




Community & Economic Development Department

Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: MARCH 28, 2024
AGENDA ITEM NO.: 5

PROPOSED PROJECT

Case Number	PR-2023-001571 (Modification of Conditions, Conditional Use Permit, and Design Review)	
Request	To consider the following entitlements for the construction of a 3,500-square-foot restaurant (Panera Bread) with drive thru lane: <div><div>1. Modification of Conditions of Parcel Map 30214 prohibiting automobile oriented uses;</div><div>2. Conditional Use Permit to permit a drive-thru restaurant; and</div><div>3. Design Review of project plans.</div></div>	
Applicant	Michelle Rubin of Regional Properties, Inc.	
Project Location	509 East Alessandro Boulevard, situated on the south side of Alessandro Boulevard, between Northrop Drive and Mission Grove Parkway.	
APN	276-370-013 & 276-370-014	
Project Area	1.37 acres	
Ward	4	
Neighborhood	Mission Grove	
General Plan Designation	C – Commercial	
Specific Plan	Mission Grove	
Zoning Designation	CR-SP – Commercial Retail and Specific Plan (Mission Grove) Overlay Zone	
Staff Planner	Sarah Zughayer, Assistant Planner (951) 826-5932 SZughayer@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction or Conversion of Structures) and 15332 (Infill Development) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2023-001571 (Modification of Conditions, Conditional Use Permit, and Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 & 2).

SITE BACKGROUND

The project site consists of two contiguous vacant parcels totaling 1.37-acres within the 23.6-acre Mission Grove Shopping Center. Surrounding land uses include commercial uses to the north, south, and west, and multi-family residential to the east (across Northrop Drive) (Exhibit 4).

The subject project site is located on parcels 13 and 14 of parcel map 30214. On July 5, 2001, the Planning Commission approved PM-30214, which subdivided the 23.6-acre parcel into seventeen parcels, for commercial purposes for the establishment of the Mission Grove Shopping Center.

As a matter of information, the entitlements approved in 2001 included a condition of approval related to future uses as follows:

- Condition of Approval #3a: "The applicant shall prepare and record a covenant prohibiting automobile-oriented uses, including drive-thru restaurants, automobile service or repair, stereo installation of other similar uses, on those properties currently shown as parcels 6-15, of Parcel Map 30124, subject to approval of the Planning Division and City Attorney's Office. Any changes to the covenant necessary to reflect future lot line adjustments are subject to administrative approval." (Exhibit 8)

The condition was added as part of the approval of the Parcel Map due to its proximity to residential uses adjacent to the Mission Grove Shopping Center.

PROPOSAL

The applicant is requesting approval of a Modification of Condition, Conditional Use Permit, and Design Review to facilitate construction of a drive-thru restaurant (Panera Bread).

The proposed restaurant consists of a 3,500-square-foot, one-story building with interior and exterior dining areas and a single drive-thru lane. The proposed drive-thru lane wraps around the east and north sides of the restaurant, adjacent to Northrop Drive, and has a combined length of 265 feet designed to accommodate queuing for 12 vehicles. A combination of walls, design features and landscaping have been proposed along the east side of the drive-thru lane to provide sound attenuation and screen the drive-thru lane from Northrop Drive and adjacent uses to the east.

Access to the restaurant and drive-thru lanes will be provided through the shopping center's internal drive-aisles. Existing vehicular access points to the shopping center along Alessandro Boulevard and Northrop Drive will not be modified as a part of this proposal.

The restaurant and drive-thru lane will operate seven days a week from 6:00 a.m. to 9:00 p.m., and will have 9 employees on-site per shift, with a total of 36 employees.

In order to facilitate the development of this project on Parcels 13 and 14, a modification of the conditions of approval to modify Condition 3a of PM-30214 to allow drive-thru restaurants. The condition would be modified as follows:

"The applicant shall prepare and record a covenant prohibiting automobile-oriented uses, including drive-thru restaurants, automobile service or repair, stereo installation of other similar uses, on those properties currently shown as parcels ~~6-15~~ 6-12 and 15, of Parcel Map 30124, subject to approval of the Planning Division and City Attorney's Office. Any changes to the covenant necessary to reflect future lot line adjustments are subject to administrative approval."

