

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 14, 2008


SUBJECT: CHANGE OF ZONE NO. 7260 / CONDITIONAL USE PERMIT NO. 3320 REVISED PERMIT NO. 1 – CEQA EXEMPT – Applicant: Fayez Sedrak – Engineer / Representative: Dick Evitt - First Supervisorial District – North Perris Zoning Area – Mead Valley Area Plan: Community Development: Commercial Retail (CD-CR) (0.20 - 0.35 Floor Area Ratio) – Location: Southeasterly corner of the intersection at Cajalco Expressway and Harvill Avenue – 1.60 Gross Acres - Zoning: Manufacturing-Service Commercial (M-SC) - REQUEST: The Change of Zone proposes to change the project's current zoning classification from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S). The Conditional Use Permit is a proposal to approve the use of liquor sales for off-site consumption within an existing gas station and convenience store.

RECOMMENDED MOTION:

The Planning Department recommended Denial; and,
THE PLANNING COMMISSION RECOMMENDED:

APPROVAL of **CHANGE OF ZONE NO. 7260**, amending the zoning classification from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S), in accordance with Exhibit #2, based upon the findings and conclusions incorporated in the staff report; pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,

DENIAL of **CONDITIONAL USE PERMIT NO. 3320 REVISED PERMIT NO. 1**, based upon the findings and conclusion incorporated in the staff report.


Ron Goldman
Planning Director

RG:db

REVIEWED BY EXECUTIVE OFFICE

DATE 10/20/08
Tina Grande
Departmental Concurrence

Policy Policy
Consent Consent
Dept't Recomm.: Per Exec. Ofc.:

Prev. Agn. Ref.

District: First

Agenda Number:

16.2

**PLANNING COMMISSION
MINUTE ORDER JUNE 14, 2006
RIVERSIDE MEETING**

I. AGENDA ITEM 5.2: CHANGE OF ZONE NO. 7260 / CONDITIONAL USE PERMIT NO. 3320 REVISED PERMIT NO. 1 – Applicant: Fayez Sedrak – Engineer/Representative: Dick Evitt - First Supervisorial District - North Perris Zoning District - North Perris Area Plan: Community Development: Commercial Retail (CD-CR)(.20-.35 Floor Area Ratio) – Location: Southerly of Messenia Ln., northerly of Dree Cir., and easterly of Harvill Ave. - 2.25 Gross Acres - Zoning: Manufacturing - Service Commercial (M-SC) – APN: 339-190-005. (Legislative)

II. PROJECT DESCRIPTION

The Change of Zone proposes to change the existing zone of Manufacturing – Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S) and the Conditional Use Permit proposes to revise Conditional Use Permit No. 3320 to allow for hard liquor sales in addition to the current beer and wine sales at an existing convenience store.

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner: Kim Tran, Ph: (951) 955-2217 or E-mail at ktran@rctlma.org.

The following spoke in favor of the subject proposal:

Fayez Sedrak, Applicant, 2337 Norco Drive, Norco, Ca, Ca 92860

Dick Evitt, Applicant's Representative, 5905 Wincliff Drive, Riverside, Ca 92509

No one spoke in, opposition to or neutral of the subject proposal.

IV. CONTROVERSIAL ISSUES

Liquor sales inconsistent with Ordinance 348.

V. PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 4-0, (Commissioner Porras absent), recommended to the Board of Supervisors;

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7260**, from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S), based on the findings and conclusions in the staff report; and

DENIAL of **CONDITIONAL USE PERMIT NO. 3320R1**, based upon the findings and conclusions incorporated in the staff report.

VI. TAPES

The entire discussion of this agenda item can be found on Tape No. 1A and 1B. For a copy of the tapes, please contact Sophia Nolasco, Planning Commission Secretary, at (951) 955-3251 or E-mail at snolasco@rctlma.org.

Agenda Item No.:
Area Plan: Mead Valley
Zoning District / Area: North Perris Area
Supervisory District: First
Project Planner: Kimberlin Tran
Board of Supervisors:

Change of Zone No. 07260
Conditional Use Permit No. 03320R1
E.A. Number: 40590
Applicant: Fayez Sedrak
Engineer/Rep.: Dick Evitt

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Change of Zone No. 7260 is a proposal to amend the current zoning classification of the subject property from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S).

Conditional Use Permit No. 3320R1 is a proposal to approve the use of liquor sales for off-site consumption within an existing gas station and convenience store.

Project Location: This project is located within the Mead Valley Area Plan of Western Riverside County. More specifically, this project is located at the southeasterly corner of the intersection at Cajalco Expressway and Harvill Avenue.

