Community & Economic Development
Department

City of Arts & Innovation

RECEIVED
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June 7, 2019

AFG Development, LLC
Jim Guthrie
1451 Research Park Drive
Riverside, CA 92507

Subject: PLANNING CASES: P18-0091, P18-0092, P18-0093, P18-0099 (PM 37475), P18-0094, P18-0095, P18-0096, P18-0097, P18-0098, P18-0101, P18-0424, P18-0100 AND P18-0401 – GENERAL PLAN AMENDMENT, REZONING, DESIGN REVIEW, PARCEL MAP, CONDITIONAL USE PERMITS, VARIANCE, MINOR CONDITIONAL USE PERMIT AND ENVIRONMENTAL IMPACT REPORT FOR A MIXED USE DEVELOPMENT AT NORTHWESTERN SECTION OF THE CITY OF RIVERSIDE, GENERALLY BOUNDED BY ORANGE STREET TO THE WEST, STRONG STREET TO THE NORTH, STATE ROUTE 60 (SR-60) TO THE SOUTH AND INTERSTATE 215 (I-215) TO THE EAST – WARD 1

Dear Mr. Guthrie:

The Riverside City Council, at its meeting of June 4, 2019, approved your development related application which is referenced by the above-noted case numbers. Attached are the final conditions of approval for your records. In conjunction with this approval the City Council, adopted a Resolution certifying the Final Environmental Impact Report (EIR) for the Exchange Project.

The conditions of approval require the applicant to execute an indemnification agreement within 30 days of approval. Please complete the attached agreement and return an original signed copy with the appropriate organizational documents to indicate proper signature authority and a current legal description of the project site to your case planner within 30 days.

Please call Brian Norton, Senior Planner, at (951) 826-2308 if you have any questions.

Sincerely,

Mary Kopaskie-Brown, AICP, MCIP, OPPI
City Planner

CITY COUNCIL
FINAL APPROVED CONDITIONS

City Council Meeting Date: June 4, 2019

Case Nos.: **P18-0091** (General Plan Amendment), **P18-0092** (Rezone), **P18-0093** (Site Plan Review), **P18-0099** (Tentative Parcel Map 37475), **P18-0094-0098** (Conditional Use Permits), **P18-0101** (Design Review), **P18-0424** (Grading Exception), **P18-0100** (Minor Conditional Use Permit), **P18-0401** (Environmental Impact Report)

Case Specific

Planning

1. All mitigation measures, as outlined in the Mitigation, Monitoring and Reporting Plan in the FEIR, shall be completed in accordance with the designated schedule.
2. Approval of this project is contingent upon the Certification of the Environmental Impact Report associated with this project.
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 development applications and fees may be required.
4. ***Advisory:*** Building mounted and monument signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any signs shall be subject to separate review, including any required variances. A separate sign application, including fees and additional sets of plans, prior to any sign permit issuance.

Prior to Map Recordation:

5. A declaration of Covenants, Conditions and Restrictions (CC&R's) shall be prepared with the final map establishing a Master Property Owner Association subject to the City's Planning Division and City Attorney's Office review and approval. Such declaration shall set forth provisions for maintenance of all common open space areas, and all other privileges and responsibilities of the common ownership. The CC&R's shall include provisions prohibiting the Master Property Association (MPA) from quitclaiming, selling, or otherwise transferring the land held in common ownership to private property owners. The CC&Rs shall contain the following conditions and restrictions:
    a. Establish a Master Property Owners Association (MPA);
    b. The MPA shall be responsible for common maintenance of all open space, detention basins, private drainage easements, and well as the implementation of water quality management facilities on each lot;
    c. Reciprocal parking and access agreements shall be provided between all lots within this map; and
    d. Outdoor storage shall be prohibited where visible from the public right-of-way, freeways, and adjoining properties unless fully screened pursuant to the standards of the Zoning Code. Outdoor storage areas shall not displace required parking or circulation areas.

Prior to Grading Permit Issuance:

6. The Parcel Map shall be recorded.

7. The Applicant shall obtain all required permits from the California Department of Transportation for off-site grading within Caltrans right of way. Evidence of permits shall be provided to the Planning Division and Public Works Department.
8. The Applicant shall provide to the Planning Division a copy of permits obtained from the Wildlife agencies and the Army Corps of Engineers for Drainage features 1 and 2.
9. A 40-scale precise grading plan shall be submitted to the Planning Division and include:
    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;
    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. Measures may include:
        i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
        ii. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
        iii. Wash off trucks and other equipment leaving the site;
        iv. Replace ground cover in disturbed areas immediately after construction;
        v. Keep disturbed/loose soil moist at all times; and
        vi. Suspend all grading activities when wind speeds exceed 25 miles per hour.

