

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



ITEM: 1.4
(ID # 18599)

MEETING DATE:
Tuesday, March 22, 2022

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: RECEIVE AND FILE THE PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 200018 (CUP200018), TENTATIVE PARCEL MAP NO. 37850 (TPM37850) – Applicant: Salmanco, LP – Marwan Alabbasi – Engineer/Representative: Albert A. Webb Associates – First Supervisorial District – Good Hope Zoning Area – Mead Valley Area Plan – General Plan: Community Development: Mixed Use Area (CD: MUA) – Location: Northwesterly of State Highway 74, southerly of 7th Street, northerly of Ellis Avenue, southeasterly of Clayton Street – 15.61 Gross Acres – Zoning: Mixed Use (MU) – REQUEST: The Conditional Use Permit is a proposal to develop 6 buildings totaling approximately 28,485 square feet on 15.61 gross acres. Two buildings are proposed for restaurants with drive-thrus, two buildings for retail, one building for a convenience store, and one building for a drive-thru car wash. Two fuel canopy structures are proposed at 5,720 sq. ft. and 3,420 sq. ft. The Conditional Use Permit is also a proposal to permit the sale of beer and wine for off-site consumption associated with the convenience store and gas station use proposed. The Tentative Parcel Map is a proposal for a Schedule "E" subdivision of 15.61 gross acres into 7 lots. – APNs: 326-240-079, 326-250-040. District 1. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **RECEIVE AND FILE** the Planning Commission Notice of Decision for the above referenced case acted on by the Planning Commission on March 2, 2022.

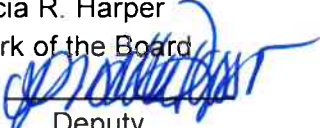
ACTION: Consent


John Hildebrand, Planning Director 3/9/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 22, 2022
xc: Planning

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: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

CONDITIONAL USE PERMIT NO. 200018 is a proposal to develop 6 buildings totaling approximately 28,485 square feet on 15.61 gross acres. Two buildings are proposed for restaurants with drive-thrus, two buildings for retail, one building for a convenience store, and one building for a drive-thru car wash. Two fuel canopy structures are proposed at 5,720 sq. ft. and 3,420 sq. ft. The Conditional Use Permit is also a proposal to permit the sale of beer and wine for off-site consumption associated with the convenience store and gas station use proposed.

TENTATIVE PARCEL MAP NO. 37850 is a proposal for a Schedule "E" subdivision of 15.61 gross acres into 7 lots. 5 of the lots would be utilized for the Conditional Use Permit and the commercial uses it proposes. 2 of the lots are planned for future residential development. Grading would be proposed on the entire project area.

Application Submittal

Conditional Use Permit No. 200018 and Tentative Parcel Map No. 37850 were submitted to the County of Riverside on July 20, 2020.

Planning Commission Decision

The Planning Commission approved the Conditional Use Permit and Tentative Parcel Map on March 2, 2022 on a 5-0 vote.

Board Action

The Planning Commission's decision is final and no action by the Board of Supervisors is required unless the Board assumes jurisdiction by ordering the matter set for a future noticed public hearing, or the applicant or an interested person files a complete appeal application within 10 days of this notice appearing on the Board's agenda.

Impact on Citizens and Businesses

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

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

SUPPLEMENTAL:

Additional Fiscal Information

All fees are paid by the applicant, there is no General Fund obligation.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. **Planning Commission Minutes**
- B. **Planning Commission Staff Report Package**



Jason Farin Principal Management Analyst 3/15/2022



RIVERSIDE COUNTY PLANNING DEPARTMENT

MINUTE ORDER

RIVERSIDE COUNTY PLANNING COMMISSION - MARCH 2, 2022

COUNTY ADMINISTRATIVE CENTER

1st FLOOR, BOARD CHAMBERS, 4080 LEMON STREET, RIVERSIDE, CA 92501

I. AGENDA ITEM NO. 4.2

CONDITIONAL USE PERMIT NO. 200018 and TENTATIVE PARCEL MAP NO. 37850 - Intent to Adopt a Mitigated Negative Declaration – CEQ200049 – Applicant: Salmanco, LP – Marwan Alabbasi – Engineer/Representative: Albert A. Webb Associates – First Supervisorial District – Good Hope Zoning Area – Mead Valley Area Plan – General Plan: Community Development: Mixed Use Area (CD-MUA) – Location: Northwesterly of State Highway 74, southerly of 7th Street, northerly of Ellis Avenue, and southeasterly of Clayton Street – 15.61 Gross Acres – Zoning: Mixed Use (MU).

II. PROJECT DESCRIPTION:

CONDITIONAL USE PERMIT NO. 200018 is a proposal to develop six (6) buildings totaling approximately 28,485 sq. ft. on 15.61 gross acres. Two (2) buildings are proposed for restaurants with drive-thrus, two (2) buildings for retail, one (1) building for a convenience store, and one (1) building for a drive-thru car wash. Two (2) fuel canopy structures are proposed at 5,720 sq. ft. and 3,420 sq. ft. The Conditional Use Permit is also a proposal to permit the sale of beer and wine for off-site consumption associated with the convenience store and gas station use proposed. **TENTATIVE PARCEL MAP NO. 37850** is a proposal for a Schedule "E" subdivision of 15.61 gross acres into seven (7) lots. APN's: 326-240-079 and 326-250-040.

