

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



ITEM: 23.3  
(ID # 26832)

MEETING DATE:

Tuesday, February 25, 2025

FROM : TLMA-PLANNING

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON CHANGE OF ZONE NO. 2400054 (CZ2400054), Ordinance No. 348.5028 and CONDITIONAL USE PERMIT NO. 210136 (CUP210136) – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15061(b)(3)(Common Sense/General Rule) – Applicant: Dhaliwal, Kirpal – Palo Verde Valley Area Plan: Community Development: Commercial Retail (CD:CR) - Zoning: Scenic Highway Commercial (C-P-S) – Location: north of Interstate-10 and Black Rock Road, and west of Mesa Drive – 13.75 Acres – Fourth Supervisorial District – Change of Zone No. 2400054 is a proposal for a text change to Ordinance No. 348 Section Sections 18.48, 5.1.D.8, 5.1.D.20, 9.1.D.15, 9.1.D.16, 9.50.B.8, 9.50.B.22, 9.62.B.4, 9.62.B.5, 9.86.C.11, and 21.3c to remove the limit to beer and wine only for a convenience store associated with the sale of motor vehicle fuels that would also allow generally for "alcoholic beverages" that would be associated with a California Alcohol and Beverage Control Type 21 license. Conditional Use Permit No. 210136 is a proposal to allow for the sale of alcoholic beverages associated with an existing convenience store and gas station - APN: 818-260-004. District 4. [Applicant Fees 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **FIND** that the Project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and Section 15061(b)(3) based on the findings and conclusions in the staff report;

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**ACTION:Policy**


  
John Hildebrand, Planning Director 2/14/2025

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**MINUTES OF THE BOARD OF SUPERVISORS**

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

Ayes: Medina, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: February 25, 2025  
xc: TLMA-Planning, COB

Kimberly A. Rector  
Clerk of the Board  
By:   
Deputy

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**RECOMMENDED MOTION:** That the Board of Supervisors:

2. **CONDUCT a public hearing and INTRODUCE, read title, waive further reading of, and adopt on successive weeks ORDINANCE NO. 348.5028, in conjunction with CHANGE OF ZONE NO. 2400054,** amending Ordinance No. 348 (County Zoning Ordinance) related to Sections 18.48, 5.1.D.8, 5.1.D.20, 9.1.D.15, 9.1.D.16, 9.50.B.8, 9.50.B.22, 9.62.B.4, 9.62.B.5, 9.86.C.11, and 21.3c to allow all alcoholic beverages (not just beer and wine) to be sold concurrent with motor vehicle fuel sales in the unincorporated area of Riverside County, which is attached hereto and incorporated herein by reference; and,
  
3. **APPROVE CONDITIONAL USE PERMIT NO. 210136,** subject to adoption of Ordinance No. 348.5028 at a subsequent Board of Supervisors meeting and the attached advisory notification document and conditions of approval and based upon the findings and conclusions provided in this staff report.

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>SOURCE OF FUNDS:</b> Applicant Fees 100%			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	N/A

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

CUP210136 was submitted to the County of Riverside on November 15, 2021. Change of Zone No. 2400054 was submitted to the County of Riverside on October 25, 2024.

The Project Site is an existing gas station and convenience store previously permitted through Conditional Use Permit No. 3223 approved in 1995 with a current Type 20 ABC License that allows Off Sale of Beer and Wine. The request is to change the alcohol license from Type 20 to Type 21, allowing the convenience store to sell distilled spirits in addition to the beer and wine it already supplies. Hours of operation are 24 hours a day, 7 days a week. Between 6 am and 10 pm each day, there are two employees on the clock. Between 10 pm and 6 am, there is one employee on the clock.

Ordinance No. 348, Section 18.48, subsection C.5.a currently states that only beer and wine may be sold with the concurrent sale of motor vehicle fuels only in the R-R, C-1/C-P, C-P-S, C-R, and MU zones. This amendment to Ordinance No. 348 would remove the restriction and allow all alcoholic beverages (not just beer and wine) to be sold concurrently with motor vehicle

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sales in the above-listed zones. This ordinance amendment only affects the zones which currently allow beer and wine sales concurrent with motor vehicle sales and would not expand the list of allowed zones.