BACKGROUND:

This project proposal was submitted to the Planning Department on December 21, 2005. Upon initial staff review, it was determined that this project is inconsistent with Riverside County Ordinance No. 348. More specifically, the use of liquor sales for off-site consumption within an existing gas station and convenience store is not a permitted use within the proposed Scenic Highway Commercial (C-P-S) zone.

Additionally, this project was previously heard at the June 14, 2006 Planning Commission hearing with a Planning Staff recommendation of DENIAL for the conditional use permit as well as the change of zone, based on project's inconsistencies with the zoning ordinance.

The Planning Commission found that while the conditional use permit was not consistent with the zoning ordinance, the change of zone proposal was consistent with the existing gas station, convenience store and fast-food use.

ISSUES OF POTENTIAL CONCERN:

Within the Scenic Highway Commercial (C-P-S) zone, Riverside County Ordinance No. 348 permits "liquor stores pursuant to the provisions of Section 18.14 (Alcoholic Beverage Sales)" (Section 9.50.b(24)). The Ordinance also permits "gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption" (Section 9.50.b(22)) and "convenience stores, including the sale of motor vehicle fuel" (Section 9.50.b(23)).

The current use of: a) a gasoline service station, with the concurrent sale of beer and wine for off-premises consumption, and, b) convenience store, including the sale of motor vehicle fuel, is in compliance with Sections 9.50.b(22) and 9.50.b(23) or Ordinance No. 348. However, the proposal to add the use of liquor sales for off-site consumption, in conjunction with the concurrent sale of motor vehicle fuel, is prohibited under Ordinance No. 348, without variance or exceptions. Additionally, findings and conclusions to support approval of the project cannot be made.



SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|--|
| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Vacant to the north, south, east and west. |
| 3. Existing Zoning (Ex. #2): | Manufacturing-Service Commercial (M-SC). |
| 4. Surrounding Zoning (Ex. #2): | M-SC to the north, south, east and west. |
| 5. General Plan: | Land Use: Commercial / Retail (CR). |
| 6. Project Data: | Total Acreage: 1.60 gross acres
Total Proposed Lots: 1
Total Parking Spaces: 56
Total Landscaping Area: 8,203 s.f. (12% of site)
Proposed Min. Lot Size: N/A |
| 7. Environmental Concerns: | CEQA Exempt per Section 15162. |

PLANNING COMMISSION RECOMMENDATIONS:

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7260**, from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S), based on the findings and conclusions in the staff report; and

DENIAL of **CONDITIONAL USE PERMIT NO. 3320R1**, based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The Planning Commission concludes that the proposed use of liquor sales for off-site consumption is incompatible with policies of the General Plan (LU-11 and LU-12).
2. The Planning Commission concludes that the proposed zone change is compatible with policies of the General Plan (LU-11 and LU-12).
3. The Planning Commission concludes that the proposed use of liquor sales for off-site consumption is inconsistent with the proposed Scenic Highway Commercial (C-P-S) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
4. The Planning Commission concludes that the proposed zone change to Scenic Highway Commercial (C-P-S) is consistent with the General Plan.
5. The Planning Commission concludes that the proposed zone change to Scenic Highway Commercial (C-P-S) is consistent with the existing gas station, convenience store and fast-food restaurant on-site.
6. The Planning Commission concludes that the public's health, safety, and general welfare are not protected through the proposed use of liquor sales for off-site consumption.

7. The Planning Commission concludes that the proposed use of liquor sales for off-site consumption is not compatible with the present and future logical development of the Mead Valley Area Plan.
8. The Planning Commission concludes that the proposed change of zone is compatible with the present and future logical development of the Mead Valley Area Plan.
9. The Planning Commission concludes that the proposed use of liquor sales for off-site consumption will have a significant effect on the environment.
10. The Planning Commission concludes that the proposed zone change will not have a significant effect on the environment.
11. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).
12. The project proposal is exempt from CEQA pursuant to section 15162- Subsequent EIRs and Negative Declarations.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The Planning Commission finds that the proposed use of liquor sales for off-site consumption does not advance the General Plan goals of achieving a balanced mixture of land uses and is therefore incompatible with the General Plan.
2. The Planning Commission finds that the proposed change of zone does advance the General Plan goals of achieving a balanced mixture of land uses and is therefore incompatible with Riverside County Ordinance No. 348.
3. The Planning Commission finds that the proposed liquor sales for off-site consumption, with the concurrent sale of motor vehicle fuel, is not permitted within the C-P-S zone.
4. The Planning Commission finds that the proposed liquor sales use does not protect public health, safety and welfare due to the project's incompatibility and inconsistency with Land Use Elements LU 23.1 and LU 23.9 of the General Plan.
5. The Planning Commission finds that the proposed liquor sales use is not compatible with the present and future logical development of the area due to its close proximity to an interstate highway and commercial center.
6. The project site is designated Commercial Retail on the Mead Valley Area Plan.
7. The project site is surrounded by properties which are designated Light Industrial to the north and east. To the south and west is commercial retail.
8. The proposed zoning for the subject site, Scenic Highway Commercial (C-P-S), is consistent with the Commercial Retail designation of the Mead Valley Area Plan.