III. MEETING SUMMARY:

Project Planner Russell Brady presented the subject proposal. Contact information: (951) 955-3025; email rbrady@rivco.org.

Chair Leonard opened the Public Hearing.

Spoke in favor:

Marwan Alabbasi, Applicant – agreed to the Conditions of Approval.

Chair Leonard closed the Public Hearing.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Motion by Commissioner Shaffer, Seconded by Commissioner Sanchez, by a vote of 5-0, the Planning Commission took the following actions:

ADOPTED a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT CEQ200049** based on the findings incorporated in the initial study and the conclusion that the Project will not have a significant effect on the environment with the proposed mitigation; and

APPROVED **TENTATIVE PARCEL MAP NO. 37850**, subject to the advisory notification document and modified conditions of approval; and

APPROVED **CONDITIONAL USE PERMIT NO. 200018**, subject to the advisory notification document and modified conditions of approval.

Boydd, April

From: Link, Cheryl
Sent: Monday, March 21, 2022 4:03 PM
To: COB
Subject: FW: CORRECTION BOS Meeting March 22, 2022 Agenda Item 1.4 CUP 200018 TPM 37850 - RB8 Comments

Importance: High

Good Afternoon:

Please see the comments below received for March 22, 2022 BOS Agenda Item 1.4 (CUP200018/TPM37850).

Thank you,

Cheryl Link, Planning Commission Secretary

Transportation and Land Management Agency - Planning Department
County of Riverside | 4080 Lemon Street, 12th Floor, Riverside, CA 92501
clink@rivco.org | (951) 955-7436



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From: Beeson, Susan@Waterboards <susan.beeson@waterboards.ca.gov>
Sent: Monday, March 21, 2022 2:21 PM
To: Hildebrand, John <JHildebr@RIVCO.ORG>; Brady, Russell <rbrady@RIVCO.ORG>; Link, Cheryl <CLink@Rivco.org>
Cc: Mistica, Michael <MMistica@RIVCO.ORG>; Reyes, Greg <GJReyes@RIVCO.ORG>; jjohnson@rivco.org; Perez, Michael@Waterboards <Michael.Perez@waterboards.ca.gov>; Lara, Julio@Waterboards <Julio.Lara@waterboards.ca.gov>; Sturdivant, Ann@Waterboards <Ann.Sturdivant@waterboards.ca.gov>; Bushnell, Brandon@Waterboards <Brandon.Bushnell@Waterboards.ca.gov>
Subject: CORRECTION BOS Meeting March 22, 2022 Agenda Item 1.4 CUP 200018 TPM 37850 - RB8 Comments
Importance: High

CAUTION: This email originated externally from the **Riverside County** email system. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

BOS Agenda Item 1.4 CUP 20018, TPM 37850, March 22, 2022

To Whom It May Concern,

We would not agree to allowing a multiuse commercial project (CUP 200018, TPM 37850, gas station, car wash, restaurants, retail) to be served by Onsite Wastewater Treatment Systems without being provided a "Sewer Feasibility Study".

There is a proliferation of septic systems within Riverside County and to continue to allow such usage without any method of mitigation will degrade groundwater. Our non-support for moving forward on this commercial project without a "Sewer Feasibility Study" is based on a 1989 study that Santa Ana Water Board staff completed,(see: [A Review](#)

of the Nitrate Problems in the Ground Waters of the Santa Ana Region and Their Relationship to High Density Developments on Septic Tank-Subsurface Disposal Systems).

Phase 2 of this project has been conditioned on obtaining Eastern Municipal Water District sewer service. Phase 1 of this project should also be conditioned on obtaining sewer service.

Sincerely,

Michael Perez, P.E.
Water Resource Control Engineer
Santa Ana Regional Water Quality Control Board

Susan Beeson
RWQCB8 – Santa Ana Region
3737 Main St, Ste 500
Riverside, CA 92501
(951) 782-4902 direct
(951) 782-4130 office



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

4.2

(ID # 17441)

MEETING DATE:

Wednesday, March 02, 2022

SUBJECT: CONDITIONAL USE PERMIT NO. 200018 (CUP200018), TENTATIVE PARCEL MAP NO. 37850 (TPM37850) – Intent to Adopt a Mitigated Negative Declaration - CEQ200049 – Applicant: Salmanco, LP – Marwan Alabbasi – Engineer/Representative: Albert A. Webb Associates – First Supervisorial District – Good Hope Zoning Area – Mead Valley Area Plan – General Plan: Community Development: Mixed Use Area (CD: MUA) – Location: northwesterly of State Highway 74, southerly of 7th Street, northerly of Ellis Avenue, and southeasterly of Clayton Street – 15.61 Gross Acres – Zoning: Mixed Use (MU) – REQUEST: The Conditional Use Permit is a proposal to develop six (6) buildings totaling approximately 28,485 sq. ft. on 15.61 gross acres. Two (2) buildings are proposed for restaurants with drive-thrus, two (2) buildings for retail, one (1) building for a convenience store, and one (1) building for a drive-thru car wash. Two (2) fuel canopy structures are proposed at 5,720 sq. ft. and 3,420 sq. ft. The Conditional Use Permit is also a proposal to permit the sale of beer and wine for off-site consumption associated with the convenience store and gas station use proposed. The Tentative Parcel Map is a proposal for a Schedule “E” subdivision of 15.61 gross acres into seven (7) lots. APNs: 326-240-079, 326-250-040. Project Planner: Russell Brady at (951) 955-3025 or email at RBrady@rivco.org.

