

**Community & Economic Development Department**

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

**Planning Division****MINOR CONDITIONAL USE PERMIT, VARIANCE, AND PUBLIC CONVENIENCE OR NECESSITY STAFF REPORT****Development Review Committee Date: March 22, 2017****Approval Date: August 22, 2018****PROJECT DETAILS**

<b>CASE NUMBERS:</b>	P17-0126 (Minor Conditional Use Permit), P17-0502 (Variance), and P17-0503 (Public Convenience or Necessity Determination)
<b>CONTACT PLANNER:</b>	Judy Egüez, Associate Planner
<b>APPLICANT:</b>	Marco McGuire, McGuire Restaurant Group
<b>PROPERTY ADDRESS:</b>	3601 University Avenue
<b>SPECIFIC PLAN:</b>	Downtown Specific Plan – Raincross District
<b>ZONE:</b>	DSP-RC-SP-CR Downtown Specific Plan - Raincross District and Cultural Resources (Mission Inn Historic District) Overlay Zones
<b>WARD:</b>	Ward 1

**SITE BACKGROUND**

The subject property was developed in 1961 with a two-story, 12,218 square foot, office building that occupies the entire 0.21 acre site. The building was the former location of the United States National Bank. The bank contained a drive-thru teller window that was accessed from Orange Street and exited onto University Avenue. When the bank relocated to a new location, the building was occupied by offices and the drive-thru lane was converted into parking spaces.

Surrounding uses include restaurants and retail to the west, personal services, restaurant and bar to the east, a parking garage to the north, and offices restaurant and bar to the south.

**DESCRIPTION OF THE PROPOSAL**

The applicant is requesting approval of a Minor Conditional Use Permit to permit the establishment of Bar/Nightclub (Downtown Experiment) in conjunction with on-sale of alcohol (Type 48 On-sale General Public Premise) on the first floor and portion of a basement of an existing office building. A Variance is also requested to allow fewer parking spaces than required by Code; as well a determination of Public Convenience or Necessity is needed for the over-concentration of Type 48 on-sale licenses in Census Tract 303.00.

Downtown Experiment is proposing to occupy the first floor of the existing office building, consisting of 5,174 square feet, and 523 square feet of the basement for food preparation and storage. The existing office uses will remain on the second floor, consisting of 4,312 square feet, and the remaining 2,209 square feet of basement area.

The primary entrance to Downtown Experiment will be from the building's main entrance located along University Avenue. Floor plans for Downtown Experiment provide seating areas surrounding a bar island, a dance floor, a DJ Booth, a private room for parties and meetings, and restrooms. There will also be a 939 square foot outdoor patio with seating along Orange Street and University Avenue. Downtown Experiment will offer a light menu consisting of pre-packaged cold food items, such as salads, sandwiches, and cold pasta dishes. The basement will contain a food preparation area consisting of prep tables, refrigerators, microwaves, and sinks. A formal kitchen is not proposed with this project. Six parking spaces, including an accessible parking space, are provided on site.

Downtown Experiment will be open Sunday 11:00 a.m. to 10:00 p.m., Monday through Wednesday from 5:00 p.m. to 10:00 p.m., and Thursday through Saturday from 5:00 p.m. to 2:00 a.m. Entertainment includes lounge/DJ, live music, karaoke, and live entertainment. Nightclub entertainment, limited to Thursday – Saturday from 10:00 p.m. to 2:00 a.m., includes live bands, live DJs, live music and dancing. Entry will be restricted to persons over 21 years of age at all times.

As a matter of information, a Certificate of Appropriateness was approved on June 19, 2018 under Planning Case P17-0125 for modifications to the building facades, consisting of removal of planter boxes around the columns, wrapping columns in metal panels, modification of storefronts on the south and east elevations, addition of metal grates and planter boxes on the second floor balcony, installation of greener mats on the south elevation, installation of new sconces on columns, conversion of main entry doors to metal doors, and a repaint of the entire building.