PROJECT ANALYSIS

Authorization and Compliance Summary

	Consistent	Inconsistent
General Plan 2025 <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of C-Commercial, which provides for retail, sales, service and office uses that serve multiple neighborhoods within the City (Exhibit 5). The proposed project is consistent with the following objective for the Mission Grove Neighborhood:</p> <ul style="list-style-type: none"> • <u>Objective LU-69</u>: Complete buildout of the Mission Grove Specific Plan, encouraging development that can harmoniously co-exist near the March Airport facility. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mission Grove Specific Plan (MGSP) <p>The project site is located within the Retail Business and Office designation of the Mission Grove Specific Plan, which is intended for a variety of commercial business. The proposed drive-thru restaurant is consistent with the applicable development standards set forth in the Mission Grove Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Zoning Code Land Use Consistency (Title 19) <p>The proposed project site is zoned CR-SP – Commercial Retail and Specific Plan (Mission Grove) Overlay Zones, which is intended for a broad range of indoor-oriented retail sales and service, and office uses as either stand-alone businesses or as part of commercial centers or office developments.</p> <p>The CR-SP Zone permits the development of drive-thru restaurants, subject to the granting of a Conditional Use Permit and compliance with the Site Location, Operation, and Development Standards of the Zoning Code. The proposed project complies with all applicable development standards of the Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Citywide Design & Sign Guidelines <p>The drive-thru restaurant proposes a modern architectural style featuring large storefront windows, varied rooflines with tower</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Consistent	Inconsistent
<p>elements, and flat metal awnings. Several cladding materials are proposed, including stucco, metal paneling, brick veneer, and wood cladding. The proposed color scheme features earth tones with a green accent. Building elevations have been designed to reflect an enhanced façade through the incorporation of multiple materials, building plane changes, and colors.</p> <p>The conceptual landscape plan depicts a variety of plant materials including shade and accent trees, screening and ornamental shrubs, and flowering accent plants used to soften and buffer surrounding hardscapes. The proposed project design demonstrates sensitivity to and compatibility with the adjacent multi-family residential uses through careful consideration to building siting and orientation, mass, and scale, and is consistent with all requirements of the Citywide Design and Sign Guidelines.</p>		
<p>March Air Reserve Base (MARB) Land Use Compatibility Plan</p> <p>The proposed project is located within Compatibility Zone C2 (Flight Corridor Zone) of the Riverside County Airport Land Use Compatibility Plan for March Air Reserve Base, which limits non-residential densities. The proposed project complies with all requirements of the MARB Land Use Compatibility Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.475 Drive-Thru Business Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
Frontage	100 feet	123 feet (Northrop Drive)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Located on Arterial Street	Alessandro Boulevard: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive-Thru Lane Standards	Length: 180 feet	265 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	12 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Drive-thru Lane screening	A 3-foot screen wall along Northrop Drive and 15-foot landscape setback with enhanced screen shrubs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscape	Northrop Drive: 15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.475 Drive-Thru Business Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
Setbacks	Between Drive-Thru and Parking Lot: 5 feet	9 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.110.030 Commercial Development Standards for the CR-Commercial Retail Zone					
Standard			Proposed	Consistent	Inconsistent
Floor Area Ratio	0.50		0.09	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Height	75 feet		20 feet, 9 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Setbacks	North (Front)	0 feet	32 feet, 4 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	West (Interior)	0 feet	42 feet, 1 inch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	East (Street side)		54 feet, 0 inches		
	South (Rear)	0 feet	257 feet, 2 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 – Parking and Loading Development Standards						
Use	Standard		Required	Provided	Consistent	Inconsistent
Proposed Restaurant (Panera Bread)	1 space / 100 square feet	3,500 square feet	35 spaces	37 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MODIFICATION OF CONDITIONS

The applicant is requesting approval to modify Condition of Approval 3a of PM-30214 to allow a drive-thru restaurant on parcels 13 and 14.