During grading and construction activities:

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.
11. 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) grading activities shall cease during periods of high winds (greater than 25 mph);
    c) 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;
    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;

f) A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site; and

g) The contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.

12. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

13. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

14. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

15. The Contractor shall limit all construction-related activities that would result in high noise levels 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.

Prior to Building Permit Issuance:

16. The landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.

17. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.

18. Submit three sets of plans depicting the preferred location for above ground utility transformers of capacity to accommodate the planned or speculative uses within the building(s). 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. If landscape screening is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The Applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.

19. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas, parking lots and pedestrian paths shall be submitted with the exterior lighting plan.

    a) All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1);

b) The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways;

c) If lights are proposed to be mounted on buildings, down-lights shall be utilized;

d) Light poles shall not exceed 14 feet in height, including the height of any concrete or other base material, within 50-feet of residential property lines to north of the subject property line, otherwise light standards shall not exceed 20 feet in height, including the height of any concrete or other base material; and

e) For safety, all pedestrian paths shall be adequately lighted throughout the project.

20. **Fence/Wall and Retaining Wall Plan:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following changes:

    a) All freestanding and retaining walls shall be constructed or finished in a decorative material.

    b) All walls and pilasters shall be finished with a decorative cap.

    c) Terminating wall segments shall include decorative columns finished with a decorative cap.

21. **Staff Required Plot Plan Conditions**: Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:

    a) Access to the 'Work' portion of the Live/Work units shall be taken from the front of the building and have direct access to the 'main drive' aisle sidewalk.

    b) Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;

    c) A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it; and

    d) Provision for handicap accessible parking as deemed necessary by Building and Safety Division.

22. **Staff Required Building Elevations Conditions:** Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:

    a) Live/Work units shall include a direct entry to each ground level 'work' area from the 'main drive' aisle sidewalk;

    b) All residential building windows that are visible from the public right of way or from the main internal drive aisle shall be recessed;

    c) All residential building electrical alcoves visible from the public right of way shall be placed in fully enclosed electrical rooms with doors;

    d) Catalog cuts of the decorative sconce lighting and steel canopies shall be submitted for review and approval of Design Review staff;

    e) The building elevations submitted for building permits shall clearly specify all building materials and colors to match the materials and colors as approved by the City Planning Commission as applicable; and

    f) Roof-mounted mechanical equipment shall not protrude above the height of the building parapet wall.

23. **Staff Required Landscape and Irrigation Conditions:** Revise the submitted landscape and irrigation plans such that the plans incorporate the following:

a) A minimum of 10 percent of the trees within the landscaped areas adjacent to the north and northwest portions of the site shall consists of 36-inch box evergreen trees.

b) A minimum of 20 percent of the trees within the landscaped areas adjacent to the north and northwest portions of the site shall consists of 24-inch box evergreen trees.

c) Trees shall be planted and maintained in all parking lots at a ratio of one tree for every four parking spaces (that may be clustered or grouped). The trees shall be placed throughout the parking lot in a manner that will ensure that all portions of the lot receive tree shade. Trees shall be of a variety that provide a broad canopy.

d) Landscape plans shall include tiered landscaping along Orange Street, providing for a screen hedge up to three feet in height adjacent to any parking spaces or areas where equipment is readily visible from the public right-of-way.

e) A landscape hedge shall be added from the end of the 3-foot screen wall adjacent to the carwash drive thru lane to the carwash building to provide adequate screening of the drive-thru lane.

f) Landscape hedge shall be added between the eastern edge of the RV parking area and the Caltrans right of way to provide privacy to the RV parking area.

g) Vines shall be planted along the retaining wall along the east portion of the property.

Operational Conditions:

Multi-Family Residential

24. The multi-family component of the development shall install and maintain air filtration systems with efficiencies equal to or exceeding a Minimum Efficiency Reporting Value of (MERV) 16 as defined by the American Society of Heating, Refrigeration and Air Conditioning Engineers.