PROPOSED PROJECT

Case Number(s):	CUP200018, TPM37850
Environmental Type:	Mitigated Negative Declaration
Area Plan No.	Mead Valley
Zoning Area/District:	Good Hope Area
Supervisorial District:	First District
Project Planner:	Russell Brady
Project APN(s):	326-240-079, 326-250-040
Continued From:	

John Hildebrand
John Hildebrand, Planning Director 2/23/2022

PROJECT DESCRIPTION AND LOCATION

CONDITIONAL USE PERMIT NO. 200018 is a proposal to develop 6 buildings totaling approximately 28,485 square feet on 15.61 gross acres. Two buildings are proposed for restaurants, each with a drive-thru, two buildings for retail, one building for a convenience store, and one building for a drive-thru car wash. Two fuel canopy structures are proposed at 5,720 sq. ft. and 3,420 sq. ft. The Conditional Use Permit is also a proposal to permit the sale of beer

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and wine for off-site consumption associated with the convenience store and gas station use proposed.

TENTATIVE PARCEL MAP NO. 37850 is a proposal for a Schedule "E" subdivision of 15.61 gross acres into seven lots. Five of the lots would be utilized for the Conditional Use Permit and the commercial uses it proposes. Two of the lots are planned for future residential development. Grading would be proposed on the entire Project area.

The description as included above and as further detailed in the Initial Study/Mitigated Negative Declaration constitutes the "Project" as further referenced in this staff report.

The overall Project is located Northwesterly of State Highway 74, southerly of 7th Street, northerly of Ellis Avenue, southeasterly of Clayton Street.

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS:

ADOPT a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT CEQ200049** based on the findings incorporated in the initial study, attached hereto, and the conclusion that the Project will not have a significant effect on the environment with the proposed mitigation incorporated;

APPROVE **TENTATIVE PARCEL MAP NO. 37850**, subject to the attached advisory notification document and conditions of approval, and based upon the findings and conclusions provided in this staff report; and

APPROVE **CONDITIONAL USE PERMIT NO. 200018**, subject to the attached advisory notification document and conditions of approval and based upon the findings and conclusions provided in this staff report.

PROJECT DATA

Land Use and Zoning:

Specific Plan:	N/A
Specific Plan Land Use:	N/A
Existing General Plan Foundation Component:	Community Development

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Proposed General Plan Foundation Component:	N/A
Existing General Plan Land Use Designation:	Mixed Use Area
Proposed General Plan Land Use Designation:	N/A
Policy / Overlay Area:	Highway 74 Perris Policy Area
Surrounding General Plan Land Uses	
North:	Mixed Use Area (MUA)
East:	Mixed Use Area (MUA)
South:	Mixed Use Area (MUA)
West:	Highest Density Residential (HHDR)
Existing Zoning Classification:	Mixed Use (MU)
Proposed Zoning Classification:	N/A
Surrounding Zoning Classifications	
North:	Mixed Use (MU)
East:	Mixed Use (MU)
South:	Mixed Use (MU)
West:	Highest Density Residential (R-7)
Existing Use:	Vacant land
Surrounding Uses	
North:	Single-family residential
East:	Single-family residential, Vacant land
South:	Vacant land
West:	Single-family residential, Vacant land

Project Details:

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	15.61 (gross)	N/A
Proposed Building Area (SQFT):	28,485	N/A
Building Height (FT):	30	75
Proposed Minimum Lot Size:	0.56	N/A
Total Proposed Number of Lots:	7	N/A
Map Schedule:	E	

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<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
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Parking:

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Retail	17,672	1/200 gross floor area	88.36	
Restaurant	9,277 (2,302 serving area)	1/45 serving area	51.15	
TOTAL:			140	163

Located Within:

City's Sphere of Influence:	Yes – City of Perris
Community Service Area ("CSA"):	No
Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	No
Subsidence Area:	No
Fault Zone:	No
Fire Zone:	No
Mount Palomar Observatory Lighting Zone:	Yes, Zone B
WRCMSHCP Criteria Cell:	No
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat ("SKR") Fee Area:	Yes
Airport Influence Area ("AIA"):	Yes, Perris Valley Airport and March Air Reserve Base

PROJECT BACKGROUND AND ANALYSIS

Background:

Mixed Use Land Use Designation and Housing Element

The Project site is located within a Mixed Use land use designation that is the result of the site's inclusion in the Housing Element housing inventory, specifically the Highway 74 – 7th Street/Ellis Avenue Neighborhood as identified in the Mead Valley Area Plan. This neighborhood requires

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each development provide for 30% Highest Density Residential (HHDR). As part of the Tentative Parcel Map the Project sets aside a 7.59-acre area in the western portion of the site to be developed in the future for HHDR development. This 7.59 acres represents approximately 50% of the overall Project site; thus, it more than meets the 30% requirement of HHDR. Currently, HHDR development is not feasible based on the lack of domestic sewer service in the area.