Staff supports the proposed modification of Condition 3a due to the following:

- As proposed, the project site would be located along the eastern edge of the shopping center, adjacent to Northrop Drive. The drive-thru lane is approximately 112 feet to the nearest residential apartment unit to the east (across Northrop Drive).
- The project has implemented design elements based on a site-specific noise study which assessed operational and ambient noise for the drive-thru restaurant, including an 8-foot sound attenuation wall along the easterly property line, and an automatic voice control system to limit noise levels from the order box. The proposed project, as designed, complies with the standards of the Noise Code.
- The project has been designed to incorporate design elements to limit visibility of the drive-thru lane by providing a combination of screening measures, including a 3-foot screen wall and trellis, tiered landscaping, and screening shrubs along the Northrop Drive frontage.
- Based on the operational characteristics outlined in the staff report, the proposal will not have an adverse impact on adjacent residential development. Panera Bread will be

operating during daytime hours, as defined in Table 7.25.010A of the Riverside Municipal Code. The proposed hours of operation are from 6:00am to 9:00pm daily for both the drive-thru and sit-down restaurant.

The request to modify the previously approved condition to allow a drive-thru restaurant on Parcels 13 and 14 is consistent with existing development patterns, including other automobile related uses along Alessandro Boulevard.

FINDINGS SUMMARY

Conditional Use Permit

The proposed drive-thru restaurant is compatible with surrounding and adjacent uses within the Mission Grove Neighborhood. The use will provide additional food related options to residents and visitors to the area. Site design is consistent with surrounding development and provides adequate vehicular access and internal circulation. Screening of the drive-thru lane from Northrop Drive is proposed through site design and landscaping methods. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or the environment. The proposed drive-thru project is consistent with the applicable development standards of the Mission Grove Specific Plan, and the Commercial Retail Zone of the Zoning Code.

STRATEGIC PLAN

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 3 – Economic Opportunity (Goal 3.3 – Cultivate a business climate that welcomes innovation, entrepreneurship, and investment).

This item aligns with the following Cross-Cutting Threads:

1. Community Trust: The proposed project will be reviewed at a public meeting held by the City Planning Commission and the public is able to provide comments.
2. Equity: The proposed project will provide a service available to all residents and visitors of the City.
3. Fiscal Responsibility: All project costs are borne by the applicant and will increase business tax revenue to the City when the drive-thru restaurant is open for business.
4. Innovation: The proposed project revitalizes arterial streets in the CR zone and provides a mix of uses.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes.

ENVIRONMENTAL REVIEW

This proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 15303 (New Construction or Conversion of Structures) and 15332 (Infill Development) of the CEQA Guidelines, as the proposed project will not have a significant effect on the environment.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Staff regarding the proposed project.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental findings, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Division Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Staff Recommended Findings
 2. Staff Recommended Conditions of Approval
 3. Existing Site Photos
 4. Location Map
 5. General Plan Map
 6. Specific Plan Map
 7. Zoning Map
 8. Project Plans (Site Plan, Grading Plan, Landscape Plan, Floor Plans, Elevations)
 9. PM 30214 Conditions of Approval
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EXHIBIT 1 – FINDINGS

PLANNING CASE: **PR-2023-001571** (Modification of Conditions, Conditional Use Permit and Design Review)

Conditional Use Permit Findings pursuant to Chapter 19.760.040, as outlined in the Staff Report

1. The proposed drive-thru restaurant is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
2. The proposed drive-thru restaurant will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
3. The proposed drive-thru restaurant will be consistent with the purpose of the Zoning Code and the application of any required development standards in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Drive-Thru Business Findings pursuant to Chapter 19.475.050:

1. The proposed drive-thru restaurant will not substantially increase vehicular traffic on streets in a residential zone.
2. The proposed drive-thru restaurant will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic.
3. The proposed drive-thru restaurant will not create increased traffic hazards to pedestrians.
4. The project site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements.
5. The proposed drive-thru restaurant will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.



