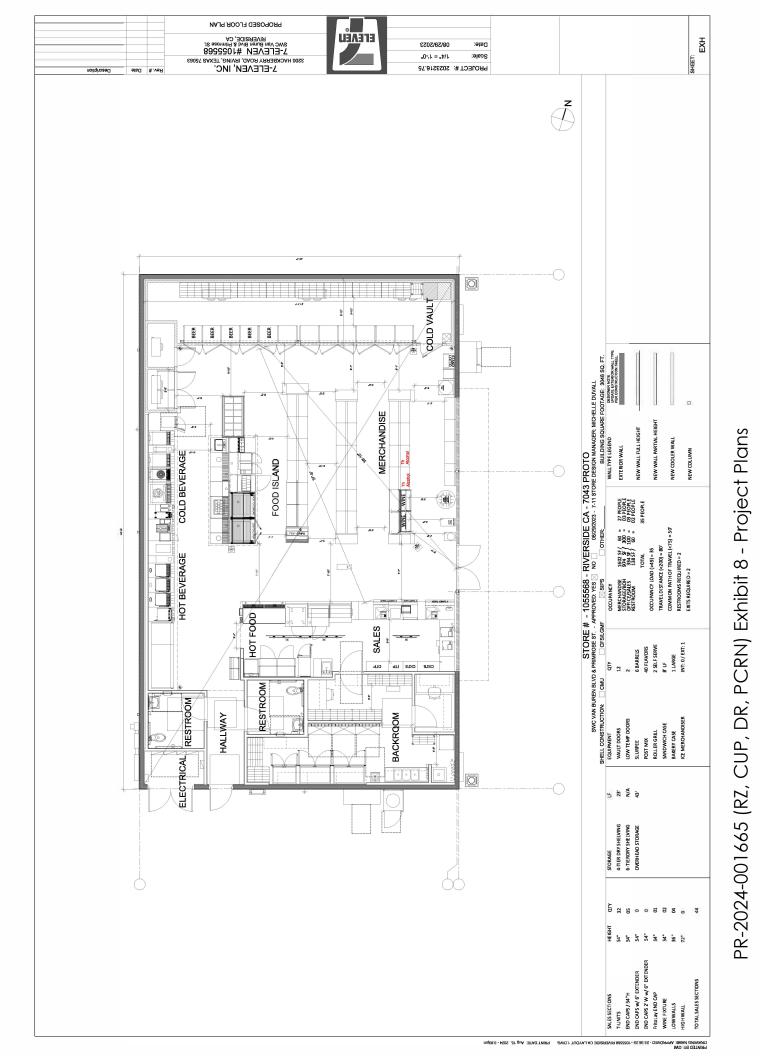
**PROPOSED** 

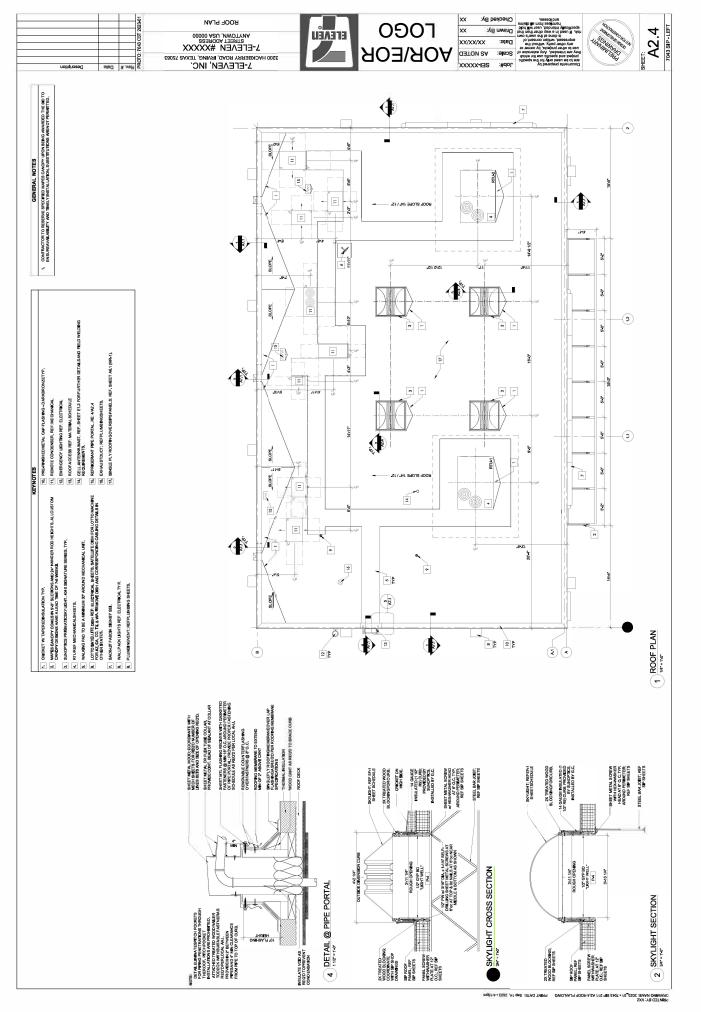
NORTH

250 ∎Feet

125







PR-2024-001665 (RZ, CUP, DR, PCRN) Exhibit 8 - Project Plans