Through research on other nearby Counties' allowances for ABC Type 20 or 21 licenses with motor vehicle fuel sales, there is no apparent common practice on such limitation to a Type 20 license with motor vehicle fuel sales. Reviewing the Zoning or Development Codes for San Bernardino, Orange, San Diego, and Imperial Counties, they have no apparent limitations on alcohol sales associated with gas stations. However, Los Angeles County does restrict the sale of distilled spirits with gas stations.

Additionally, the current limitation to beer and wine sales only does not prohibit the potential for drinking and driving since alcoholic beverages of some degree are currently allowed. Furthermore, in the circumstances of Riverside County and its areas that are somewhat rural or isolated where retail establishments may be limited, such allowance of sale of all types of alcoholic beverages at convenience stores associated with gas stations would allow for the provision of services and goods to the community that might otherwise not be met.

Currently, there are two (2) licenses for sale for off-site consumption issued in Census Tract 0469 where the Project site is located and one is typically allowed in the Census Tract based on latest population. There is currently a Type 20 license issued for the existing facility that would convert to a Type 21 license following an approval of the Conditional Use Permit. Therefore, the Project would not result in any greater number of licenses within the subject Census Tract, 0469, even if it is currently overconcentrated. As confirmed with the Department of Alcoholic Beverage Control (ABC), a Determination of Public Convenience and Necessity is not required.

**Environmental Determination**

The project is exempt pursuant to Article 19, Section 15301 (Existing Facilities), which states: Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The existing site has been utilized as a gas station and a convenience store including the sale of beer and wine. The Conditional Use Permit with the allowance of additional types of alcoholic beverages that may be sold would not present any notable alteration in the environmental impacts currently created by the site as such change in use would not result in additional traffic or related impacts. The Conditional Use Permit does not propose any physical changes to the site that would create any other environmental impact. The Change of Zone that would affect county-wide for unincorporate areas on the potential ability for sale of alcoholic beverages and not just beer and wine would similarly not have any notable alteration in environmental impacts since expansion of the types of alcoholic beverages inherently does not create an environmental impact. Additionally, the allowance through approval of a Conditional Use Permit for a wider type of alcoholic beverage sales would provide a means of further analysis for future implementing requests and whether individual circumstances may be present to have some

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level of environmental impacts that would be analyzed for that individual project. The Project does not seek to expand any existing structures, nor does it propose any significant construction or grading to the project site. As such, the Project falls within the standards for Class I since the project scope proposes minor alterations and maintenance of an existing commercial use, with limited operational expansion of the use. Thus, the Project is in compliance with the guidelines of Article 19, Section 15301 Class 1, Existing Facilities.

Furthermore, this project is exempt pursuant to Article 19, Section 15061(b)(3) (Common Sense/General Rule). This section exempts Projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Project, consisting first of the Conditional Use Permit site that would not result in any direct site improvements or substantial operational changes and therefore would not have any possibility of having a significant effect on the environment. The second component of the Project, the Change of Zone, would similarly provide the ability for existing or newly proposed facilities with the ability to sell a wider range of types of alcoholic beverages. Such an ability to sell a wider range of types of alcoholic beverages on its own would not reasonably have the possibility of having a significant effect on the environment. Such allowance through the Change of Zone would still require individual applications for Conditional Use Permits and an opportunity to evaluate specific project circumstances and whether there may be unique circumstances that may deserve environmental analysis, although unlikely.

For the reasons described above, Article 19, Section 15301 (Existing Facilities) and Section 15061(b)(3) (Common Sense/General Rule) may be used to exempt the project from CEQA. Planning will file a Notice of Exemption with the County Clerk and the State Clearinghouse upon final adoption of the ordinance.

**Planning Commission Action**

On December 9, 2024, the Planning Commission recommended the Board of Supervisors approve the project on a 4-0 vote.

**Impact on Residents and Businesses**

All potential project impacts have been studied under CEQA and noticed to the public pursuant to the requirements of the County.

**Additional Fiscal Information**

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

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ATTACHMENTS:

- A. Planning Commission Report of Actions
- B. Planning Commission Memo
- C. Planning Commission Staff Report Package
- D. Conditional Use Permit Exhibits
- E. Ordinance No. 348.5028



Jason Farin, Principal Policy Analyst

2/20/2025



Aaron Gettis, Chief of Deputy County Counsel

2/14/2025