9. The project site is surrounded by properties which are zoned M-SC to the north, south, east and west.
10. This project is not located within a Criteria Cell Unit of the Riverside County Multi-Species Habitat Conservation Plan.
11. This project is not subject to the Habitat Acquisition and Negotiation Strategy (HANS) process.
12. This project is not subject to the Joint Project Review (JPR), which is conducted by the Regional Conservation Agency (RCA) for cases that are subject to the HANS process.
13. This project is located within the City Sphere of Influence for the City of Perris. The City of Perris has not been notified of this project and has not commented on this project.
14. A mitigated negative declaration to Environmental Assessment (EA) No. 38059 was adopted on February 06, 2001 for Conditional Use Permit No. 3320. A determination has been made that although the proposed project could have a significant effect on the environment nothing further is required because all potentially significant effects (a) have been adequately analyzed in an earlier EA, with a Mitigated Negative Declaration pursuant to applicable legal standards and (b) have been avoided or mitigated pursuant to that earlier EA, including revisions or mitigation measures that are imposed upon the proposed project.
15. Since a mitigated negative declaration was adopted for Conditional Use Permit No. 3320, and since (1) no substantial changes are proposed in the project previously approved; (2) no substantial changes with respect to the circumstances under which the project was undertaken have occurred; and (3) no new information of substantial importance has arisen since the negative declaration was adopted, therefore pursuant to Section 15162 of the CEQA Guidelines, the proposed project is exempt from CEQA.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition of the project proposal have been received.
2. The project site is not located within:
 - a. A Development Agreement Area;
 - b. A Fault Zone,
 - c. A FEMA Flood Plain;
 - d. A High Fire Area;
 - e. A Tribal Land;
 - f. An Agriculture Preserve; or,
 - g. An MSHCP Criteria Cell.
3. The project site is located within:
 - a. A Community Center Overlay Area;
 - b. Lighting Ordinance Area No. 655;
 - c. An area of very low liquefaction potential;
 - d. The City of Perris sphere of influence;
 - e. The Eastern Municipal Water District;
 - f. The March Air Reserve Base Influence Area;

- g. The Mead Valley Redevelopment Area;
- h. The San Jacinto Valley Watershed;
- i. The Stephen's Kangaroo Rat Fee Area; and,
- j. The Val Verde Unified School District.

4. The subject site is currently designated as Assessor's Parcel Number 317-110-028.

KT: kt
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Date Prepared: 05/22/06
Date Revised: 07/07/06

Agenda Item No.: 5.2
Area Plan: Mead Valley
Zoning District / Area: North Perris Area
Supervisory District: First
Project Planner: Kimberlin Tran
Planning Commission: June 14, 2006

Change of Zone No. 07260
Conditional Use Permit No. 03320R1
E.A. Number: 40590
Applicant: Fayez Sedrak
Engineer/Rep.: Dick Evitt

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Change of Zone No. 7260 is a proposal to amend the current zoning classification of the subject property from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S).

Conditional Use Permit No. 3320R1 is a proposal to approve the use of liquor sales for off-site consumption within an existing gas station and convenience store.

Project Location: This project is located within the Mead Valley Area Plan of Western Riverside County. More specifically, this project is located at the southeasterly corner of the intersection at Cajalco Expressway and Harvill Avenue.

BACKGROUND:

This project proposal was submitted to the Planning Department on December 21, 2005. Upon initial staff review, it was determined that this project is inconsistent with Riverside County Ordinance No. 348. More specifically, the use of liquor sales for off-site consumption within an existing gas station and convenience store is not a permitted use within the proposed Scenic Highway Commercial (C-P-S) zone.

ISSUES OF POTENTIAL CONCERN:

Within the Scenic Highway Commercial (C-P-S) zone, Riverside County Ordinance No. 348 permits "liquor stores pursuant to the provisions of Section 18.14 (Alcoholic Beverage Sales)" (Section 9.50.b(24)). The Ordinance also permits "gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption" (Section 9.50.b(22)) and "convenience stores, including the sale of motor vehicle fuel" (Section 9.50.b(23)).