EXHIBIT 2 – CONDITIONS OF APPROVAL

PLANNING CASE: **PR-2023-001571** (Modification of Conditions, Conditional Use Permit and Design Review)

Planning Division

1. All applicable conditions of Planning Cases PM 30214 (Parcel Map) shall apply, except as modified by these conditions:
2. Condition #3a of Planning Case PM 30214 (Parcel Map) shall be modified as follows:
 - a. "The applicant shall prepare and record a covenant prohibiting automobile-oriented uses, including drive-thru restaurants, automobile service or repair, stereo installation of other similar uses, on those properties currently shown as parcels 6-12 and 15, of Parcel Map 30124, subject to approval of the Planning Division and City Attorney's Office. Any changes to the covenant necessary to reflect future lot line adjustments are subject to administrative approval."
3. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required.
4. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
5. **Advisory:** Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Grading Permit Issuance:

6. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
 - e. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase.

During Grading and Construction Activities:

7. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
8. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust shall be controlled as required by the AQMD;
 - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed off;
 - f. Disturbed/loose Soils shall be kept moist at all times.
 - g. All grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.
9. The applicant shall be responsible for erosion and dust control during construction phases of the project.
10. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

Prior to Issuance of Building Permit:

11. **Landscaping and Irrigation Plan** shall be submitted for Landscape Design Review approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. The landscaping and irrigation plans must be submitted prior to building permit issuance. The plans should include the following:
 - a. Fence and wall plan depicting location, height and materials of each proposed fence or wall.
 - b. The sound wall shall be screened with plant material and other additional anti-graffiti mechanisms.
12. **Trash Enclosure:** Submit trash enclosure elevations such that the plan provided for building permit plan check incorporates the following changes:
 - a. Trash enclosures shall be constructed with a decorative masonry block with a decorative cap, with a decorative overhead trellis and clinging vines.
13. **Fences and Walls:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. All block walls shall be constructed of two-sided decorative masonry and include a decorative cap.

- b. All walls shall end with a decorative masonry column with decorative cap.
14. **Photometric/Lighting Plan** shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall comply with Chapter 19.556 of the Zoning Code (Outdoor Lighting). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Light poles within fifty (50) feet of residences are limited to fourteen (14) feet in height.
15. Building Elevations submitted for construction plan check shall be revised to clearly specify all building materials and colors (including any manufacture cut-sheets), subject to the satisfaction of the Planning Department.
16. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.
17. Ground mounted equipment shall be fully screened from view on all sides with solid masonry walls or similar permanent structures. Such masonry wall or structure shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted.
18. Construction plans submitted for plan check review shall specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest equipment possible, be painted green, and include of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
19. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening.

During Construction

20. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
21. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving

notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

Prior to Release of Utilities and/or Occupancy:

22. A final site inspection shall be required prior to certificate of occupancy or the commencement of site operations.
23. All landscape and irrigation shall be installed per the approved plans. A "Certificate of Substantial Completion," signed by the Designer/auditor responsible for the project, shall be completed and submitted as part of the landscape and irrigation plans (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual). Additional plant material may be required upon final inspection if better coverage is needed.

Site Operation Standards:

24. The restaurant shall operate between the specified hours of 6:00 a.m. to 9:00 p.m., 7 days a week as outlined in the staff report.
25. An Automatic Volume Control system shall be incorporated into the order box. Operations shall comply with the Noise Study dated February 14, 2024 (Veneklasen Associates) and with Title 7 (Noise Control) of the Riverside Municipal Code.
26. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
27. The applicant shall be responsible for maintaining the landscaping on-site and keeping the site free of litter, graffiti, or any other types of vandalism.

