



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 5, 2024

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 5
DEPARTMENT

SUBJECT: PLANNING CASE PR-2024-001665 ZONING CODE MAP AMENDMENT, CONDITIONAL USE PERMIT, DESIGN REVIEW, AND PUBLIC CONVENIENCE AND NECESSITY – A REQUEST BY MIKE SADEGHIAN OF AMCMAG, LLC TO CONSIDER THE FOLLOWING ENTITLEMENTS TO FACILITATE THE CONSTRUCTION OF A VEHICLE FUEL STATION WITH A 3,048 SQUARE FOOT CONVENIENCE STORE (7-ELEVEN), WITH THE OFF-SALE OF ALCOHOL: 1) 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; 2) CONDITIONAL USE PERMIT TO PERMIT A VEHICLE FUELING STATION AND OFF-SALE OF ALCOHOL (TYPE 20 BEER AND WINE); 3) DESIGN REVIEW OF PROJECT PLANS; AND 4) PUBLIC CONVENIENCE OR NECESSITY (PCRN) TO ALLOW FOR AN OVER CONCENTRATION OF OFF-SALE ALCOHOL LICENSES IN CENSUS TRACT 316.01 – LOCATED AT 3570 AND 3596 VAN BUREN BOULEVARD, SITUATED ON THE SOUTHWEST CORNER OF VAN BUREN BOULEVARD AND PRIMROSE DRIVE

ISSUE:

Approve Planning Case PR-2024-001665 (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience and Necessity) to facilitate construction of a vehicle fuel station with a 3,048 square foot convenience store (7-Eleven), with the off-sale of alcohol.

RECOMMENDATIONS:

That the City Council:

1. Determine that the proposed 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;
2. Approve Planning Case PR-2024-001665 (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience and Necessity) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions; and
3. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map.

PLANNING COMMISSION RECOMMENDATION:

On September 26, 2024, the Planning Commission recommended City Council approve Planning Case PR-2024-001665 (Zoning Code Map Amendment, Conditional Use Permit, Design Review, and Public Convenience and Necessity), by a vote of 9 ayes, 0 noes, and 0 absent (Attachments 2, 3, and 4).

BACKGROUND:

The 0.85-acre project site is comprised of two contiguous parcels, developed with two commercial buildings.

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.

DISCUSSION:

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

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 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 7-Eleven convenience store only located at 9580 Magnolia Avenue.

Rezone Request

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 6th Cycle Housing Element and identified for Moderate Income residential units, for the City's Regional Housing Needs Allocation (RHNA).

On September 17, 2024 the City Council approved 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) to facilitate 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 proposal for the mixed-use project included upzoning the property from commercial to residential, which yielded 388 dwelling units for the City's residential capacity.

With the approval of the mixed-use project, 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. 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 for the Housing Element.

STRATEGIC PLAN ALIGNMENT:

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. Community Trust: 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. Equity: The proposed project will provide a service available to all residents and visitors of the City.
3. Fiscal Responsibility: All fiscal responsibility for the proposed project is borne by the applicant.
4. Innovation: The proposed project has been designed to be sensitive to the adjacent residential uses.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes.

FISCAL IMPACT:

There is no impact as all project costs are borne by the applicant.

Prepared by:	Candice Assadzadeh, Senior Planner
Approved by:	Jennifer Lilley, Community & Economic Development Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant City Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Jack Liu, Interim City Attorney

Attachments:

1. Ordinance Amending the Zoning Code
2. Planning Commission Report and Exhibits – September 26, 2024
3. Planning Commission Recommended Conditions – September 26, 2024
4. Planning Commission Minutes – September 26, 2024
5. Applicant Prepared Technical Studies (Air Quality, Energy, and Greenhouse Gas Emissions Impact Analysis; Biological Assessment; Noise Impact Analysis; Phase I Environmental Site Assessment; Phase II Environmental Site Assessment; and Traffic Analysis)
6. Presentation