The Initial Study/Mitigated Negative Declaration prepared for the Project includes analysis based on a potential for 230 multi-family units on the western portion of the site in anticipation of that future development upon availability of sewer service and under separate permit. When such residential development is proposed, the details of that proposal and its specific environmental impacts would be compared to the impact analysis of the current Initial Study/Mitigated Negative Declaration for a determination of whether additional CEQA analysis or documentation is necessary or not. However, as stated, the Initial Study/Mitigated Negative Declaration discussed the entirety of the Project, including the commercial/retail and residential uses for the overall site.

Wastewater Service

The currently proposed commercial development is anticipated to be served by onsite septic systems since domestic sewer service is not available in the area. The Riverside County Department of Environmental Health has reviewed the proposal and has determined that it may be feasible to adequately serve the proposed commercial/retail uses with onsite septic systems. This will ultimately be determined with the septic system permits and the specific uses they will serve at building permit stage. The Project is conditioned that if wastewater flows exceed 10,000 gallons per day that it would require Regional Water Quality Control Board (RWQCB) Clearance. If RWQCB clearance is not obtained, then the Project will be required to extend sewer service to the property to serve the entire Project.

Airport Land Use Commission

The Project is located within the Airport Influence Area of the Perris Valley Airport Zone E and March Air Reserve Base Zone E. On March 9, 2021, the Riverside County Airport Land Use Commission (ALUC) determined that the proposed project is consistent with each Airport Land Use Compatibility Plan subject to recommended conditions of approval that are included in the recommended conditions of approval on the Project.

Application Submittal

Conditional Use Permit No. 200018 and Tentative Parcel Map No. 37850 were submitted to the County of Riverside on July 20, 2020.

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ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The IS/MND represent the independent judgement of Riverside County, acting as the lead agency pursuant to CEQA. The documents were circulated for public review per the CEQA Statute and Guidelines Section 15105. All potentially significant physical environmental impacts were reduced to less than significant with required mitigation measures, incorporated as mandatory conditions of approval.

At the time of preparation of this staff report, no comments have been received on the circulated IS/MND. No new mitigation measures were required and the IS/MND was not recirculated per the State CEQA Guidelines Section 15073.5(c). Therefore, based on the whole of the record, the lead agency has determined that there is no substantial evidence that the Project will have a significant effect on the environment.

FINDINGS AND CONCLUSIONS

In order for the County to approve the proposed Project, the following findings are required to be made:

Land Use Findings:

1. The Project site currently has a Land Use Designation of Community Development: Mixed Use Area (CD:MUA) in the Riverside County General Plan. The MUA designation encourages combinations of business, office, retail, and other commercial uses, community facilities, and residential uses in a single building, on a single site, or on adjacent sites where the uses are integrated and include a functional interrelationship and a coherent physical design. The Project is consistent with the CD:MUA land use designation and other aspects of the General Plan, including the Mead Valley Area Plan, since the Project proposes commercial uses that are described as anticipated uses within the Mixed Use Area land use designation in the General Plan. The Project site is located within a Mixed Use land use designation that is the result of the site's inclusion in the Housing Element housing inventory, specifically the Highway 74 – 7th Street/Ellis Avenue Neighborhood as identified in the Mead Valley Area Plan. As identified in the Mead Valley Area Plan, this neighborhood's mixture of land uses should include commercial and job-producing uses that would serve surrounding neighborhoods by providing shopping and job opportunities. Per Policy MVAP 5.21, this neighborhood requires each development provide for at least 30% Highest Density Residential (HHDR). As part of the Tentative Parcel Map the Project sets aside a 7.59-acre parcel to be developed in the future for HHDR development. This 7.59

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acres represents approximately 48% of the overall Project site, thus it more than meets the 30% requirement of HHDR. At this time HHDR development is not feasible based on the lack of domestic sewer service in the area. Furthermore, Policies MVAP 5.23 and 5.24 are related to the commercial uses of the site and the provision of pedestrian pathways, which the proposed Conditional Use Permit is consistent with.

2. The Project site is located within an Environmental Justice Community as identified in the Healthy Communities Element. Attached to this staff report is a checklist that evaluates the Project's applicability and consistency to the Environmental Justice policies within the General Plan. As is shown in the checklist, the Project is consistent with all applicable policies and therefore is consistent with this component of the General Plan. In particular to note, the project is conditioned to extend the sidewalk along the project frontage northerly to 7th Street as available ROW allows, a contribution of \$16,000 to RTA for an enhanced bus stop shelter along the project frontage that is anticipated to include a public art component, and requiring fresh fruit and vegetables and working with farmers for providing for healthy food options at the convenience store.
3. The Project site is located within the Highway 74 Perris Policy Area as included in the Mead Valley Area Plan. The intent of this policy area is to facilitate the relocation of commercial and industrial uses as a result of widening of Highway 74. This Project is not relocating or the result of relocating commercial or industrial uses within the area so this policy area does not apply to this project.
4. The Project site currently has a Zoning Classification of Mixed Use. This zone specifically allows for a variety of commercial uses including restaurants AND GAS STATIONS WITH SALE OF BEER AND WINE. The Project, with proposed uses including general commercial uses, restaurants, and a gas station with sale of beer and wine, is consistent with Ordinance No. 348 (Land Use) and is an allowable use within the Mixed Use (MU) Zoning Classification, subject to Conditional Use Permit approval. Specific findings relating to the proposed uses, including findings relating to the applicable development standards, are in the following separate sections below.

