



**PLANNING COMMISSION HEARING DATE: MARCH 16, 2023  
AGENDA ITEM NO.: 3**

**PROPOSED PROJECT**

<b>Case Number</b>	<b>PR-2022-001269</b> (Conditional Use Permit, Conditional Use Permit, Conditional Use Permit and Design Review)	
<b>Request</b>	<p>To consider the following entitlements for the redevelopment of an existing commercial shopping center (Arlington Plaza):</p> <ol style="list-style-type: none"> <li>1. Conditional Use Permit for a new 2,100 square foot drive-thru restaurant;</li> <li>2. Conditional Use Permit for a new 2,800 square foot drive-thru restaurant;</li> <li>3. Conditional Use Permit for a new 6,540 square foot multi-tenant building with a drive-thru restaurant; and</li> <li>4. Design Review of project plans.</li> </ol>	
<b>Applicant</b>	Erick Marroquin of Tait & Associates	
<b>Project Location</b>	6008-6390 Van Buren Boulevard and is situated on the southwest corner of Van Buren Boulevard and Arlington Avenue	
<b>APN</b>	151-151-006, 151-151-008, 151-151-009	
<b>Project area</b>	12 acres	
<b>Ward</b>	6	
<b>Neighborhood</b>	Arlanza	
<b>General Plan Designation</b>	C – Commercial	
<b>Zoning Designation</b>	CR – Commercial Retail Zone	
<b>Staff Planner</b>	<p>Regine Kennedy, Senior Planner 951-826-5712 <a href="mailto:rkennedy@riversideca.gov">rkennedy@riversideca.gov</a></p>	

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines, as it can be seen with certainty that the project will not have a significant effect on the environment; and
2. **APPROVE** Planning Case PR-2022-001269 (Conditional Use Permit and Design Review) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 & 2).

## SITE BACKGROUND

The project site consists of 12 acres, which is currently developed with a commercial shopping center (Arlington Plaza) and a 557-stall surface parking lot. The site consists of seven contiguous parcels that were subdivided under Parcel Map No. 37915 in 2022 (Planning Case PR-2020-000112).

The shopping center is currently developed with the following commercial buildings:

- 1) A 126,076 square-foot multi-tenant building consisting of a grocery store (Cardenas), restaurants, retail (99 Cents), pharmacy (Rite Aid) and office uses (Parcel 1);
- 2) A 1,584 square-foot restaurant building (Parcel 2);
- 3) A 7,600 square foot multi-tenant building (Parcel 4);
- 4) A 5,000 square foot multi-tenant building (Parcel 5); and
- 5) A 7,800 square foot multi-tenant building (Parcel 7)

Surrounding land uses include commercial uses to the north (across Arlington Avenue), south (across Cypress Avenue), and east (across Van Buren Boulevard), and a commercial self-storage facility to west (across Harold Street) (Exhibit 4).

## PROPOSAL

The applicant is requesting approval of a Conditional Use Permit and Design Review to facilitate the redevelopment of an existing commercial shopping center, which includes the following improvements:

1. Demolish the existing 1,584 square-foot restaurant building and construct a 2,100 square foot drive-thru restaurant, a 1,850 square foot sit-down restaurant, and a 250 square foot outdoor patio (Parcel 2);
2. Construct a 2,800 square foot drive-thru restaurant and a 460 square foot outdoor patio (Parcel 3);
3. Construct a 6,540 square foot multi-tenant building with drive-thru (Parcel 7); and
4. Construct parking lot and landscape improvements, including the addition of 25 parking stalls, trash enclosures, bike racks, and two 80 square foot kiosks throughout the shopping center.

The proposed drive-thru restaurant (Starbucks) on Parcel 2 will operate between the hours of 4:00 a.m. to 10:00 p.m., 7 days a week. All other proposed restaurant and drive-thru buildings are speculative with no tenant identified.

All proposed building elevations have been architecturally designed to reflect a contemporary Mediterranean architectural style, which consists of stucco, tile, and stone utilized as primary building materials. Drive-thru restaurant lanes have been designed to incorporate a low wall and landscaping elements to provide screening from the public right-of-way.

A total of 25 stalls will be added to the existing parking lot for a total of 582 parking stalls provided for the uses within the shopping center.

Vehicle access points to the shopping center along Van Buren Boulevard, Arlington Avenue, Cypress Avenue and Harold Street will not be altered or modified as part of this proposal. The project proposes to include enhanced pedestrian connections to the public right-of-way and throughout the shopping center.

The project proposes landscape design features that includes a variety of water efficient shade and ornamental trees, hedge shrubs and ground covers to provide a cohesive look throughout the new development.