Currently, the project is in compliance with Sections 9.50.b(22) and 9.50.b(23). However, as this project does not propose a liquor store use, the use of liquor sales for off-site consumption is not permitted. The project's proposal for the sale of liquor, for off-site consumption, in conjunction with the concurrent sale of motor vehicle fuel, is prohibited under Ordinance No. 348, without variance or exceptions. Additionally, it is not possible for Planning Staff to make appropriate findings and conclusions.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|---|
| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Vacant to the north, south, east and west. |
| 3. Existing Zoning (Ex. #2): | Manufacturing-Service Commercial (M-SC). |
| 4. Surrounding Zoning (Ex. #2): | M-SC to the north, south, east and west. |
| 5. General Plan: | Land Use: Commercial / Retail (CR). |
| 6. Project Data: | Total Acreage: 1.60 gross acres
Total Proposed Lots: 1
Total Parking Spaces: 56 |



Total Landscaping Area: 8,203 s.f. (12% of site)
Proposed Min. Lot Size: N/A

7. Environmental Concerns:

CEQA Exempt per Section 15270.

RECOMMENDATIONS:

DENIAL of **CHANGE OF ZONE NO. 7260**, from Manufacturing-Service Commercial (M-SC) to Scenic Highway Commercial (C-P-S), based on the findings and conclusions in the staff report; and

DENIAL of **CONDITIONAL USE PERMIT NO. 3320R1**, based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is incompatible with concepts of the General Plan (LU-11 and LU-12).
2. The proposed use is inconsistent with the proposed Scenic Highway Commercial (C-P-S) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are not protected through proposed project design.
4. The proposed project is not compatible with the present and future logical development of the Mead Valley Area Plan.
5. Pursuant to the aforementioned conclusions, it cannot be determined at this time if the proposed project will have a significant effect on the environment.
6. The project proposal is exempt from CEQA pursuant to section 15270—Projects Which Are Disapproved.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the attached environmental assessment, which is incorporated herein by reference.

1. The proposed project does not advance the General Plan goals of achieving a balanced mixture of land uses.
2. The proposed liquor sales, with the concurrent sale of motor vehicle fuel, is not permitted within the C-P-S zone.
3. The proposed liquor sales use does not protect public health, safety and welfare due to the project's incompatibility and inconsistency with Land Use Elements LU 23.1 and LU 23.9 of the General Plan.
4. The proposed liquor sales use is not compatible with the present and future logical development of the area due to its close proximity to an interstate highway and commercial center.

5. The project's proposal to allow liquor sales, with the concurrent sale of motor vehicle fuel, is incompatible with the General Plan and Riverside County Ordinance No. 348.
6. The project's proposal of liquor sales, with the concurrent sale of motor vehicle fuel, may have the potential to negatively and significantly affect the environment. Without further information and study, this effect cannot be determined at this time.
7. The project site is designated Commercial Retail on the Mead Valley Area Plan.
8. The project site is surrounded by properties which are designated Light Industrial to the north and east. To the south and west is commercial retail.
9. The proposed zoning for the subject site is Scenic Highway Commercial (C-P-S).
10. The project site is surrounded by properties which are zoned M-SC to the north, south, east and west.
11. This project is not located within a Criteria Cell Unit of the Riverside County Multi-Species Habitat Conservation Plan.
12. This project is not subject to the Habitat Acquisition and Negotiation Strategy (HANS) process.
13. This project is not subject to the Joint Project Review (JPR), which is conducted by the Regional Conservation Agency (RCA) for cases that are subject to the HANS process.
14. This project is located within the City Sphere of Influence for the City of Perris.
15. This project will create "spot zoning" of C-P-S zoning within existing M-SC zoning.
16. The project proposal meets the criteria for exemption pursuant to CEQA section 15270—Projects Which Are Disapproved. CEQA does not apply to projects which a public agency rejects or disapproves.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition of the project proposal have been received.
2. The project site is not located within:
 - a. A Development Agreement Area;
 - b. A Fault Zone,
 - c. A FEMA Flood Plain;
 - d. A High Fire Area;
 - e. A Tribal Land;
 - f. An Agriculture Preserve; or,
 - g. An MSHCP Criteria Cell.
3. The project site is located within:
 - a. A Community Center Overlay Area;
 - b. Lighting Ordinance Area No. 655;

- c. An area of very low liquefaction potential;
- d. The City of Perris sphere of influence;
- e. The Eastern Municipal Water District;
- f. The March Air Reserve Base Influence Area;
- g. The Mead Valley Redevelopment Area;
- h. The San Jacinto Valley Watershed;
- i. The Stephen's Kangaroo Rat Fee Area; and,
- j. The Val Verde Unified School District.