Entitlement Findings:

Conditional Use Permit

The following findings are required to approve the Conditional Use Permit, pursuant to the provisions of Section 18.28.D of Ordinance No. 348:

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1. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County, as detailed previously in the Land Use findings. As identified in the Land Use findings, the Project site has a General Plan Land Use Designation of Community Development: Mixed Use Area (CD:MUA) and is consistent with this designation and applicable policies of the General Plan. The Project is not located within a Specific Plan.
2. The proposed use will not be detrimental to the health, safety, or general welfare of the community since the Project has been reviewed by various County departments, including Fire, Flood, Environmental Health, Transportation, Building & Safety, and Waste Resources, specifically for these concerns and has received departmental approvals and has been designed and conditioned to protect the health, safety, and general welfare of the community. As detailed in the Project's Initial Study/Mitigated Negative Declaration, all impacts have been reduced to levels that are less than significant. These impacts were analyzed and feasible mitigation incorporated in the Initial Study/Mitigated Negative Declaration and through this Project to reduce these impacts to a less than significant level. Based on the findings included in this staff report, advisory notification document and conditions of approval, the proposed project will not be detrimental to the health, safety or general welfare of the community and is subject to those conditions necessary to protect the health, safety, and general welfare of the community.
3. The proposed use conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property, as current vacant area immediately to the west is planned for high density residential uses that the proposed commercial uses would serve and areas to the north, east, and south are also designated Mixed Use in the General Plan. Existing residential uses in the area were considered in the design of the site to minimize any impacts from the commercial uses. Additionally, the proposed Project would not inhibit development of surrounding areas.
4. The plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof. The Project will provide the necessary additional dedication for Highway 74. The Project has been designed to accommodate, treat, and outlet the existing drainage pattern on the Project site with the proposed storm drain facility to accommodate existing flows that enter the western portion of the site to the existing drainage outlet along Highway 74 that crosses under Highway 74 to the east.

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5. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. The Project includes a Tentative Parcel Map that would generally place each building on its own parcel except for Parcel 1 that would include the gas station with convenience store and car wash.
6. Currently, there are three (3) alcohol beverage control licenses for sale for off-site consumption issued in Census Tract 429.01. Approval of this Conditional Use Permit would increase the number of existing alcohol beverage control licenses to four (4). According to the California State Department of Alcohol Beverage Control (ABC), the maximum number of licenses for off-site consumption for this census tract is four (4) based on the population within this census tract. Approval of this Conditional Use Permit will not exceed the number of typically allowed licenses for a census tract. Therefore, a Determination of Public Convenience and Necessity is not necessary for this Conditional Use Permit based on the current number of licenses and available population estimates.

Tentative Parcel Map

Tentative Parcel Map No. 37850 is a Schedule "E" subdivision to divide 15.61 gross acres into seven parcels. The findings required to approve a Map, pursuant to the provisions of the Riverside County Zoning Ordinance No. 460, are as follows:

1. The proposed map, subdivision design and improvements are consistent with the General Plan, specifically General Plan Principle IV.A.1 which provides that the intent of the General Plan is to foster variety and choice in community development. General Plan Principle I.G encourages efficient use of land by locating more intense development in appropriate areas. The proposed development is located along Highway 74 to serve traffic to and from the site. The commercial uses proposed through the related Conditional Use Permit would provide a focal point for the community and help foster local economic development while limiting impacts and being compatible with the surrounding community. The subdivision is consistent with all development standards of Ordinance No. 348 as is detailed in the following development standards section. The project site is not located within a Specific Plan.
2. The site of the proposed map is physically suitable for the type of development and density because the site is relatively flat and is located along a major roadway that is conducive to

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commercial development that would be fostered by the proposed subdivision. Infrastructure to serve the commercial development including water is readily available. The commercial development is anticipated to be adequately served by on-site septic systems; however, it may require extension of sewer service based on final review and permitting by Environmental Health and Regional Water Quality Control Board at building permit stage. This subdivision is consistent with the proposed General Plan land use designation of Mixed Use as noted in previous findings.

3. The design of the proposed map or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because any development impacts of the parcels have been addressed in the Initial Study/Mitigated Negative Declaration and any potential impacts of development on the proposed parcels have been addressed in these analyses. In particular, the Project is not located within a Multiple Species Habitat Conservation Plan (MSHCP) Criteria Area, Cell Group, or Linkage Area and would not have any significant biological resource impacts. While the Project may impact some riparian/riverine habitat, mitigation is in place to ensure that impact remains less than significant.
4. The design of the proposed map or the type of improvements are not likely to cause serious public health problems since the proposed subdivision and the implementing development of the parcels has been detailed in the Initial Study/Mitigated Negative Declaration. As discussed in the Initial Study/Mitigated Negative Declaration, impacts related to hazardous materials, air quality, transportation or other similar impacts would all remain less than significant. The subdivision itself does not propose any further impacts than what is addressed in these analyses.
5. The proposed land division meets the requirements of Ordinance No. 460 for a Schedule 'E' Map. Ordinance No. 460 requires all land divisions to conform to the County's General Plan, applicable specific plans, Ordinance No. 348 and with the requirements of Ordinance No. 460. The Project specifically complies with the Schedule 'E' improvement requirements of Ordinance No. 460 Section 10.10 as listed below:
 - a. Streets. Streets are proposed as shown on the Tentative Map, which include dedication and improvements for Highway 74 and Dockery Lane with the required street width dedication and improvements consistent with the required street width dedication and improvements consistent with the General Plan Circulation Element. Curb and gutter and sidewalks are included for all proposed improved streets. The streets are designed to meet the minimal requirements pursuant to Section 10.10 A, of Ordinance No. 460.

