

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



ITEM: 21.3
(ID # 18088)

MEETING DATE:

Tuesday, January 25, 2022

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CHANGE OF ZONE NO. 2100131 (CZ2100131), Ordinance No. 348.4978 – No New Environmental Documentation Required - Applicant: County of Riverside – All Supervisorial Districts – Various Zoning Districts – All Area Plans – Various Land Use Designations – Location: Countywide – N/A Gross Acres – Zoning: Various Zones – REQUEST: Change of Zone No. 2100131 (CZ2100131) proposes an amendment to Ordinance No. 348 (Land Use Ordinance) to correct a recent modification to the permitted uses within the Mixed Use (MU) zone. This recent modification was through CZ1900012 and included a number of changes to the Mixed Use (MU) zone, including the removal of “Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption” as a permitted use with a Conditional Use Permit. The current CZ2100131 proposes to include “Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption” as a permitted use with a Conditional Use Permit again. All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that **NO NEW ENVIRONMENTAL DOCUMENT IS REQUIRED** because all potentially significant effects on the environment have been adequately analyzed in the previously certified ENVIRONMENTAL IMPACT REPORT NO. 548, pursuant to applicable legal standards, and have been avoided or mitigated, pursuant to that earlier EIR, and none of the conditions described in the State CEQA Guidelines Section 15162 exist based on the findings and conclusions set forth herein; and
2. **ADOPT Ordinance No. 348.4978** associated with **Change of Zone No. 2100131**, to modify the text of Ordinance No. 348 Section 9.86.C.11, based upon the findings and conclusions provided in the staff report.

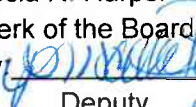
ACTION:Policy


John Hildebrand, Planning Director 1/19/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 348.4978 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: January 25, 2022
xc: Planning, Co. Co., MC/COBAB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Riverside County General Funds 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

CZ1900012 included a number of changes to the Mixed Use (MU) zone, including the removal of “Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption” as a permitted use with a Conditional Use Permit. CZ1900012 and Ordinance No. 348.4950 were adopted on March 2, 2021. The current CZ2100131 proposes to re-introduce “Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption” as a permitted use with a Conditional Use Permit for the MU zone again.

Some of the original intent behind excluding this specific use from the Mixed Use (MU) zone was that in a traditional mixed-use development where residential uses are closely mixed with non-residential uses that a gas station may present potential nuisance and safety concerns for residents. However, the type of development that has been proposed and approved in the County’s Mixed Use (MU) zone has not been a typical mixed-use design with vertical integration of residential and non-residential uses. Instead, development on Mixed Use (MU) sites have varied and has primarily been horizontal mixed use with residential component on a portion of a particular development and non-residential on a separate portion. Based on these real world development experiences, it has been determined by staff that in many circumstances a gas station may be an appropriate use within the Mixed Use (MU) zone when adequate separation is provided and supported through technical reports and mitigation provided when necessary. Therefore, staff is proposing through the Change of Zone to provide the potential for a gas station use through a Conditional Use Permit where circumstances exist to make the necessary findings for a Conditional Use Permit that the use would not be detrimental to the health, safety, or general welfare of the community. So, while gas stations may ultimately be determined to not be appropriate in certain circumstances, the Change of Zone provides the option for them where appropriate and provide discretion to the Planning Commission to approve or not.

The alternative to the Change of Zone would be to prohibit gas stations within the Mixed Use (MU) zone based on the current adopted Ordinance No. 348. The Mixed Use (MU) zone does exist in many different areas of the County, including along major roadways where gas stations are commonly found and may be desired to be developed.

The Board of Supervisors initiated this Change of Zone on December 7, 2021.

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

On January 5, 2022, the Planning Commission voted 4-0 in favor of recommending approval to the Board of Supervisors.

Impact on Residents and Businesses

All potentially significant effects of the proposed inclusion of “Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption” as a permitted use with a Conditional Use Permit on the environment have been adequately analyzed, pursuant to applicable legal standards, and have been avoided or mitigated pursuant to an earlier EIR for the 2016 Housing Element. Additionally, none of the conditions described in the State CEQA Guidelines Section 15162 exist based on the findings and conclusions set forth herein; and therefore, no Further Environmental Documentation Required, pursuant to State CEQA Guidelines Section 15162.

Additional Fiscal Information

This Change of Zone is County initiated and is funded by the Planning Department’s General Fund allocation. The funding for this Change of Zone is included in the department’s approved budget for FY 21/22. No new General Fund is requested for this project.