## PROJECT ANALYSIS

### *Authorization and Compliance Summary*

	Consistent	Inconsistent
<p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of C - Commercial (Exhibit 5). The Commercial designation provides for retail, sales, service and office uses that serve multiple neighborhoods within the City. Plazas, courtyards, outdoor dining and other public gathering spaces and other community amenities are strongly encouraged. The proposed development also furthers the Objectives and Policies of the General Plan 2025, specifically:</p> <p><u>Policy LU-9.5:</u> Encourage the design of new commercial developments as “integrated centers,” rather than as small individual strip development. Integrate pedestrian access, parking, access, building design and landscape themes across all parcels in the commercial center to unify the development.</p> <p><u>Policy LU-9.6:</u> Discourage strip commercial development and encourage a pattern of alternating land uses along major arterials with “nodes” of commercial development separated by other uses such as residential, institutional or office.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The project site is zoned CR – Commercial Retail Zone (Exhibit 6), consistent with the C - Commercial General Plan land use designation. The CR – Commercial Retail Zone allows for drive-thru businesses subject to approval of a Conditional Use Permit and compliance with the Site Location, Operation, and Development Standards. The proposed project is consistent with the applicable development standards for drive-thru businesses.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<p><b>Compliance with Citywide Design &amp; Sign Guidelines</b></p> <p>The proposed project substantially meets the objectives of the Citywide Design Guidelines for commercial development related to architectural treatment and landscaping. The proposed buildings incorporate colors and materials that complement the existing commercial shopping center to achieve a unified architectural theme. Enhanced pathways are proposed to improve pedestrian connections in the commercial shopping center, and landscaping is proposed throughout the project site, specifically around the drive-thru lane to ensure adequate screening. As proposed and conditioned, the proposed project is consistent with the Citywide Design Guidelines.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Riverside County Airport Land Use Compatibility Plan</b></p> <p>The project site is located within Zone D of the Riverside Municipal Airport under the Riverside County Airport Land Use Compatibility Plan (RCALUCP) for the. Zone D is generally compatible with commercial uses such as retail and restaurant buildings. The proposed project is consistent with the RCALUCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**

<b>Chapter 19.475</b>					
<b>Drive-Thru Business Site Location, Operation, and Development Standards</b>					
<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>	<b>Modification</b>	
<b>Parcel 2 - 2,100 square foot drive-thru restaurant, 1,850 square foot sit-down restaurant</b>					
<b>Street Frontage</b>	Located on Arterial Street	Van Buren Boulevard: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Thru Lane Standards</b>	Length: 180 feet	180 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	10 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening	3-foot screen wall and landscape planter between drive-thru lane and adjacent property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setbacks</b>	Van Buren Boulevard:15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.475</b>					
<b>Drive-Thru Business Site Location, Operation, and Development Standards</b>					
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>	<b>Modification</b>
	Between Drive-Thru and Parking Lot: 5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Parcel 3 - 2,800 square foot drive-thru restaurant</b>					
<b>Street Frontage</b>	Located on Arterial Street	Van Buren Boulevard: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Thru Lane Standards</b>	Length: 180 feet	200 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	12 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening	Landscape planter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setbacks</b>	Van Buren Boulevard: 15 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Between Drive-Thru and Parking Lot: 5 feet	5 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Parcel 7 - 6,540 square foot multi-tenant building with drive-thru</b>					
<b>Street Frontage</b>	Located on Arterial Street	Arlington Avenue: 120-foot arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Drive-Thru Lane Standards</b>	Length: 180 feet	232 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Stacking: 10 vehicles	14 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Width: 12 feet	12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Drive-thru lane screening	3-foot screen wall and landscaping between drive-thru lane and public right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setbacks</b>	Arlington Avenue: 15 feet	12 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<b>Chapter 19.110.030</b>					
<b>Commercial Development Standards for the CR-Commercial Retail Zone</b>					
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>	
<b>Parcel 2 - 2,100 square foot drive-thru restaurant, 1,850 square foot sit-down restaurant</b>					
<b>Floor Area Ratio</b>	0.50 maximum		0.15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Height</b>	75 feet		27 feet and 2 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Yard Setbacks</b>	Front	0 feet	34 feet (Van Buren)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	50 feet (North) 19 feet (South)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	32 feet (West)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parcel 3 - 2,800 square foot drive-thru restaurant</b>					
<b>Floor Area Ratio</b>	0.50 maximum		0.11	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Height</b>	75 feet		24 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Yard Setbacks</b>	Front	0 feet	72 feet (Van Buren)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	73 feet (North) 39 feet (South)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	25 feet (West)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parcel 7 - 6,540 square foot multi-tenant building with drive-thru</b>					
<b>Floor Area Ratio</b>	0.50 maximum		0.13	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Building Height</b>	75 feet		28 feet and 8 inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Yard Setbacks</b>	Front	0 feet	26 feet (Arlington)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side	0 feet	36 feet (West) 22 feet (East)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.110.030 Commercial Development Standards for the CR-Commercial Retail Zone</b>					
<b>Standard</b>		<b>Proposed</b>		<b>Consistent</b>	<b>Inconsistent</b>
	Rear	0 feet	288 feet (South)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Chapter 19.580 Parking and Loading Development Standards</b>					
<b>Standard</b>		<b>Required*</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Entire Shopping Center/All Parcels</b>					
<b>Restaurant</b>	1 space per 100 sf ( 20,056 sf)	201 spaces	582	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Retail</b>	1 space per 250 sf (110, 294 sf)	441 spaces			
<b>Medical Office</b>	1 space per 180 sf	33 spaces			
<b>Bank</b>	1 space per 180 sf	9 spaces			
TOTAL		684 spaces			
*15% mixed-use parking credit applied to total required spaces per Zoning Code chapter 19.580.060.C		581 spaces			