4. The subject site is currently designated as Assessor's Parcel Number 317-110-028.

KT: kt

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Date Prepared: 05/22/06

Date Revised: 05/23/06

CZ07260 CUP03320R1 VICINITY MAP

Supervisor Buster
District 1

DATE DRAWN: 5/24/06

Planner: Kim Tran
Date: 6/14/06
Exhibit 5



REGULATIONS: See Ordinance 7-2001, The County of Riverside's Public Works Code of Plan
The information on this map is for informational purposes only. It is not intended to be used for
any other purpose. Please contact the Riverside County Planning Department for more information.
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RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone North Perris
Area: T4SR4W
Township/Range: T4SR4W
Section: 12



ASSESSORS 317-11
BK. PG. THOMAS 777 D2
BROS.PG

Supervisor Buster
District 1

DATE DRAWN 5/24/06

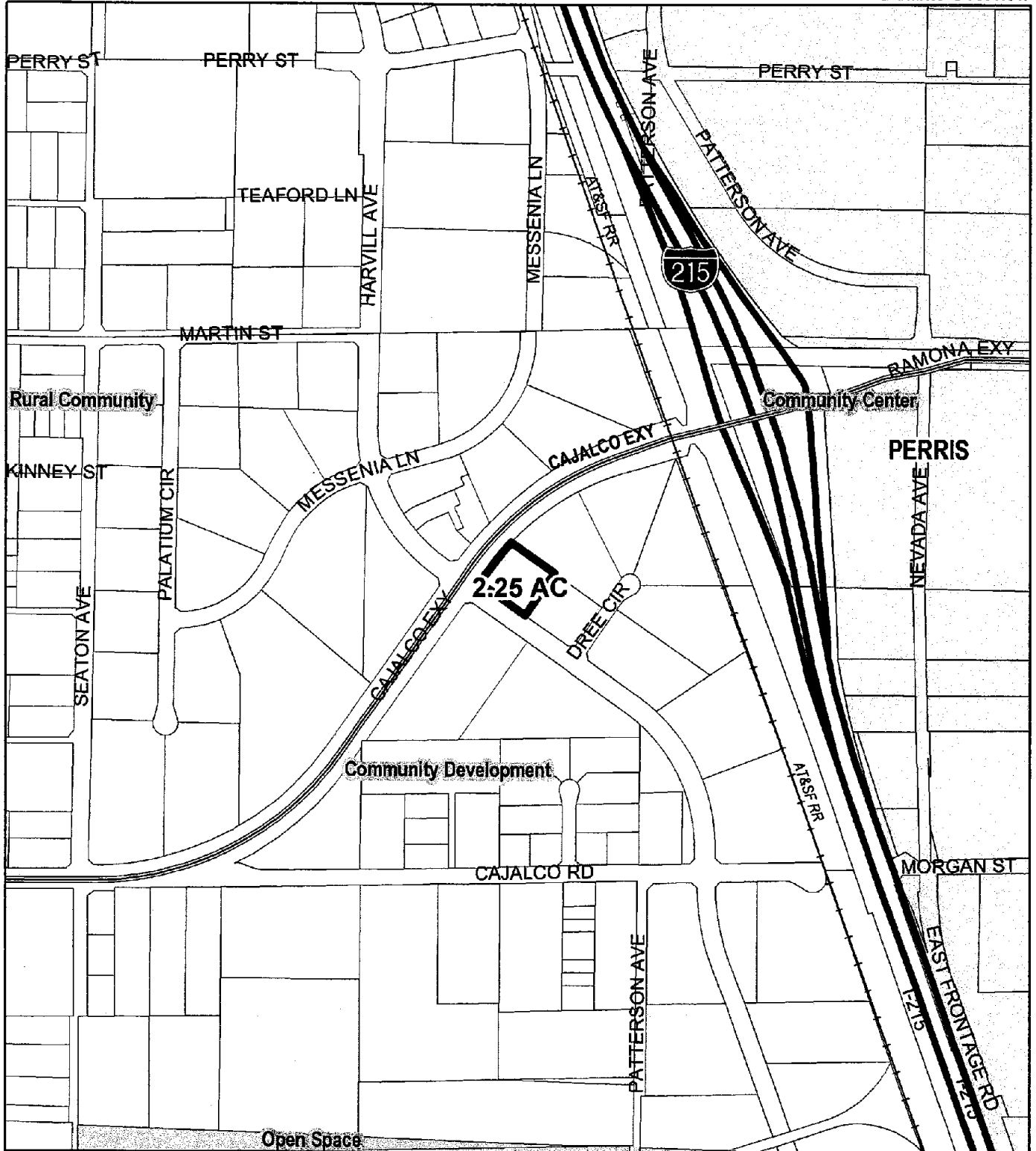
CZ07260 CUP03320R1

DEVELOPMENT OPPORTUNITY

Planner: Kimberlin Tran

Date: 6/14/06

Exhibits Overview

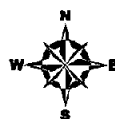


RIVERSIDE COUNTY PLANNING DEPARTMENT

Area Plan: **North Perris**

Township/Range: **T4SR4W**

SECTION: **12**



ASSESSORS
BK. PG. 317-11
THOMAS 777 D2
BROS.PG

Supervisor Buster
District 1

DATE DRAWN: 5/24/06

CZ07260 CUP03320R1

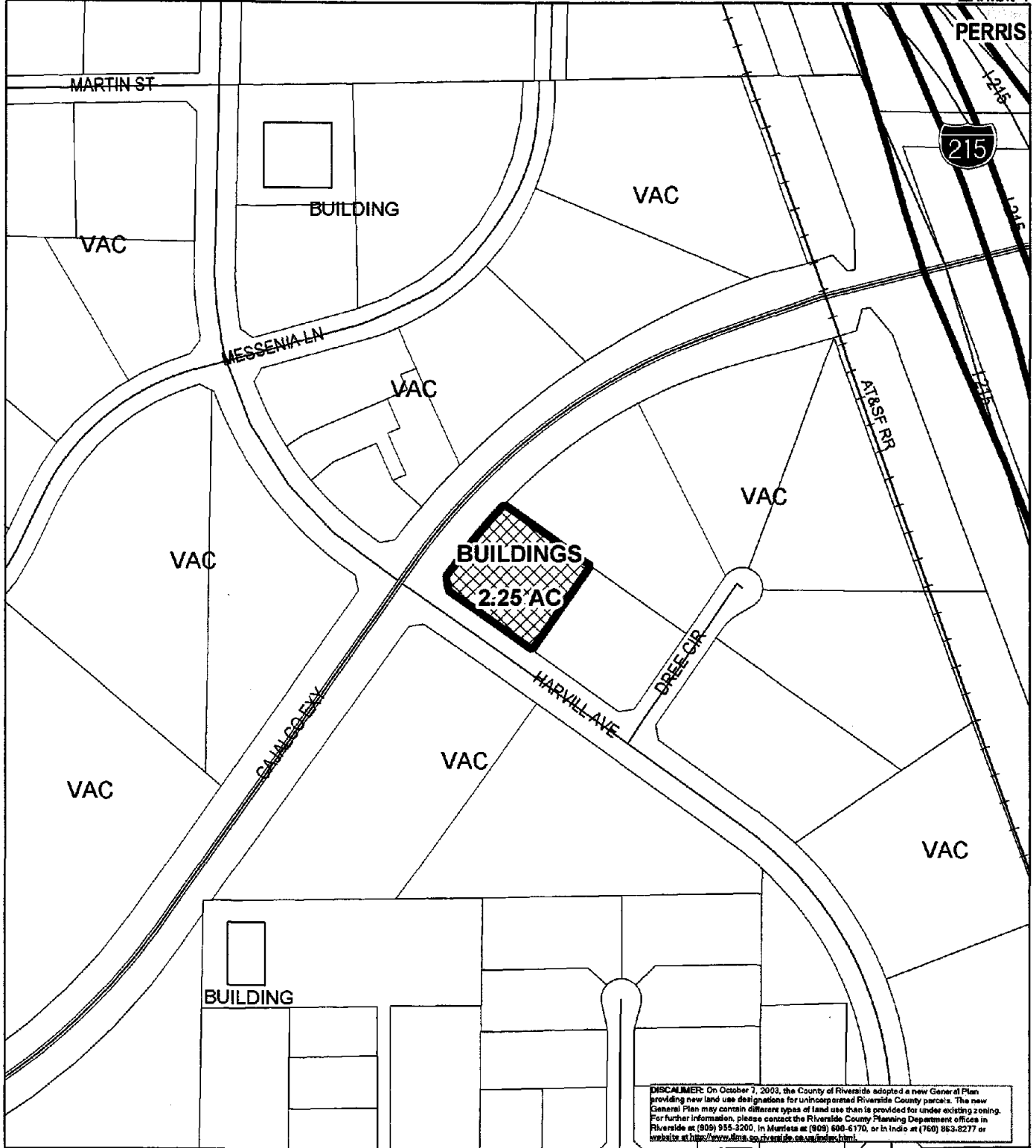
Land Use

Planner: Kim Tran

Date: 6/14/06

Exhibit 1

PERRIS



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murietta at (909) 600-6170, or in Indio at (760) 863-8277 or <http://www.riverside.ca.gov/planning/development/index.html>.