## **ANALYSIS**

The Downtown Specific Plan – Raincross District permits the establishment of bars with the on-sale of alcoholic beverages, subject to the granting of a Minor Conditional Use Permit, and compliance with operational and development standards set forth in Chapter 19.450 of the Zoning Code (Alcohol Sales). The site is located within the Downtown Specific Plan - Arts, Culture and Entertainment subdistrict which is intended to represent the cultural, artistic and entertainment 'hub' of Downtown Riverside. The Downtown Specific Plan states that the development standards for the Raincross District are designed to create a place of daytime, evening and weekend activities. The proposed bar/nightclub supports the goals and policies of the Downtown Specific Plan.

### Compliance with Applicable Development Standards

<b>Chapter 19.450 – Alcohol Sales</b>				
<b>Site Location, Operation and Development Standards</b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Setback From Residential</b>	100 feet	105 feet (Imperial Hardware - 3750 Main Street)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Setback From Parolee/Probationer Home, Emergency Shelter, Supportive Housing or Transitional Housing</b>	1,000 feet	2,230 Feet (Wylie Center - 4164 Brockton Avenue)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 – Parking and Loading					
Standard			Proposed	Consistent	Inconsistent
<b>Parking</b>	Entertainment/ Restaurant (1 space/100 square feet)	57	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Office (1 space/250 square feet)	27			
	<b>Total</b>	84			

The applicant has requested a Variance to allow 6 parking spaces, where 84 would be required. Utilizing data provided by the Public Works Parking Division, a parking analysis was prepared for Downtown Experiment, which detailed the number of available parking spaces, reserved parking spaces, and accessible parking spaces within public parking lots and garages. The parking analysis determined that garages 1, 2, and 6, all in close proximity to the Downtown Experiment, provide an average of 454 available parking stalls during the anticipated peak operational hours of the Downtown Experiment (Thursday, Friday, and Saturdays nights). Therefore, staff can support the variance as adequate parking is available for the utilization of patrons in off-site parking garages.

#### Riverside Police Department

The applicant's operation and security plans have been reviewed and approved by the Riverside Police Department (RPD). Security measures include age verification conducted by security personnel posted at the main entrance and the provision of high-definition security cameras with digital video storage. RPD is supportive of the proposal, subject to the recommended conditions of approval.

#### **GENERAL FINDINGS:**

The Zoning Code requires the following findings to be made in order for a Minor Conditional Use Permit to be approved:

- A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.

The proposal **complies** with this finding. The proposed establishment is located within the Arts, Culture and Entertainment subdistrict of the Downtown Specific Plan, which encourages a diverse mix of retail, office, restaurant and entertainment uses within its boundaries in order to create a more vibrant and economically competitive Downtown Core. The proposal is compatible with the existing land uses in the immediate area, which include specialty retail, personal services, offices, bars and restaurants. Exterior modifications will be reviewed by the Historic Preservation Division to ensure compliance with the historic district, as well as consistency with building and site design characteristics for the area.

- B. The proposed use 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.

The proposal **complies** with this finding. The proposed establishment has been reviewed with no objections by the Riverside Police Department and, as conditioned, will not result in an additional burden to public safety resources in the area. Building permits for interior improvements will be

required to ensure the facility meets all applicable state and local requirements for life safety, fire prevention and suppression and accessibility requirements. Downtown Experiment will provide additional security personnel during evenings and weekend hours, providing enhanced safety to the general public in the project area.

- C. The proposed use will be consistent with the purposes of the Zoning Code and is in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.

The proposal **complies** with this finding. Downtown Experiment is consistent with the purpose of the Zoning Code as the Raincross District of the Downtown Specific Plan is intended to "create and encourage opportunities for a variety of commercial, residential and entertainment uses" within the historic Downtown core, and "encourages a concentration of uses that generate activity during both daytime and evening hours." Within the Downtown Specific Plan Arts, Culture and Entertainment subdistrict boundaries, on-sale establishments are exempt from the distance requirements for schools, assemblies of people – non-entertainment, public parks and other uses as required by the Alcohol Sales provisions of the Zoning Code. As conditioned, the proposal complies with operational standards for alcohol sales.

#### **FOUR FINDINGS OF FACT (VARIANCE JUSTIFICATIONS)**

**Variance Requested:** To allow 6 parking spaces, where the Zoning Code requires 84 parking spaces.

- A. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code.