Recreational Vehicle Overnight Parking

25. Stays shall be limited to no more than 30 days within a 60 day time period

26. Generators shall not operate between the hours of 10:00pm and 7:00am.

Live/Work Units

27. At least one of the full-time workers of the live/work unit needs to reside in the unit. The residential area shall not be rented separately from the working space. The business activity occupying the live/work unit may utilize employees in addition to residents as necessary.

On-Site Activities/Entertainment (Farmers Market, Car Show, Live Music)

28. On-site activities shall be limited to the area labeled 'Farmers Market' on project plans.

29. On-site activities shall occur during the hours of 7:00am and 10:00pm.

30. All on-site activities shall adhere to the provisions of the Noise Code.

31. Activities that occur within the on-site activity area, denoted on project plans, shall be temporary in nature and shall not exceed more than 2 days.

32. For events longer than 2 days in duration, a Temporary Use Permit shall be reviewed and approved by all applicable City Departments. A separate application and fee shall apply.

Vehicle Fueling Station

33. The sale of beer and wine for off-site consumption shall not be permitted unless a separate Conditional Use Permit is approved for alcohol sales pursuant to the requirements of the Zoning Code.

Prior to Release of Utilities and/or Occupancy:

34. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact Patricia Brenes at (951) 826-2307 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

Standard Conditions

35. There is a 36-month time limit in which to satisfy the conditions and record this map. Six subsequent one-year time extensions may be granted by the Community & Economic Development Director upon request by the Applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.

36. Conditional Use permits, Design Review, and Variances, related to an implementing subdivision, may be granted time extensions by the Community & Economic Development Director or their designee up to a total of six years consistent with the time limits of the map. Once a building permit has been issued the development will be considered vested and time extensions are no longer needed. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing), may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case in addition to a time extension fee.

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.

38. The Project must be completed per the Site Plan, Conditional Use Permits, Minor Conditional Use Permits, Design Review, Variance, Grading Exception approved by the City, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission and/or City Council or minor modifications by Staff. Upon completion of the Project, 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.

39. 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.

40. The Applicant is advised that the business or use for which this conditional 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.

41. 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.

42. Use permits may be modified or revoked in full or in partial 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.

43. 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.

44. Use permits are 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. Permittee shall notify Community & Economic 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 or use is material grounds for revocation of the conditional use permits granted herein.

45. The applicant herein of the proposed development acknowledges all of the conditions imposed and accepts the granting of the conditional use permits subject to the conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.

46. Failure to abide by all conditions of this permit shall be cause for revocation.

47. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

48. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.

49. The Applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

Public Works

Prior to Map Recordation Unless Otherwise Noted:

50. Storm Drain construction will be contingent on engineer's drainage study.

51. Deed for widening Strong Street along project frontage to 33' from monument centerline to Public Works specifications.

52. Installation of sidewalk along project frontage on Strong Street to Public Works specifications.

53. Installation of sewers and sewer laterals to serve this project to Public Works specifications. Backbone sewer to be Public and all other main tributaries to be privately operated and maintained. Any sewer deficiencies that arise as a result of the project are the sole responsibility of the owner of the project to mitigate.

54. Installation of curb and gutter at 22 feet from monument centerline, sidewalk and matching paving on Orange Street to Public Works specifications.

55. 24" Box Size Magnolia grandiflora with root barriers along all hardscapes on Orange Street required, Typical Spacing is 35 feet, final spacing to be determined by an onsite inspection by Street Tree Inspector after final grading has been completed.

56. Installation of automatic irrigation system to provide tree deep-root watering is required.

57. Off-site improvement plans to be approved by Public Works prior to issuance of construction permit.

58. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.

59. Size, number and location of driveways to Public Works specifications. Southerly driveway on Orange Street to be restricted to right turn ingress and egress only.

60. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works and Fire Department specifications.

61. Trash Enclosures per City Standards. Tandem enclosures not allowed.

62. 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.

63. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:

    a) Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;

    b) Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

c) Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

d) Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

e) Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

64. 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.

65. 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.

66. 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.

67. La Cadena Drive, southwesterly of Strong Street to be vacated on the Final Map to Publics Works specifications.

68. Westerly portion of project site that is in FEMA Flood Zone AE to be either removed from the floodplain via CLOMR/LOMR process or elevated above the floodplain to both FEMA and Public Works specifications.