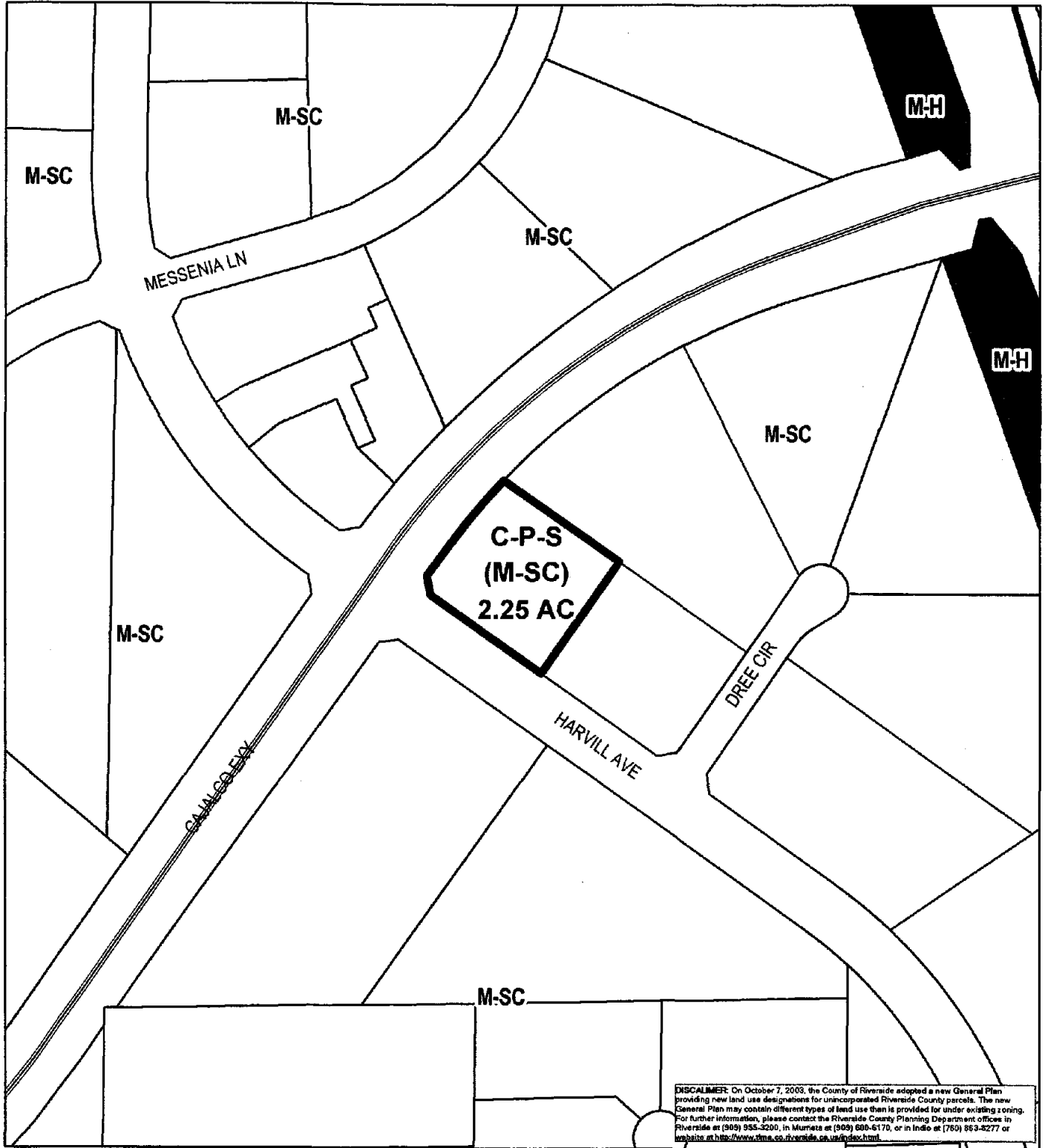
RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: **North Perris**
Township/Range: T4SR4W
Section : 12