The proposal **complies** with this finding. The proposed uses will need a total of 84 parking spaces. The two-story building was originally constructed as a bank in 1961 and has since been operating as an office. The project site currently has only six parking spaces on-site in the area that was originally used to be a bank drive thru teller window. The remaining 78 parking spaces can be accommodated in the public parking garages located in the vicinity of the project. A Parking Analysis was prepared for this project and concluded that garages 1, 2, and 6, all in close proximity to the Downtown Experiment, provide an average of 454 available parking stalls during the anticipated peak operational hours of the Downtown Experiment (Thursday, Friday, and Saturdays nights). As previously noted, the building occupies the entire 0.21 acre site. It would be an unnecessary hardship to require the applicant to demolish most, if not all, of the building to provide the required parking. As such, the strict provisions of the Zoning Code would result in both, practical difficulties and an unnecessary hardship inconsistent with the purpose and intent of the Zoning Code.

- B. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification.

The proposal **complies** with this finding. The existing building has been utilized as an office for many years with non-conforming parking. The proposed Bar/Nightclub will permit the existing structure to remain while providing a new use in the first floor of the building. A Parking Analysis was prepared for this project and concluded that garages 1, 2, and 6, all in close proximity to the Downtown Experiment, provide an average of 454 available parking stalls during the anticipated peak operational hours of the Downtown Experiment (Thursday, Friday, and Saturdays nights). Given that sufficient parking is provided within the immediate area, there are exceptional circumstances applicable to this property which do not generally apply to other property in the same zone or neighborhood.

- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

The proposal **complies** with this finding. The existing building and office uses have been operating with non-conforming parking. The reuse of the first floor of the existing building as a Bar/Nightclub will not be detrimental to the public welfare as sufficient parking in garages within 300 feet of the site are available during peak hours of the establishment. As such, the granting of this request will not prove materially detrimental to the public welfare.

- D. The granting of the variance will not be contrary to the objectives of any part of the General Plan and Downtown Specific Plan.

The proposal **complies** with this finding. The project site is located within the Downtown Specific Plan which acknowledges the challenges to parking requirements for the existing buildings and encourages the effective uses of the existing parking supply resources. Thus, granting the variance will not be contrary to objectives of any part of the General Plan and the Downtown Specific Plan

### **PUBLIC CONVENIENCE OR NECESSITY**

The Department of Alcoholic Beverage Control (ABC) has informed the City that Downtown Experiment is within Census Tract 303.00, an area with an over-concentration of licenses, where 4 on-sale licenses of alcoholic beverages are allowed and 41 licenses are active. The proprietor of Downtown Experiment have filed an application with ABC for a Type 48 (On-Sale General Public Premise) license. Based on the ratio of existing licenses to population, this request is subject to the City's determination of Public Convenience or Necessity (PCoN) prior to issuance of a license by ABC.

The request meets the public convenience or necessity required by Section 23958.4 of the California Business and Professional Codes based on the following findings:

1. Downtown Experiment is conceived as a high-end night club/lounge that will bring elevated entertainment aesthetic and environment to Downtown Riverside. The proposed on-sale of alcohol at this establishment will contribute to the diverse array of entertainment, shopping, dining and cultural offerings located in the Downtown Arts, Culture and Entertainment District and can therefore be found to serve the convenience of the public.
2. The proposed establishment, consists of a 5,174-square-foot area located on the first floor of an existing two-story office building with a basement. Downtown Experiment will include indoor and outdoor seating areas, a bar area, a dance floor, and a private room. A Minor Conditional Use Permit (MCUP) (Planning Case P17-0126) pursuant to the requirements of the Downtown Specific Plan – Raincross District is concurrently being evaluated for consistency with the General Plan, Downtown Specific Plan and Chapter 19.450.030 (On-Sale of Alcohol) of Title 19 (Zoning) of the

Riverside Municipal Code. The proposal meets all applicable site location, operation and development standards for the on-sale of alcohol.

