



Community Development
Department

City of Arts & Innovation

July 28, 2015

Reach Leadership STEAM Academy
Dr. Virgie Rentie
231 E. Alessandro Blvd., Ste. A-408
Riverside, CA 92508

SUBJECT: PLANNING CASE P14-0839 – Conditional Use Permit – 1085 Linden Street

Dear Applicant:

The Riverside City Council, at its meeting of July 28, 2015, approved your development related application which is referenced by the above-noted case number. Attached are the final conditions of approval. In conjunction with this approval the City Council, determined that this project constitutes an In-Fill Development and is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 of the CEQA Guidelines.

A Notice of Exemption needs to be filed with the County of Riverside Clerk's Office. The filing of the Notice of Exemption formally deems the project approved and commences a 30-day period in which legal challenges to the environmental determination can be made. Please submit a check to your planner for the filing fee in the amount of \$50.00, made payable to the Riverside County Clerk.

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 the Community & Economic Development Department, Planning Division, at (951) 826-5371 if you have any questions.

Sincerely,

Jay Eastman
Interim City Planner

**CITY COUNCIL
FINAL APPROVED CONDITIONS**

CASE NO. P14-0839

City Council Meeting Date: July 28, 2015

CONDITIONS

Case Specific

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 approval of the Community and Economic Development Department, Planning Division.

• **Planning**

1. All applicable conditions of Planning Case P14-0840 (Certificate of Appropriateness) shall apply.
2. 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, including any required variances. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
3. All conditions and requirements of Riverside County Airport Land Use Commission or Staff shall apply.
4. This Conditional Use Permit is valid for five (5) years from the date of approval. A one-time extension of an additional two (2) years is subject to consideration and approval by the Zoning Administrator based on justification provided by the applicant.

Prior to Grading Permit Issuance

5. 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;

- 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;
 - vi. Suspend all grading activities when wind speeds exceed 25 miles per hour;
 - vii. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

During grading and construction activities:

- 6. 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.
- 7. 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; and
 - d. 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.

8. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
10. 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.
11. 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.
12. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

Prior to Building Permit Issuance

13. Plans shall be submitted and building permits secured from the City's Building and Safety Division for any improvements that require building permits. All Building and Fire Codes shall be met.
14. A site maintenance and operations plan for ongoing and continuous property cleaning, noise control, and odor, dust and litter control, shall be submitted for review and approval of the Planning Division prior to the commencement of operations.
15. Landscaping, irrigation, exterior lighting, and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
16. Plans shall be submitted and building permits secured from the City's Building and Safety Division for any improvements that require building permits. All Building and Fire Codes shall be met.
17. A site maintenance and operations plan for ongoing and continuous property cleaning, noise control, and odor, dust and litter control, shall be submitted for review and approval of the Planning Division prior to the commencement of operations.
18. Landscaping, irrigation, exterior lighting, and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
19. 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. 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;

- b. 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;
 - c. Provision for handicap accessible parking as deemed necessary by Building and Safety Division;
 - d. Provision for screening any ground mounted equipment to the satisfaction of Design Review Staff;
 - e. Provision for wheel stops where parking spaces are adjacent to pedestrian walkways, screen walls or building walls;
20. 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. Catalog cuts of the decorative sconce lighting and steel canopies shall be submitted for review and approval of Design Review staff; and
 - b. 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.
21. A fence/wall plan shall be submitted to Planning Staff for approval.
22. Landscape/irrigation plans submitted for Design Review staff review and approval shall include the following elements:
- a. Fast growing vines shall be planted along the site perimeter walls;
 - b. Existing Landscape planters shall be refurbished and/ or replanted with new plant materials where appropriate.
 - c. Lawn / Turf areas shall be minimized to the extent possible;
23. Submit three sets of plans depicting the exact size, design and location of the domestic water backflow preventer and all on and off-site utility cabinets to the Planning Division. These plans will be reviewed and approved by the Water Department and Planning Division. The design shall include the smallest preventer possible, painted green with some form of screening. The applicant is advised to consult with the Water Department prior to preparing these plans.
24. An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the new buildings and within the common open space areas shall be submitted with the exterior lighting plan. All on-site lighting shall provide an intensity of one foot-candle 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). 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.

25. Submit three sets of plans depicting the preferred location for an above ground utility transformer 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.
26. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities' review and approval. The visibility of such facilities shall be minimized to Community Development Department, Planning Division, review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
27. The building elevations submitted for Community & Economic Development Department plan check review shall also include an enclosure for all utilities. The enclosure shall be an integral part of the building to match the building architecture.
28. 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.
29. A sight line study shall be submitted for review and approval of Design Review staff, indicating that any existing and new the roof mounted mechanical equipment will be completely screened from view of all perimeter streets. Additionally, mechanical equipment screening details shall be provided as follows:
 - a. Where exposed pitched roofs are proposed, locate NO mechanical equipment on any roof pitch, except as specifically approved by the Planning Commission or Design Review staff;
 - b. Where exposed roof pitches are not proposed (i.e., "flat" roofs) specify all roof mounted equipment for screening on all sides with either separate screens or parapet walls at least as high as the equipment to be screened;
 - c. Specify all electric meters and panels for 1) placement in enclosures or 2) color and materials to match the adjacent building wall surface; and
 - d. d. Indicate all gas meters, pipes and valves, ground mounted AC units, etc., for screening devices indicated materials and design complimentary to building architecture subject to Design Review staff approval.
30. Add details for a masonry block trash enclosure in accordance with the City's trash enclosure policies and standard drawings (available at the Planning Division) as follows:

REQUIRED ENCLOSURE MATERIALS:

- a. Block color: Precision block stuccoed to match building or decorative block;
- b. Cap color: To match exterior of enclosure walls;
- c. Gate/Gauge Material: 16/ga ribbed metal to match color of building
- d. Pedestrian access requirement: Yes
- e. Decorative overhead trellis requirement: Yes
- f. Overhead cover to prevent contact with storm water: Yes

Prior to occupancy

- 31. 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. Call Meenaxi R. Panakkal, at 951-826-5277 to schedule the landscape inspection at least a week prior to needing the release of utilities.
- 32. The applicant shall obtain all licenses and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current. Failure to comply will result in revocation of this Conditional Use Permit.

Operational Conditions

- 33. The charter school shall be limited to a maximum 480 (450 students + 30 staff) persons onsite at any given time. Any additional staff or students above and beyond these numbers shall be subject to consideration by the Zoning Administrator.
- 34. Hours of operation for instruction shall be Monday through Friday, 7 AM–3PM. The Zoning Administrator is authorized to consider a request to modify this condition in the future at the request of the applicant. (A modification to the instruction scheduled may also require a modification to the covenant).
- 35. The school shall submit to the City of Riverside a circulation, parking, and student drop-off/pick-up management plan (Management Plan), for review and approval by the City's Public Works Traffic Division. The applicant shall remain in compliance with the approved plan at all times, and shall amend the plan, with City approval, as necessary to mitigate circulation impacts on adjacent streets and neighboring properties. The Public Works Traffic Division shall perform periodic review of the school's circulation impacts and management plan following the initial commencement of school operations, and the completion of each project phase. Should persistent congestion or traffic related concerns result due to the operations of the school, as determined by Public Works, the Zoning Administrator may set the matter for public hearing before the City Planning Commission to consider modification or revocation of the conditional use permit.

36. The use shall be operated in compliance with the provisions of Title 7, the City's Noise Code.
37. The facility shall be occupied and operated as generally described in the body of this report. Any increase in the number of students, employees, or changes to the hours of operation shall be subject to consideration by the Zoning Administrator.
38. The parking lot and all outdoor areas shall remain clean and orderly at all times and shall be sufficiently lighted.

- **Public Works-Traffic**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

39. The applicant shall comply with circulation, area wide, impact fees, and site access recommendations as shown in Section 4.0 of the Traffic Impact Analysis and the condition as shown below.
40. The applicant shall propose & install signing and striping and circulation appropriate for the School per CA MUTCD 2014 (or most current revision) as approved by City of Riverside Traffic Division. Any existing school-specific traffic control along Rustin shall be examined for visibility/fading and compliance with current CA MUTCD standards.
41. School staff shall monitor the south driveway entrance to the school and regulate flow to minimize queuing along Rustin Avenue. Northbound traffic along Rustin Avenue shall be made to wait in the loading/pull-forward zone as southbound left traffic is allowed to enter the school lot.
42. The applicant shall consult with RUSD regarding the stationing of a crossing guard at the Rustin / Linden location, and the mid-block crossing shall not be installed.
43. While overall intersection levels of service are anticipated to remain within acceptable ranges, the project is anticipated to unacceptably increase delay to motorists completing left turns at several locations. The project shall contribute a fair-share payment towards the installation of EB & WB protected/permissive left turns at the intersections of Iowa Avenue & Linden Street and Chicago Avenue & Linden Street.
44. The north most driveway shall be restricted to right out only during the 0.5 hour window before and after drop-off and dismissal times.

- **Public Works**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

45. Installation of a sewer main/lateral to serve this project to Public Works specifications. Prior to joining existing sewer main the applicant shall perform a video inspection of the main from the connection point to the nearest downstream manhole to confirm it is suitable for use. A record of the video inspection shall be submitted to Public Works for review and concurrence.

46. Size, number and location of driveways to Public Works specifications.
47. 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.

48. 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.
49. 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.

50. 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.
51. 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 Utilities – Electric**

52. 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.
53. 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 purveyor.
54. For information about Riverside Public Utilities rebates your project may be eligible for, please contact one of our Account Managers at 951-826-5485. You will need to have a summary of your Title 24 report available for review. No comments.

- **Public Utilities – Water**

55. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
56. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
57. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules. No comments.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

58. Provide for fire department access to the gates. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
59. Construction plans shall be submitted and permitted prior to construction.
60. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
61. Fire Department access is required to be maintained during all phases of construction.
62. 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.

- **Parks and Recreation**

PRIOR TO BUILDING PERMIT ISSUANCE:

63. Payment of all applicable park development fees (local, regional/reserve, trail and aquatic) as mitigation for the impacts of the project on the park development and open space needs of the City. For questions or concerns regarding this condition, contact Park Planning & Design, 951/826-2000.

Standard Conditions

- **Planning**

64. The Project must be completed per the Site Plan Review and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review 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.
65. 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.

66. This approval is for design concept only, and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
67. There is a 24 month time limit on this approval.
68. 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.
69. 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.
70. 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.
71. 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. Permittee shall notify Community and 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 is material grounds for revocation of this conditional use permit.
72. The applicant herein 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.
73. Failure to abide by all conditions of this permit shall be cause for revocation.
74. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
75. 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.
76. 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.