69. A "FINAL MAP" shall be processed with the Public Works Department and recorded with the County Recorder. The "FINAL MAP" shall be prepared by a Land Surveyor or Civil Engineer authorized to practice Land Surveying I the State of California and shall comply with the State Subdivision Map Act and Title 18 of the Riverside Municipal Code. All applicable checking and recording fees are the responsibility of the Applicant.

70. All mitigation measures shown to be completed by the project will be subject to approval of the Public Works Department. Traffic signals will be required to meet current design standards, and feature fiber optic interconnect to adjacent traffic signals.

71. Orange Street & Driveway 1 –The project shall install a traffic signal (including traffic signal fiber optic interconnect to the closest traffic signals) that encompasses both the project

and school driveways. The traffic control devices, intersection footprint/ curb lines and safety features will be completed to the satisfaction to Public Works Department. The final configuration of the traffic signal, crosswalk and intersection within the public right of way will be informed by ongoing collaboration between the Public Works Department and Riverside Unified School District. The number of through and turning lanes will not be modified from the analyzed intersection configuration included within the environmental documents prepared for this project. The project is responsible for constructing the improvements in full.

72. Orange Street & Driveway 2 – A pork-chop island shall be constructed as part of this intersection in order to prohibit left turns in and out of this driveway. The westbound approach is to be stop-controlled. The project is to construct this improvement in full subject to approval of the Public Works Department.

73. The TIA prepared for the project shows acceptable levels of service at the intersection of La Cadena Drive at Strong Street; however, the City reserves the right to request installation of a multi-way-stop control (and necessary striping removals & installations) at this intersection at any time prior to the issuance of final occupancy permits.

Fire Department

Prior to Building Permits Issuance:

74. An automatic fire sprinkler system is required by City Ordinance 16.32.080. 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.

    a) 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.

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

75. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

76. Construction plans shall be submitted and permitted prior to construction.

77. Fire Department access shall be maintained during all phases of construction.

78. All required hydrants shall be in service and fire flow available prior to building permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.

79. All fire service post indicator valves and fire department connections shall be located to the address side of the building along the fire access roadway. Each building that requires a PIV & FDC shall have be serve only one building and not multiple buildings.

80. Public fire hydrants are spaced a maximum of 350 feet apart.

81. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent. Fire access shall comply with our required turning radius.

82. Access roadways in excess of one hundred and fifty (150) feet in length shall be provided with a provision for turn around. Such provisions shall be of a design approved by the Fire Department.

83. The Riverside Municipal Code, Section 16.36.010 to 16.36.090 requires a Public-Safety Radio Amplification System in:

    a) New buildings greater than fifty thousand (50,000) square feet.

    b) In existing buildings greater than fifty thousand (50,000) square feet when modifications or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%)

    c) All basements where the occupant load is greater than fifty (50), regardless of the occupancy, or sub-level parking structures over ten thousand (10,000) square feet.

    d) Plans shall be submitted to the Riverside Police Communication Analyst (951) 353-7270, for review and approval. The RP Communication Analyst will conduct an acceptance test of the system and a copy of the report shall be forwarded to the Fire Department.

Public Utilities – Electric

84. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.

85. Blanket Public Utility Easement required on all parcels.

86. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.

87. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.

88. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.

89. Plot existing electrical distribution facilities on the original site plan.

90. Please show proposed location of transformers and electrical rooms.

91. Please provide how we are going to be able to install electrical facilities with the aqueduct remaining in place.

92. Major electrical design will be needed for this project.

93. New circuit will be needed in order to serve this project.

Park and Recreation

Prior to Map Recordation:

94. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

Public Utilities – Water

Prior to Issuance of Building Permits:

95. Prior to recordation of map, Applicant shall construct or guarantee the construction of water facilities required to serve all lots to the specifications of Riverside Public Utilities.

CITY OF RIVERSIDE DEVELOPMENT
INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement") is made this _____ day of _____, 2019, by a_____, a _____, ("Applicant"), in favor of the City of Riverside, a California charter city and municipal corporation ("City").

RECITALS

A. The Applicant is the owner or developer of that certain real property ("Property") located within the City of Riverside, County of Riverside, California. The Property is more particularly described in the legal description attached hereto as Exhibit "A" and incorporated herein by this reference.