3. The subject site is located in Census Tract 303.00. Information provided by ABC shows that a maximum of 4 on-sale alcoholic beverage licenses are allowed in the Census Tract where 41 on-sale alcoholic beverage licenses currently exist. Of the active on-sale licenses in this Census Tract, 4 are Type 48 (on-sale general public premise). Thus, the presence of an additional Type 48 (on-sale general public premise) will not exacerbate the existing concentration of alcohol licenses within the Census Tract.
  4. As a condition of approval of the MCUP, the Applicant is required to implement a number of responsible management and security practices including participation in a Crime Prevention Through Environmental Design (CPTED) training; the provision of high-definition video surveillance technology; the use of a licensed and bonded security firm to provide on-site security; and participation in the Riverside Police Department's Business Watch program. With the required enhanced security measures, the Police Department does not oppose the sale of alcoholic beverages at this location.
  5. The subject site is located within the Arts, Culture and Entertainment subdistrict of the Downtown Specific Plan (the District). The District encourages a diverse mix of retail, office, restaurant and entertainment uses within its boundaries in order to create a more vibrant and economically competitive Downtown Core, with the intent of creating and encouraging a concentration of uses that generate activity during both daytime and evening hours. The District contains restaurants, bars, nightclubs, hotels and cultural institutions that creates a destination for residents of the Inland region. Due to the District's growing status as a regional cultural and entertainment destination, addition of a new on-sale license in this Census tract is thus found to serve the public convenience.
  6. The subject site is located within the Riverside Downtown Partnership Business Improvement District, which provides maintenance, safety ambassadors and a number of other support services to area businesses. In addition, the subject area is patrolled regularly by the Riverside Police Department. Adequate visibility, access, and lighting are provided for a safe and secure environment in which the business can operate and patrons can consume alcohol.

## NEIGHBORHOOD COMPATIBILITY

The proposed establishment is located within the Arts, Culture and Entertainment subdistrict of the Downtown Specific Plan, which encourages a diverse mix of retail, office, restaurant and entertainment uses within its boundaries in order to create a more vibrant and economically competitive Downtown Core. The proposal is compatible with the existing land uses in the immediate area, which include specialty retail, personal services, offices, bars and restaurants.

## ENVIRONMENTAL DETERMINATION

The project constitutes an existing facility which is categorically exempt per the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

## **PUBLIC NOTICE AND COMMENTS**

Notices requesting public comment were mailed to property owners within 300 feet of the site. Seven responses were received by staff. Two were phone calls requesting additional information and five letters were received in opposition of the project raising concerns related to potentially exacerbating existing issues in the Downtown area with regards to safety, trash, and parking on private property. The Police Department reviewed the letters received by staff and has indicated that they continue to work with bar owners in the area to improve conditions in the Downtown. The Police Department has a squad of four

officers and one Sergeant assigned to the Downtown Arts, Culture and Entertainment subdistrict during night hours. Furthermore, the Police Department Vice Unit received a grant from the Alcohol Beverage Control for the 2018-2019 year to conduct operations that include surveillances and inspections of establishments serving alcohol in addition to extra patrol in the district for extra enforcement.

#### **APPEAL INFORMATION**

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

#### **DEVELOPMENT REVIEW COMMITTEE DECISION**

The Development Review Committee **APPROVES** this proposal, subject to the conditions of approval.



## **CONDITIONS OF APPROVAL**

Planning Case Numbers: **P17-0126** (Minor Conditional Use Permit)  
**P17-0502** (Variance)  
**P17-0503** (Public Convenience or Necessity)

### **Planning**

1. The subject property shall be developed and operated as shown on the floor plan and the operational hours table on file with this case except for any specific modification that may be required by these conditions of approval.
2. The applicant shall notify Planning Division staff of a future change of ownership of the subject property and/or vacancy of the subject tenant space.

### *During Business Operations:*

3. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Riverside Municipal Code.
4. The posting of flyers and other propaganda within the outdoor areas of the project site and/or adjacent public and private property, including vehicles, shall be prohibited.
5. Operation of the business, including entertainment, shall be in compliance with Title 7 (Noise) of the Riverside Municipal Code. Entertainment shall be allowed indoors and on the outdoor patio until 10:00 p.m. Entertainment shall be limited to the indoors only after 10:00 p.m. All exterior doors shall remain closed while entertainment activities are occurring to minimize noise impacts.
6. The applicant herein of the business is subject to this Minor 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 and the Downtown Specific Plan. The applicant shall inform all its employees and future operators regarding the conditions of this permit as they apply to the business operations.
7. A copy of the Minor Conditional Use Permit and the Conditions of Approval shall be made available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement, upon request. Failure to have the approved conditions available upon request will be grounds for revocation of the Minor Conditional Use Permit.