Standard Conditions:

28. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
29. The Conditional Use Permit and Design Review may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.

30. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents,

officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

31. The Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
32. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation, or further legal action.
33. The applicant shall comply with all federal, state, and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
34. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
35. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
36. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
37. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

Fire Prevention

38. An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFx) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station. Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. The alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72. Contact the Western Municipal Water for the requirements for the dedicated fire service and backflow requirements.

39. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System. The provisions of this section shall apply to:
- a. New buildings in accordance with California Fire Code Section 510 Emergency Responder Communications Coverage, and NFPA 1221, Edition 2019.
- Grid tests shall be submitted to the Riverside Police Communication Analyst (951) 353-7270, for review and determination for a system. If a system is required, plans will need to be sent to Riverside Fire Department for approval and permit issuance prior to any work on such systems. The Riverside Police Communication Analyst will conduct an acceptance test of the system and a copy of the report shall be forwarded to the Fire Department.
40. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, underground fire service, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
41. Construction plans shall be submitted and permitted prior to construction.
42. Fire Department access shall be maintained during all phases of construction.
43. The project is required to comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition.)
44. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments

Public Utilities – Electric

45. The developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
46. Plot existing electrical distribution facilities on the original site plan.
47. Provide electric service panel location.

Public Works – Land Development

Prior to Occupancy unless otherwise noted:

48. Storm Drain construction will be contingent on engineer's drainage study.
49. Installation of sewer lateral to serve this project to Public Works specifications.
50. REMOVE existing liquidambar trees in PUBLIC RIGHT-OF-WAY along NORTHROP DR; PLANT 24" box size Koelreuteria Bipinnata in PUBLIC RIGHT-OF-WAY. Typical spacing 25' O.C. PRIOR TO ANY PLANTING, email Tree Inspector at gtanaka@riversideca.gov, to schedule inspection for Tree Inspector to determine precise locations at time of scheduled site inspection after fine grading and hardscape installation is complete. Planting, staking, irrigation, root barriers, trunk protectors, to Landscape & Forestry specifications.
51. Trash enclosures required per public works specifications.
52. *Prior to final inspection* for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western

Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG.

The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.

53. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
54. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan
55. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

Public Works – Traffic Engineering

Prior to Certificate of Occupancy

56. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
57. Prior to the issuance of a Certificate of Occupancy, the applicant shall furnish and install a Marathon Battery Backup System (BBS) (or City approved equivalent) at the intersection of Alessandro Boulevard and Northrop Drive.
58. The applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. The applicant shall hire a contractor to install signal modification improvements. The applicant shall obtain any necessary permits and approvals to

complete the improvements. The applicant is solely responsible for the procurement and installation of the improvements to the satisfaction of the Director of Public Works.

Parks, Recreation & Community Services

Prior to Building Permit Issuance

59. Developers shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.

Environmental Compliance

Prior to Building Permit Issuance

60. A Wastewater Discharge Survey for restaurants must be submitted to Environmental Compliance for approval. The Wastewater Survey and Menu will help to determine if you need an interceptor and what size. Plans will need to be modified to reflect the interceptor or sample wye location.

Details regarding grease interceptor for restaurant must be submitted to EC for review and approval. The City requires a minimum 750-gallon interceptor with sample box. Actual approved interceptor size depends on review of drainage fixture units and information written in submitted Wastewater survey. Approved interceptor must be installed prior to the restaurant opening for business. Domestic waste shall not be allowed to pass through the interceptor.

61. If a sampling station is required—submit proposed installation on corrected plans.
62. All corrections to plans must be completed for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
63. Plumbing plan details must be submitted during the Building and Safety Plan Check submittal and obtain EC approval.
64. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector. Other items for correction may need to be completed after actual plans are submitted for a formal review.
65. Proposed trash enclosures with drains to sanitary sewer or grease interceptor must have cover to control rainwater intrusion.