B. The Applicant has applied to the City for certain development approvals for the Property under Planning Case Nos. P18-0091, P18-0093, P18-0094, P18-0095, P18-0096, P18-0097, P18-0098, P18-0099, P18-0100, P18-0101, P18-0401 and P18-0424, a proposal to _____, _____ on the Property located at _____ (the "Project").

C. As a condition of approval to Planning Case Nos. P18-0091, P18-0093, P18-0094, P18-0095, P18-0096, P18-0097, P18-0098, P18-0099, P18-0100, P18-0101, P18-0401 and P18-0424, the City has required that the Applicant execute this Agreement, to defend, indemnify, including reimbursement, and hold harmless the City, its agents, officers and employees from any claim, action, or proceeding against the City, its agents, officers or employees, to attack, void or annul an approval by the City's advisory agency, appeal board, or legislative body concerning the Project.

NOW, THEREFORE, in accordance with the recitals set forth above and as consideration for the approval of development entitlements stated herein, the City and Applicant agree as follows:

1. Incorporation of Recitals. The parties agree that the Recitals constitute the factual basis upon which the City and the Applicant have entered into this Agreement. The City and the Applicant each acknowledge the accuracy of the Recitals and agree that the Recitals are incorporated into this Agreement as though fully set forth at length.

2. Term. The term of this Agreement commences upon approval of Planning Case Nos. P18-0091, P18-0093, P18-0094, P18-0095, P18-0096, P18-0097, P18-0098, P18-0099, P18-0100, P18-0101, P18-0401 and P18-0424 and shall terminate one year after the satisfaction of all required conditions under said Planning Case.

3. Indemnification. The Applicant agrees to indemnify and hold harmless the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of such litigation being to attack, set aside, void or annul any approval of the Project or related decision, or the adoption of any environmental documents or negative declaration which relates to the Project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party, and costs of suit, attorneys' fees, and other costs, liabilities and expenses arising out of or in connection with the approval of the application or related decision, whether or not there is concurrent, passive or active negligence of the part of the City, its agents, officers, council members, employees, boards, commissions and their members and the City Council.

4. City Notification. City shall promptly notify the Applicant of any claim, action, or proceeding concerning the Project and the City shall cooperate fully in the defense of the matter. Applicant shall promptly retain counsel, at its own cost, to represent the City in any such action. Said counsel, if approved by the City, can jointly represent the City and Applicant. However, the City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. Any costs and attorney's fees incurred by the City for its separate counsel shall be paid for by the Applicant.

5. Settlement. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

6. Severability. If for any reason, any portion of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

7. Assignability Limitations. This Agreement may be assigned by the Applicant to any successor in interest for the Project, only after Applicant has first notified the City Planning Department and has provided to the City Planning Director a signed acceptance of the assignment by the assignee.

8. Nonwaiver of Rights or Remedies. The failure of the City to exercise any right or remedies available to it pursuant to this Agreement shall not constitute a waiver of that party's right to enforce that right or to seek that remedy in the future. No course of conduct or act of forbearance on any one or more occasions by any party to this Agreement shall preclude that party from asserting any right or remedy available to it in the future. No course of conduct or act of forbearance on any one or more occasions shall be deemed to be an implied modification of the terms of this Agreement.

9. City Authority. Notwithstanding anything in this Agreement to the contrary, the City retains all authority and discretion granted to it by law to either approve, disapprove or modify any of the proposed uses of the Property and/or Project in accordance with City ordinances and the approved General Plan.

10. No Oral Modifications. This Agreement represents the entire understanding of the City and the Applicant and supersedes all other prior or contemporaneous written or oral agreements pertaining to the subject matter of this Agreement. This Agreement may be modified, but only by a writing signed by both the City and the Applicant. All modifications to this Agreement must be approved by the City Council of the City of Riverside.

11. Binding Upon Successors. This Agreement and each of its terms shall be binding upon the City, the Applicant and their respective officers, elected officials, employees, agents, contractors, and permitted successors and assigns.

12. Legal Challenges. Nothing herein shall be construed to require City to defend any third party claims and suits challenging any action taken by the City with regard to any procedural or substantive aspect of the City's approval of the Project, the environmental process, or the proposed uses of the Property. The City shall retain sole and absolute discretion on whether or not it will defend any action filed which challenges the Project, or whether it will take any other course of action on the Project. The Applicant may, however, in its sole and absolute discretion, appear as real party in interest in any third party action or proceeding, and in such event, the City may defend such action or proceedings at City's sole and absolute discretion. This City shall have the absolute right to retain such legal counsel as the City deems necessary and appropriate to represent its interests.