### *Standard Conditions:*

8. There shall be a one year time limit on this approval in which to commence the project beginning the day following approval by the Development Review Committee unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
9. 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.

10. The Project must be completed per the Minor Conditional Use Permit approved by the Development Review Committee, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Development Review Committee or equivalent authority. Upon completion of the Project, a Planning Division staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
11. 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.
12. The applicant is advised that the business or use for which this use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division. The applicant 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.
13. This 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.
14. 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.
15. This permit is issued based upon the business operations plan 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. The applicant shall notify the Planning Division of any change in operations and changes to the plans. Such changes may require a revision to this permit. Failure to notify the City of any change in operations is material grounds for revocation of this Minor Conditional Use Permit.
16. A Minor Conditional Use Permit shall become void if any of the conditions listed below apply:
  - a. There is a change in type of retail liquor license within a license classification; or
  - b. The sale of alcoholic beverages is abandoned or discontinued (included but not limited to circumstances such as suspension, cancellation or revocation of an existing retail liquor license) for any period of time, excluding a maximum of 30-day closure required to perform necessary repairs or restoration that does not increase the square footage of the business used for the sale of alcoholic beverages; or
  - c. There is a substantial change in the mode or character in the operation of the alcoholic beverage sales business (e.g. due to physical expansion of the alcoholic beverage sales business floor area or increased hours of operation)..

17. Failure to comply with these conditions and/or with Zoning Code provisions may be cause for revocation. A public hearing to consider the revocation of a Minor Conditional Use Permit may be conducted by the City Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.730 of Municipal code.

### **Riverside Police Department**

#### **Alcohol:**

18. The business shall serve primarily as an on sale general public premise (bar / night club) and follow the guidelines of the Alcohol Beverage Control (ABC) in compliance with Section 23039 of the Business and Professions Code.
19. No alcoholic beverages shall be permitted on the property adjacent to the licensed premises under the control of the licensee.
20. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.
21. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.
22. "Happy Hour" shall not be made available past 7:00 p.m.
23. A last call for alcohol shall be provided nightly at no later than 1:15 a.m. No alcohol sales shall be allowed after 1:30 a.m.
24. No alcohol specials with drinks discounted more than 25% of its regular price and no lower than \$4 shall be permitted during nightclub entertainment hours.
25. No persons under the age of 21 shall be permitted on the premises.

#### **Security:**

26. The business shall utilize a licensed and bonded security firm or employ only licensed and bonded security guards to monitor the activity of their patrons inside the facility as well as the parking lot. All security for the facility shall be subject to the review of the Riverside Police Department.
27. There shall be a security plan submitted to the Riverside Police Department and approved by the Chief of Police or designee. The written security plan shall be enforced as presented including the following items contained herein:
  - a. A minimum ratio of 1 licensed and bonded security staff member for every 40 patrons shall be on-site after 9:00 p.m. to monitor the activity of their patrons inside the facility as well as the existing concrete sidewalk area, and extending a minimum of 30 minutes past closing.
  - b. The security manager shall work directly with the Riverside Police Department at least 2 weeks prior to events where bands or other performances are expected to draw large crowds.
  - c. Installation of a security camera surveillance system consisting of the latest high definition video technologies within the minimum requirement of having the ability to save recorded video for a fourteen day period and which shall also be made available

to the Riverside Police Department upon request within 24 hours. An onsite manager shall have working knowledge.

- d. Security personnel shall mechanically keep an accurate count of persons in the restaurant and make the count available to public safety personnel upon request.
- e. Two additional security personnel shall be stationed outside all entry and exit doors after 9:00 p.m., and shall actively work with management staff to clear the surrounding area and curtilage of all persons within 30 minutes of closing.
- f. All security personnel shall be attired in a manner that will clearly identify them as venue security.