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- b. Domestic Water. Domestic water service will be supplied by Eastern Municipal Water District via underground pipes consistent with the requirements set forth in California Administrative Code Title 22, Chapter 16.
 - c. Fire Protection. The subdivision and any future commercial development will be required to comply with Ordinance No. 787. Fire protection measures shall be determined based on specific interior tenant designs and building code requirements.
 - d. Sewage Disposal. The commercial development is anticipated to be adequately served by on-site septic systems; however, it may require extension of sewer service based on final review and permitting by Environmental Health and Regional Water Quality Control Board at building permit stage. Any potential sewer service will be supplied by Eastern Municipal Water District, which has sufficient capacity to handle the anticipated waste load if connected to.
 - e. Fences. At minimum the Project is required to provide six-foot high chain link fencing along any canal, drain, expressway, or other feature deemed hazardous. No such hazardous feature exists adjacent to the Project.
 - f. Electrical and Communication Facilities. The Project will provide electrical, telephone, street lighting, cable television service with lines placed underground and would be in compliance with Section 13.1 of Ordinance No. 460.
6. The design of the proposed land division or the type of improvements will not conflict with street dedications, acquired by the public at large, for access through, or use of, property within the proposed land division. The existing Dockery Lane dedication that is aligned at a skew to Highway 74 would be realigned to 90 degrees, but this realignment would not affect any other adjacent properties access from Dockery Lane. Other than this realignment, no such dedications exist on the property that would need to be removed.
7. Tentative Parcel Map No. 37850 is consistent with the minimum lot size allowed by the Project site's Zoning Classification of Mixed Use since there is no minimum lot size standard.

Development Standards Findings:

- 1. The proposed project is consistent with Ordinance No. 348, in particular with the permitted uses and development standards of the Mixed Use (MU) zone as detailed below.

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- a. *Lot Size. There is no minimum lot size.* The project is consistent with this since there is no minimum.
- b. *Lot Width. There is no minimum lot width.* The project is consistent with this since there is no minimum.
- c. *Lot Depth. There is no minimum lot depth.* The project is consistent with this since there is no minimum.
- d. *Frontage. There is no minimum lot frontage.* The project is consistent with this since there is no minimum.
- e. *Height. The maximum height of any buildings or structures shall be no greater than seventy-five (75) feet. Ground floor commercial retail shall have a minimum ceiling height of eleven (11) feet, measured from foundation to finished ceiling.* The Project proposes 6 buildings and 2 structures of varying height, but with a maximum height of 30 feet. The Project is consistent with the maximum height requirement of 75 feet.
- f. *Screening. All roof-mounted equipment, excluding solar panels, shall be screened from the ground elevation view to a minimum sight distance of six hundred sixty (660) feet for residential buildings and one thousand three hundred twenty (1,320) feet for non-residential buildings, including mixed-use buildings.* The Project is conditioned to provide complete screening of roof mounted mechanical equipment from ground view. The building design with parapet is anticipated to provide the necessary screening. If roof mounted equipment exceeds the parapet height, it may be necessary to screen the equipment immediately around the equipment to not require an increase in the height to the parapet.
- g. *Lot Coverage. There is no minimum lot coverage.* The project is consistent with this since there is no minimum.
- h. *Front Setbacks. There is no front setback requirement, except for one family dwellings or associated structure(s), which shall have a minimum front setback of no less than twenty-five (25) feet.* As a commercial project that does not include a one family dwelling, the Project is consistent with this since there is no applicable minimum front setback.
- i. *Side Setbacks. There is no side setback requirement, except for the following:*

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- i. One family dwellings or associated structure(s) shall have a minimum side setback of no less than five (5) feet. As a commercial project that does not include a one family dwelling, the Project is consistent with this since there is no applicable minimum side setback.*
 - ii. For lots zoned MU that abut lots zoned R-R, R-A, R-1, R-1-A, the minimum side setback shall be no less than five (5) feet. The Project site does not abut lots zoned R-R, R-A, R-1, or R-1-A, so the Project is consistent with this since there is no applicable minimum side setback.*
- j. Rear Setbacks. There is no rear setback requirement, except for the following:*
- i. One family dwellings or associated structure(s) shall have a minimum rear setback of no less than fifteen (15) feet. As a commercial project that does not include a one family dwelling, the Project is consistent with this since there is no applicable minimum rear setback.*
 - ii. For lots zoned MU that abut lots zoned R-R, R-A, R-1, R-1-A, the minimum rear setback shall be no less than fifteen (15) feet. The Project site does not abut lots zoned R-R, R-A, R-1, or R-1-A, so the Project is consistent with this since there is no applicable minimum rear setback.*
- k. Open Space.*
- i. Any development with one or more non-residential building(s) with thirty thousand (30,000) square feet or greater of floor area each shall provide at least one (1) public use area (PUA) that is adjacent to public streets or ground floor retail or ground floor commercial uses. A PUA is an urban and public open space area, such as a plaza, square or court, located on the same lot(s) as the primary use and used as a gathering place or a pedestrian linkage between buildings. The Project includes a total building area of 28,485 sq. ft., so this standard is not applicable. The Project does include an open area between building 5 and 6 that may accommodate different amenities depending on the tenants that occupy these buildings.*
 - ii. Any development with more than ten (10) multiple family dwelling units shall provide at least one hundred (100) square feet of common use area (CUA) for each unit above ten (10) units. A CUA is a recreational open space area, such as a park, sport field, pool, gym, or passive recreational area, associated with and located on the same lot or lots as the primary use. A*