ATTACHMENTS:

- A. PLANNING COMMISSION MINUTES**
- B. PLANNING COMMISSION STAFF REPORT**
- C. ORDINANCE NO. 348.4978**



Jason Farin, Principal Management Analyst 1/20/2022



Gregory H. Priamos, Director County Counsel 1/12/2022

1 ORDINANCE NO. 348.4978

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 348

4 RELATING TO ZONING

5
6 The Board of Supervisors of the County of Riverside, ordains as follows:

7 Section 1. Subsection C.11. of Section 9.86. of Ordinance No. 348 is amended to read
8 as follows:

9 "11. Motor vehicle fuel service stations, with or without the concurrent sale of
10 beer and wine for off-premises consumption"

11 Section 2. The existing subsections C.11. through C.13. of Section 9.86. of Ordinance
12 No. 348 are renumbered C.12. through C.14. respectively.

13 Section 3. This ordinance shall take effect thirty (30) days after its adoption.
14

15 BOARD OF SUPERVISORS OF THE COUNTY
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: 
18 Chairman

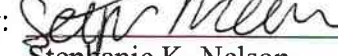
JEFF HEWITT

19 ATTEST:
20 CLERK OF THE BOARD
21 Kecia Harper

22 By: 
23 Deputy

24 (SEAL)

25 APPROVED AS TO FORM
26 January 12, 2022

27 By: 
28 Stephanie K. Nelson
Deputy County Counsel

JAN 25 2022 213


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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 25, 2022, the foregoing ordinance consisting of 3 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: January 25, 2022

KECIA R. HARPER
Clerk of the Board
BY: 
Deputy

SEAL



PART OF THE USA TODAY NETWORK

PO Box 23430
Green Bay, WI 54305-3430
Tel: 760-778-4578 / Fax 760-778-4731
Email: legals@thedesertsun.com

PROOF OF PUBLICATION

**STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof of the following issue dates, to wit:

01/15/2022

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 18th of January 2022 in Green Bay, WI, County of Brown.

DECLARANT

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE IN VARIOUS ZONING DISTRICTS, COUNTYWIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, January 25, 2022 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Commission's recommended approval of Change of Zone No. 2100131 and Ordinance No. 348.4978. Change of Zone No. 2100131 (CZ2100131) proposes an amendment to Ordinance No. 348 (Land Use Ordinance) to correct a recent modification to the permitted uses within the Mixed Use (MU) zone. This recent modification was through CZ1900012 and included a number of changes to the Mixed Use (MU) zone, including the removal of "Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption" as a permitted use with a Conditional Use Permit. The current CZ2100131 proposes to include "Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption" as a permitted use with a Conditional Use Permit again. The project is located Countywide.

The Planning Commission recommends that the Board of Supervisors Find that No New Environmental Document Is Required, Approve Change of Zone No. 2100131, and Adopt Ordinance No. 348.4978.

On January 5, 2022 the Planning Commission approved staff recommendation to the Board of Supervisors by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <https://planning.rctim.a.org/Public-Hearings>.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT RUSSELL BRADY, CONTRACT PLANNER, AT (951)-955-3025 OR EMAIL RBRADY@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: January 10, 2022
Kecia R. Harper, Clerk of the Board

By: Zuly Martinez, Board Assistant
Published: 1/15/2022

RECEIVED RIVERSIDE COUNTY CLERK/BOARD OF SUPERVISORS

2022 JAN 31 AM 10:42

TUma-planning
Item 21.3
Jan. 25, 2022

**NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE IN VARIOUS ZONING DISTRICTS, COUNTYWIDE**

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The Planning Commission recommends that the Board of Supervisors **Find that No New Environmental Document Is Required, Approve Change of Zone No. 2100131, and Adopt Ordinance No. 348.4978.**

On January 5, 2022 the Planning Commission approved staff recommendation to the Board of Supervisors by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <https://planning.rctim.a.org/Public-Hearings>.

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Dated: January 10, 2022
Kecia R. Harper, Clerk of the Board

By: Zuly Martinez, Board Assistant
Published: 1/15/2022

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: ACR - CZ2100131 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

01/15/2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: January 15, 2022
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011512195-01

P.O. Number:

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE IN VARIOUS ZONING DISTRICTS, COUNTYWIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, January 25, 2022 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Commission's recommended approval of **Change of Zone No. 2100131 and Ordinance No. 348.4978**. Change of Zone No. 2100131 (CZ2100131) proposes an amendment to Ordinance No. 348 (Land Use Ordinance) to correct a recent modification to the permitted uses within the Mixed Use (MU) zone. This recent modification was through CZ1900012 and included a number of changes to the Mixed Use (MU) zone, including the removal of "Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption" as a permitted use with a Conditional Use Permit. The current CZ2100131 proposes to include "Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption" as a permitted use with a Conditional Use Permit again. The project is located Countywide.