13. Attorneys' Fees. In the event that any action or proceeding, including arbitration, is commenced by either the City or the Applicant against the other to establish the validity of this Agreement or to enforce any one or more of its terms, the prevailing party in any such action or proceeding shall be entitled to recover from the other, in addition to all other legal and equitable remedies available to it, its actual attorneys' fees and costs of litigation, including, without limitation, filing fees, service fees, deposition costs, arbitration costs and expert witness fees, including actual costs and attorneys' fees on appeal.

14. Jurisdiction and Venue. This Agreement is executed and is to be performed in the City of Riverside, Riverside County, California, and any action or proceeding brought relative to this Agreement shall be heard in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county.

15. Headings. The headings of each Section of the Agreement are for the purposes of convenience only and shall not be construed to either expand or limit the express terms and language of each Section.

16. Representations of Authority. Each party signing this Agreement on behalf of a party which is not a natural person hereby represents and warrants that all necessary legal prerequisites to that party's execution of this Agreement have been satisfied and that he or she has been authorized to sign this Agreement and bind the party on whose behalf he or she signs.

IN WITNESS WHEREOF, the Applicant has caused this Indemnification Agreement to be executed the date first written above.

APPLICANT:

By_____

Printed Name_____

Title_____

By_____

Printed Name_____

Title_____

APPROVED AS TO FORM:

_____
Deputy City Attorney

Rev: 08/19/11

City of Arts & Innovation

CITY COUNCIL MINUTES

TUESDAY, JUNE 4, 2019, 11:30 A.M.
HUNTER HOBBY PARK
1401 IOWA AVENUE
ART PICK COUNCIL CHAMBER
CITY HALL
3900 MAIN STREET

	COUNCILMEMBERS						
	GARDNER	MELENDREZ	SOUBIROUS	CONDER	MACARTHUR	PERRY	ADAMS
WARDS	1	2	3	4	5	6	7

CASES P18-0091, P18-0092, P18-0093, P18-0094, P18-0095, P18-096, P18-0097, P18-0098, P18-0099, P18-0100, P18-0101, P18-0401, AND P18-0424 - MIXED-USE DEVELOPMENT - ENVIRONMENTAL IMPACT REPORT - GENERAL PLAN AMENDMENT - REZONING - PARCEL MAP 37475 - CONDITIONAL USE PERMITS - VARIANCE - DESIGN REVIEW - ORANGE/STRONG - RESOLUTION - ORDINANCE INTRODUCED

Hearing was called on request by Jim Guthrie of AFG Development to certify an Environmental Impact Report for construction of a mixed-use development on approximately 35.4 acres including a General Plan Amendment, Rezone, Parcel Map 37475, Site Plan Review, conditional use permits for hotel and RV parking, vehicle fuel station, drive-thru restaurant, live entertainment and special events, and farmers market, design review, grading exception, and variance, bounded by Orange Street to the west, Strong Street to the north, State Route 60 to the south and Interstate 215 freeway to the east. Seven people spoke on the matter. The public hearing was officially closed. Following discussion, the City Council (1) adopted a resolution certifying the Final Environmental Impact Report for the Exchange Project and finding that the Final Environmental Impact Report: (a) has been completed in compliance with the California Environmental Quality Act; (b) was presented to the City Council and the City Council reviewed and considered the information contained in the final report prior to approving the Project; and (c) reflects the City's independent judgment and analysis, and making certain findings of fact; (2) concurred with the findings contained in the Final Environmental Impact Report, the California Environmental Quality Act Resolution, the case file and the administrative record, and adopted the Findings of Fact attached to the resolution; (3) adopted the Statement of Overriding Considerations attached to the resolution; (4) adopted the Mitigation Monitoring and Reporting Program attached to the resolution; (5) found that no feasible alternatives to the Project have been proposed that will avoid or substantially lessen the significant environmental effects as set forth in the Final Environmental Impact Report; (6) approved Planning Cases P18-0091 General Plan Amendment, P18-0092 Rezone, P18-0099 Parcel Map No. 37475, P18-0093 Site Plan Review, P18-0094 Conditional Use Permit - Hotels and RV Parking, P18-0095 Conditional