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PUA may be used to fulfill the CUA requirement. A reduction in this requirement may be applied pursuant to the following:

- 1. A ten percent (10%) reduction for developments that provide more than two hundred (200) dwelling units. As a commercial project that does not include multiple family dwelling units this standard is not applicable.*
- 2. A twenty-five percent (25%) reduction for developments that provide housing for very low, low or moderate income households as defined in the Riverside County Housing Element with applicable affordability restrictions. As a commercial project that does not include multiple family dwelling units this standard is not applicable.*
- iii. Private Open Area. A private open area (POA) is a private usable open area, such as a patio or balcony, which is not encumbered with structures and is attached to the primary dwelling unit. A development with multiple family units shall provide at least fifty (50) square feet of POA per unit. As a commercial Project that does not include multiple family dwelling units this standard is not applicable.*

I. Site Requirements.

- i. Any mixed-use buildings shall provide ground floor retail or commercial uses for at least fifty percent (50%) of ground floor units that front a public street, sidewalk, or public use area at the time of development. As a commercial project that does not include multiple family dwelling units this standard is not applicable. The Project is designed as separate commercial buildings that are oriented along Highway 74. Any future residential development would be physically separated on the interior of the site and not along Highway 74.*
- ii. Any ground floor retail or commercial units shall have transparent walls on at least fifty percent (50%) of the wall area that fronts a public street, sidewalk, or public use area. The Project is not a vertically or horizontally integrated mixed use development that this requirement would be applicable to a ground floor space with additional commercial use or residential uses above or behind it. Additionally, while many of the buildings are located along Highway 74, the Project is not designed with building access immediately from the sidewalk from Highway 74, but instead via on site sidewalks and pedestrian paths. Therefore, the further intent of this requirement does not apply based*

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on the location and orientation of the commercial buildings. The Project's buildings and landscaping have been designed to create an aesthetically pleasing streetscene for pedestrians and vehicles passing by and accessing the site.

- iii. *Refuse and Recyclable Storage Area. A refuse and recyclable material storage area shall be provided for any new multiple family, mixed-use, or commercial development, or existing multiple family mixed-use, or commercial development that will add thirty percent (30%) or more units or floor area. This area must be fully enclosed and have adequate separation from any habitable areas. This area shall be screened using landscape or architectural features.* Four trash enclosures are proposed across the Project site to adequately serve the six buildings proposed. Each of these trash enclosures would include a screen wall and landscaping where it may be accommodated. No proposed trash enclosures would be located near any existing habitable residences.

- iv. *Encroachments. No setbacks or yard encroachments are permitted, except as provided in Section 18.19 of Ordinance No. 348.* No encroachments are proposed, so the Project is consistent with this requirement.

- v. *Lighting. All onsite lighting shall be focused, directed or arranged to prevent glare or direct illumination on adjacent residential uses.* The Project is conditioned to comply with Ordinance No. 915 which similarly requires direction of lighting downward and away from adjoin properties.

- vi. *Parking. Off-street parking shall be provided pursuant to Section 18.12 of Ordinance No. 348.* Based on the conceptual floor plans provided and the division between retail, restaurant serving and kitchen areas, the proposed Project provides adequate parking consistent with Section 18.12 of Ordinance No. 348. The Project proposes 17,672 sq. ft. of retail area total and 2,302 sq. ft. of restaurant serving area (within 9,277 sq. ft. of restaurant area). At 1 space per 200 square feet, as required by Ordinance No. 348, the retail area requires 88.36 spaces. At 1 space per 45 square feet of restaurant serving, as required by Ordinance No. 348, the restaurants require 51.15 spaces. A total of 140 minimum spaces is required. The Project proposes 163 parking spaces to meet the minimum required number of spaces. If future tenants propose tenant improvements through the building permit process that increase the amount of restaurant serving or other area that requires more parking, such parking shall be provided on the Project site

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as appropriate and necessary consistent with Section 18.12 of Ordinance No. 348 and may be subject to further review pursuant to Section 18.43 of Ordinance No. 348. Additionally, electrical vehicle parking is noted on the site plan for 7 spaces, which meets the minimum requirement of Section 18.12 for 5 spaces.

vii. Landscape. There is no required minimum landscape area. The Project is consistent with this since there is no minimum. The Project does include landscaping that covers approximately 22% of the commercial site area.