The Planning Commission recommends that the Board of Supervisors **Find that No New Environmental Document is Required, Approve Change of Zone No. 2100131, and Adopt Ordinance No. 348.4978.**

On January 5, 2022 the Planning Commission approved staff recommendation to the Board of Supervisors by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <https://planning.rctlma.org/Public-Hearings>.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT RUSSELL BRADY, CONTRACT PLANNER, AT (951)-955-3025 OR EMAIL RBRADY@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Commission or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

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Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: January 10, 2022

Kecia R. Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant

Press-Enterprise: 1/15

1/25/22
Planning
Item 21.3

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of Ord. 348.4978 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

02/05/2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: February 05, 2022
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011516178-01

P.O. Number:

Ad Copy:

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

ORDINANCE NO. 348.4978 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Subsection C.11. of Section 9.86, of Ordinance No. 348 is amended to read as follows:

"11. Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption"

Section 2. The existing subsections C.11. through C.13. of Section 9.86. of Ordinance No. 348 are renumbered C.12. through C.14. respectively.

Section 3. This ordinance shall take effect thirty (30) days after its adoption.

J. Hewitt, Chair of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **January 25, 2022**, the foregoing Ordinance consisting of three (3) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant

Press-Enterprise: 2/05

Planning
Item 21-3
1/25/2022

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

CLERK / BOARD OF SUPERVISORS
2022 APR 14 PM 10:23

Receipt #: 22-13152

State Clearinghouse # (if applicable): _____

Lead Agency: CLERK OF THE BOARD OF SUPERVISORS Date: 01/11/2022

County Agency of Filing: RIVERSIDE Document No: E-202200014

Project Title: NOTICE OF PUBLIC HEARING CHANGE OF ZONE NO. 2100131 AND ORDINANCE NO. 348.4978

Project Applicant Name: CLERK OF THE BOARD OF SUPERVISORS Phone Number: _____

Project Applicant Address: 4080 LEMON STREET 1ST FLOOR, RIVERSIDE, CA 92502

Project Applicant: LOCAL PUBLIC AGENCY

CHECK APPLICABLE FEES:

- Environmental Impact Report
 - Negative Declaration
 - Application Fee Water Diversion (State Water Resources Control Board Only)
 - Project Subject to Certified Regulatory Programs
 - County Administration Fee
 - Project that is exempt from fees (DFG No Effect Determination (Form Attached))
 - Project that is exempt from fees (Notice of Exemption)
- Total Received \$0.00

Signature and title of person receiving payment: C. Sandral Deputy

Notes:

1/25/22 21.3
2022-4-152542




Lead Agency: CLERK OF THE BOARD OF SUPERVISORS
ATTN: ZULY MARTINEZ
Address: 4080 LEMON STEET, 1ST FL
RIVERSIDE, CA. 92502

FILED / POSTED

County of Riverside
Peter Aldana
Assessor-County Clerk-Recorder

E-202200014
01/11/2022 10:39 AM Fee: \$ 0.00
Page 1 of 2

Removed: *4/11/22* By: *Lizzy Sanger* Deputy


Project Title

NOTICE OF PUBLIC HEARING - CONDITIONAL USE PERMIT 190033 AND
DEVELOPMENT AGREEMENT NO. 1900021

Filing Type

- Environmental Impact Report
- Mitigated/Negative Declaration
- Notice of Exemption
- Other: NOTICE OF PUBLIC HEARING

Notes

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE IN VARIOUS ZONING DISTRICTS, COUNTYWIDE

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The Planning Commission recommends that the Board of Supervisors **Find that No New Environmental Document Is Required, Approve Change of Zone No. 2100131, and Adopt Ordinance No. 348.4978.**

On January 5, 2022 the Planning Commission approved staff recommendation to the Board of Supervisors by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <https://planning.rctlma.org/Public-Hearings>.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT RUSSELL BRADY, CONTRACT PLANNER, AT (951)-955-3025 OR EMAIL RBRADY@RIVCO.ORG.

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Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: January 10, 2022

Kecia R. Harper, Clerk of the Board
By: Zuly Martinez, Board Assistant