*Entertainment:*

- 28. Nightclub Entertainment may not exceed 3 nights a week and shall end by 1:30 a.m.
- 29. There shall be no nightclub activities after 10:00 p.m. Sunday thru Wednesday.
- 30. A cover charge of \$5.00 minimum may be charged to enter the facility after 9:00 p.m. on all evenings with nightclub entertainment to reduce the potential calls for police service.
- 31. Entertainment uses that are not contained within the strict guidelines set forth in Chapter 19.250-Assemblies of People-Entertainment shall not be permitted.
- 32. Entertainment uses that fall under Section 9.40.020 (A) (3)-Adult-Oriented Businesses, Adult Cabaret, etc., shall not be permitted.
- 33. Entertainment shall be limited to interior areas of the building only. No entertainment activities shall be permitted outdoors.
- 34. There shall be no external speakers for any audio amplification system. Music shall be played indoors only and shall not be projected onto the outdoor area, including the patio area or surrounding public space.
- 35. Establishment operations and entertainment must be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
- 36. Management shall notify the Police Department at least 7 days prior to any special event being held at the establishment which falls outside their normal nightclub activities.
- 37. Future entertainment may be denied should it be determined that the uses or conditions under which the property is being operated or maintained is detrimental to public health or welfare, is materially injurious to public safety or constitutes a public nuisance.

*Grounds:*

- 38. The frontage area of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the curtilage of the establishment.
- 39. The licensee shall be responsible for maintaining free of graffiti the area adjacent to the premises over which they have control.

40. During hours of operation, no loitering shall be permitted on any property adjacent to the license's premises which is under control of the licensee, in order to maintain public right of way.

**Compliance:**

41. The applicant shall participate in a Crime Prevention through Environmental Design (CPTED) inspection and implement suggested enhancements prior to the start of serving alcohol.
42. The licensee/employees shall attend a 4-hour License, Education, Alcohol and Drug (LEAD) class presented by the Riverside Office of the Alcoholic Beverage Control within 90-days of obtaining an ABC sales license.
43. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department in the enforcement of all laws. The violation of any laws or failure to cooperate with the Riverside Police Department, will be cause for revocation.
44. The applicant must comply with the maximum occupancy established by the City of Riverside Fire Marshal. More than one violation of this condition shall constitute a material violation of the permit.
45. A copy of the Minor Conditional Use Permit and the Conditions of Approval shall be made available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement, upon request.
46. The applicant shall post a public notice regarding slavery and human trafficking in a conspicuous place near the public entrance of the establishment, or in another conspicuous location, in clear view of the public and employees where similar notices are customarily posted, as required per Section 52.6 of the Civil Code.
47. The required conditional use permit is subject to a mandatory three-month review by the Planning Division. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any six-month period regarding disturbances caused by patrons or staff at the site shall be grounds for revocation proceedings.

**Fire Department**

48. An automatic fire sprinkler system is required for the change in use to an A2 restaurant with a fire area greater than 5,000 square feet and an occupant load greater than 100 persons. 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 switch 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. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.

49. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
50. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

51. Construction plans shall be submitted and permitted prior to construction.
52. Fire Department access shall be maintained during all phases of construction.
53. Assembly Group A occupancies shall be provided with a manual fire alarm system having an occupant load of 300 or more. Group A occupancies not separated from one another in accordance with section 707.3.10 of the CBC shall be considered as a single occupancy. See C.F.C. exceptions and specific requirements for occupant loads of 1000 or more. Submit plans and obtain approvals from the Fire Department prior to installation. New fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX.

### **Public Works**

*Conditions to be fulfilled prior to building permit unless otherwise noted:*

54. In order monitor traffic activity and safety at the intersection of Orange Street and University Avenue, applicant to provide an Axis 4K Pan, Tilt, Zoom, Temperature Hardened camera with power supply and enclosure to Public Works Specifications. Project to also include high-bandwidth (gigabit wireless) point to point Siklu radio. Camera and radio to be installed by City Operations Staff and provided prior to issuance of building permit.

### **Public Utilities Water**

No conditions.

### **Public Utilities Electric**

No conditions.

### **Building & Safety**

No conditions.

### **Parks, Recreation & Community Services**

No conditions.

### **Environmental Compliance**

No conditions.