CITY OF RIVERSIDE

City of Arts & Innovation

CITY COUNCIL MINUTES

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	COUNCILMEMBERS						
	GARDNER	MELENDREZ	SOUBIROUS	CONDER	MACARTHUR	PERRY	ADAMS
WARDS	1	2	3	4	5	6	7
Use Permit - Vehicle Fueling Station, P18-0096 Conditional Use Permit - Drive-Thru Restaurant, P18-0097 Conditional Use Permit - Live Entertainment/Special Events, P18-0098 Conditional Use Permit - Farmers Market, P18-0100 Minor Conditional Use Permit, P18-0101 Design Review, P18-0424 Grading Exception and Variance, and P18-0401 Environmental Impact Report, based on and subject to the Planning Commission findings and recommended conditions found in the written staff report; (7) adopted a resolution to amend the General Plan 2025 land use designation of approximately 34.34 acres of land from MDR - Medium Density Residential and O - Office to MU-U - Mixed Use - Urban and amend the land use designation of the remainder 1.06 acres of the site from O - Office to C - Commercial; and (8) introduced an ordinance to amend the Zone of approximately 34.34 acres from R-1-7000 - Single Family Residential Zone, R-3-1500 - Multi-Family Residential Zone, and R-1-7000-WC - Single Family Residential - Watercourse Overlay Zones to MU-U - Mixed Use - Urban Zone; and the remainder 1.06 acres of the site from R-1-7000 - Single Family Residential Zone to CR - Commercial Retail Zone; whereupon, the titles having been read and further readings waived,. Resolution No. 23452 of the City Council of the City of Riverside, California, Certifying the Final Environmental Impact Report for the Exchange Project, Making Certain Findings of Fact Related Thereto, Adopting a Statement of Overriding Considerations, and Adopting a Mitigation Monitoring and Reporting Program, All Pursuant to the California Environmental Quality Act; and Resolution No. 23453 of the City Council of the City of Riverside, California, Amending the Land Use Designation of the Riverside General Plan 2025 as to the Vacant Land Known as the Exchange Project, Located Adjacent to Orange Street and Strong Streets, the State Route 60 and Interstate 215, from the MDR - Medium-Density Residential and O - Office Land Use Designations and Placing it in the MU-U - Mixed Use Urban Land Use Designation and C - Commercial Land Use Designation, was presented and adopted; and an ordinance entitled, "An Ordinance of the City of Riverside, California, Amending the Zoning Map of the City of Riverside Pursuant to Chapter 19.090 of the Riverside Municipal Code by Rezoning the Vacant Land Known as the Exchange Project, from R-1-7000 - Single Family Residential Zone, R-3-1500 - Multi-Family							

City of Arts & Innovation

CITY COUNCIL MINUTES

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	WARDS	1	2	3	4	5	6	7
Residential Zone, and R-1-7000-WC - Single Family Residential - Watercourse Overlay Zones to MU-U - Mixed Use Urban Zone and CR - Commercial Retail Zone," was presented and introduced.	Motion Second All Ayes	X				X		

CLOSED SESSIONS

The Mayor and City Council recessed to the City Council Board Room for closed sessions pursuant to Government Code (1) §54956.9(d)(1) to confer with and/or receive from legal counsel concerning Cheryl Hayes v. City of Riverside, WCAB Claim No: ADJ 10785402; (2) §54956.9(d)(2) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; (3) §54956.9(d)(4) to confer with and/or receive advice from legal counsel concerning one case of anticipated litigation; and (4) §54957.6 to review the City Council's position and instruct designated representatives regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of all Executive Management employees including City Attorney and City Clerk, all Management and Confidential employees as defined by PERS, Fire Management Unit, Riverside City Firefighters Association, Riverside Police Officers Association (Police and Police Supervisory Units), Service Employees International Union #721, International Brotherhood of Electrical Workers #47, and Riverside Police Administrators Association.

The Mayor and City Council reconvened in the Art Pick Council Chamber with Mayor Bailey presiding and all Councilmembers present.

COMMUNICATIONS

CITY ATTORNEY REPORT ON CLOSED SESSIONS
City Attorney Geuss announced there was nothing to report on closed sessions.

ITEMS FOR FUTURE CITY COUNCIL CONSIDERATION
There were no future items requested at this time.