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CZ07260 CUP03320R1
PROPOSED ZONING



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: **North Perris**
Township/Range: T4SR4W
Section : 12



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Supervisor Buster
District 1

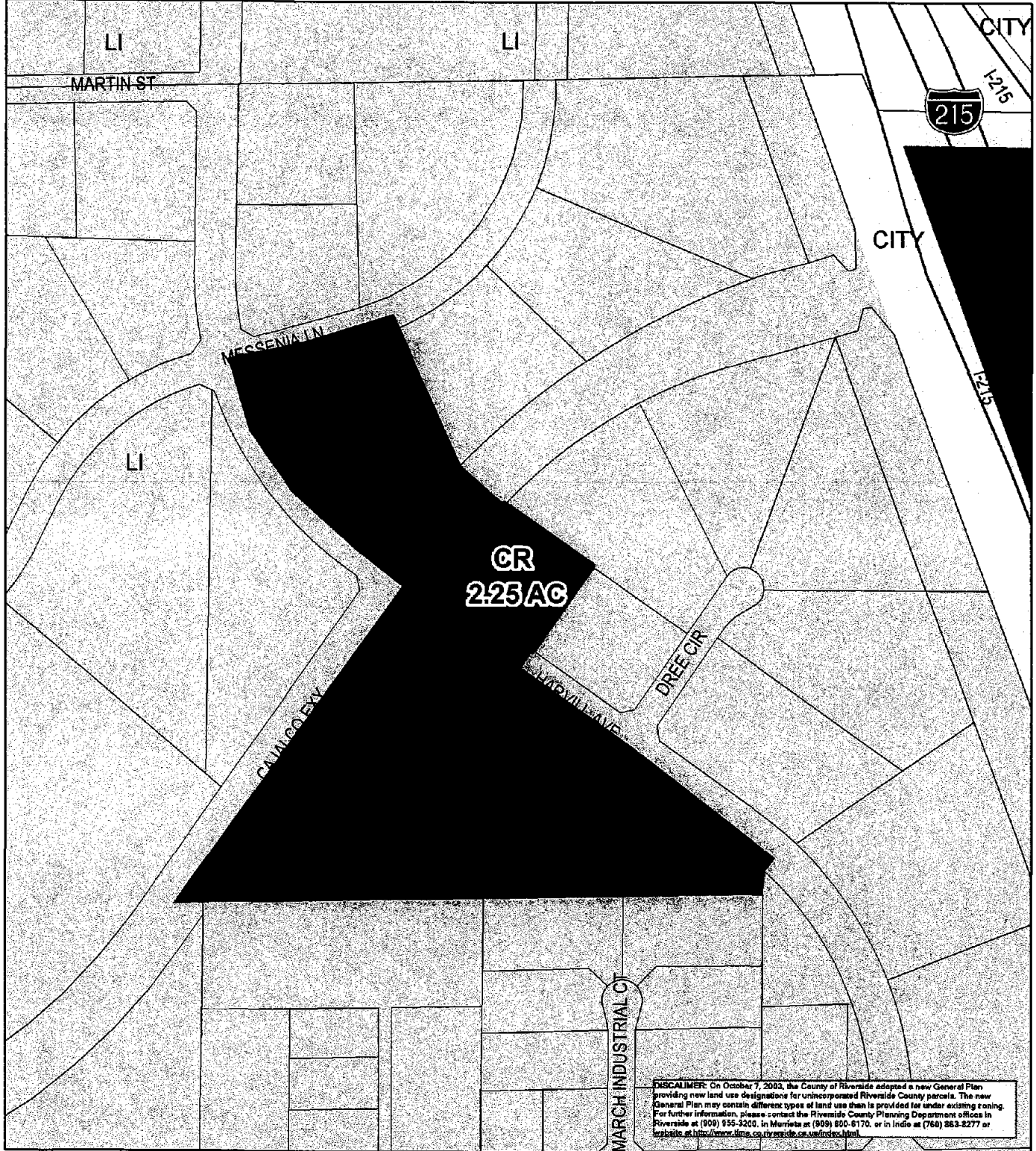
DATE DRAWN: 5/24/06

CZ07260 CUP03320R1 General Plan

Planner: Kimberlin Tran

Date: 6/14/06

Exhibit 5



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 800-6170, or in Indio at (760) 863-8277 or website at <http://www.sdmr.dtime.co.riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: North Perris

Township/Range: T4SR4W

Section : 12



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