Section 18.48 provides the following development standards for the alcoholic beverage sales:

1. A conditional use permit shall be required for the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption. Conditional Use Permit No. 200018 is being processed for the sale of alcoholic beverages for off-premises consumption in the Mixed Use (MU) zoning classification.
2. A conditional use permit shall be required for the sale of alcoholic beverages for off-premises consumption in all zoning classifications, excluding C/V, where such zoning would permit the sale with plot plan approval or conditional use permit approval, however, that the provisions of Subsection B.1. shall not apply to a retail commercial establishment which (1) contains at least 20,000 square feet of interior floor space and is primarily engaged in the sale of groceries and (2) does not sell motor vehicle fuels. Conditional Use Permit No. 200018 is being processed for the sale of alcoholic beverages for off-premises consumption in the Mixed Use (MU) zoning classification.
3. Such facilities shall not be situated in such a manner that vehicle traffic from the facility may reasonably be believed to be a potential hazard to a school, church, public park or playground. A radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and has not identified any playgrounds, parks, schools or nonprofit youth facilities within 600 feet the site. There are no schools, public parks, nonprofit youth facilities, or playgrounds located with 600 feet of the site. Therefore, vehicle traffic from the facility will not be a potential hazard to a school, public park, nonprofit youth facilities or playground.
4. Notice of hearing shall be given to all owners of property within 1,000 feet of the subject facility, to any elementary school or secondary school district within whose boundaries the facility is located and to any public entity operating a public park or playground within 1,000 feet of the subject facility. The Planning Director may require that additional notice be given,

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in a manner the Director deems necessary or desirable, to other persons or public entities. A notice of public hearing has been given to all property owners within 1,000 feet of the subject facility.

5. The following additional development standards shall apply as conditions of approval with the Advisory Notification Document to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:
 - a. Only beer and wine may be sold.
 - b. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
 - c. No displays of beer, wine or other alcoholic beverages shall be located within five feet of any building entrance or checkout counter.
 - d. Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
 - e. No beer, wine or other alcoholic beverages advertising shall be located on gasoline islands; and no lighted advertising for beer, wine, or other alcoholic beverages shall be located on the exterior of buildings or within window areas.
 - f. Employees selling beer and wine between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.
 - g. No sale of alcoholic beverages shall be made from a drive-in window.

Other Findings:

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1. This Project is not located within a Criteria Cell of the MSHCP. Accordingly, this Project fulfills the Conservation Area requirements of the MSHCP and is consistent with the MSHCP.
2. This Project is within the City Sphere of Influence of Perris. No memorandum of understanding exists with the City of Perris regarding development applications and consistency of General Plans and zoning. Regardless, the Project was initially transmitted to the City of Perris on July 29, 2020 and no comment was received.
3. In compliance with Assembly Bill 52 (AB52), notices regarding this project were mailed to all requesting tribes on August 10, 2020. No response was received from the Cahuilla Band of Indians, Colorado River Indian Tribes (CRIT), Morongo Band of Mission Indians, Pala Band of Mission Indians, the Ramona Band of Mission Indians or the Twenty-Nine Palms Band. The Quechan tribe deferred to more local groups in an email received August 20, 2020. Consultations were requested by the Soboba Band of Luiseño Indians, Agua Caliente Band of Cahuilla Indians, Temecula Band of Luiseño Indians (Pechanga), and the Rincon Band of Luiseño Indians.

Agua Caliente requested consultation in a letter dated August 31, 2020. The band was provided with the project cultural report and the conditions of approval and concluded consultation on November 30, 2020.

The Rincon Band requested to consult in a letter dated September 30, 2020. The band was provided with the project cultural report and the conditions of approval and concluded consultation on November 13, 2020.

The Soboba Band requested consultation in a letter dated November 21, 2020. The cultural report was provided to Soboba and the project conditions were sent to the group on February 1, 2021. Soboba concurred with the conditions of approval and consultation was concluded the same day.

The Pechanga Band requested consultation in a letter dated August 21, 2020. On October 28, 2020 the band was provided with the project cultural report and the conditions of approval. After several attempts to communicate with Pechanga (10/28/2020, 11/9/2020, 11/17/2020, 11/24/2020) and no response being received, consultation was concluded on February 10, 2021.

4. The Project site is located within the Fee Assessment Area for the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Per County Ordinance No. 663 and the SKRHCP, all applicants for development permits, including maps, within the boundaries

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of the Fee Assessment Area who cannot satisfy mitigation requirements through on-site mitigation, as determined through the environmental review process, shall pay a Mitigation Fee of \$500.00 per gross acre of the parcels proposed for development. Payment of the SKRHCP Mitigation Fee for this Project, instead of on-site mitigation, will not jeopardize the implementation of the SKRHCP as all core reserves required for permanent Stephen's Kangaroo Rat habitat have been acquired and no new land or habitat is required to be conserved under the SKRHCP.

5. The Project site is located within Zone B as identified by Ordinance No. 655 (Mt. Palomar). The Project will be required to comply with lighting standards of Ordinance No. 655 for Zone B.

Fire Findings:

1. The Project is not located within a CAL FIRE state responsibility area or any fire hazard severity zone.
2. Fire protection and suppression services will be available for the subdivision through Riverside County Fire Department.

Conclusion:

1. For the reasons discussed above, the proposed Project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. Moreover, the proposed project would not be detrimental to the health, safety, or general welfare of the community.

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

This Project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 1,000 feet of the project site. As of the writing of this report, Planning Staff has not received any written communication or phone calls who indicated support or opposition to the proposed project.

The project was presented before the Good Hope/Meadowbrook MAC on November 7, 2019.

APPEAL INFORMATION

The decision of the Planning Commission's shall be final unless the decision is appealed to the Board of Supervisors. Such appeals shall be submitted in writing to the Clerk of the Board, with

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the required fee as set forth in Ordinance No. 671 (Consolidated Fees for Land Use and Related Functions), within 10 days of the date the notice of decision appears on the Board's agenda.