## FINDINGS SUMMARY

### Conditional Use Permit

The proposed development will complement proposed and existing surrounding commercial uses to serve nearby residents and employees. The site has been designed with adequate vehicular access and internal circulation. The proposed drive-thru buildings provide adequate vehicle stacking and allow additional queuing within the shopping center. Drive-thru operations will be screened through the use of a three-foot tall screen wall in combination with tiered landscaping along the project frontages on Van Buren Boulevard and Arlington Avenue.

### Drive-Thru Modification

Modifications to the site location, operation and development standards may be considered in conjunction with the required Conditional Use Permit per chapter 19.475 - Drive-Thru Businesses. The proposed project drive-thru building on Parcel 7 provides a 12-foot landscape setback along Arlington Avenue, where 15-feet is required by the Zoning Code for screening purposes. As proposed staff is supportive of the requested modification as the project provides adequate drive-thru screening mechanism through the use of a 3-foot block wall in combination with tiered landscaping and allow for adequate circulation within the existing shopping center.

## STRATEGIC PLAN

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 3 – Economic Opportunity (Goal 3.3 – Cultivate a business climate that welcomes innovation, entrepreneurship and investment and Goal 3.4 - Collaborate with key partners to implement policies and programs that promote local business growth and ensure equitable opportunities for all).

This item aligns with the following Cross-Cutting Threads:

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

## ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines, as it can be seen with certainty that the project will not have a significant effect on the environment.

## PUBLIC NOTICE AND COMMENTS

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

## APPEAL INFORMATION

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

## EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Project Plans (Site Plan, Floor Plan, Conceptual Grading Plan, Landscape Plan, Photometric Plan, Roof Plan, Building Elevations)

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Prepared by: Regine Kennedy, Senior Planner

Reviewed and Approved by: Brian Norton, Principal Planner



*EXHIBIT 1 – STAFF RECOMMENDED FINDINGS*

**PLANNING CASE:** **PR-2022-001269** (Conditional Use Permit, Conditional Use Permit, Conditional Use Permit and Design Review )

**Conditional Use Permit Findings pursuant to Chapter 19.760.040**

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

**Drive-Thru Business Findings pursuant to Chapter 19.475.050:**

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



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**PLANNING CASE:** **PR-2022-001269** (Conditional Use Permit, Conditional Use Permit, Conditional Use Permit and Design Review )

**Case Specific**

**Planning**

1. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required.
2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
3. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Issuance of Grading Permit:*

4. A 40-scale precise grading plan shall be submitted to Public Works and include the following:
  - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
  - b. Compliance with City adopted interim erosion control measures;
  - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
  - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
  - e. Identification of location, exposed height, material, and finish of any proposed retaining walls.

*During Grading and Construction Activities:*

5. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
6. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust shall be controlled as required by the AQMD;

- b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
  - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Trucks and other equipment leaving the site shall be washed off;
  - f. Disturbed/loose Soils shall be kept moist at all times.
  - g. All grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
  - h. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.
7. The applicant shall be responsible for erosion and dust control during construction phases of the project.
8. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

*Prior to Issuance of Building Permit:*

9. Landscape and Irrigation plans shall be submitted to the Planning Division for review. Separate applications and filing fees are required. Landscape and Irrigation plans shall be revised to include the following:
- a. Provide 3-foot-high hedge shrubs along the new parking areas to the north and west of the site, and along the drive-thru on Parcel 3 to provide for further screening.
10. Plans submitted for plan check review shall 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 Planning Division review and approval through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall.
11. An exterior lighting plan shall be submitted to staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All on-site lighting shall comply with Chapter 19.566 of the Zoning Code (Outdoor Lighting). The light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty (20) feet in height, including the height of any concrete or other base material. Light poles within fifty (50) feet of residences are limited to fourteen (14) feet in height.
12. Roof and building mounted equipment shall be fully screened from the public right-of-way. Screening material shall be integrated with the design of the building and be at least as high as the proposed roof mounted equipment.
13. Ground mounted equipment shall be fully screened from the public right-of-way.

*During Construction:*

14. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
15. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

*Prior to Release of Utilities and/or Occupancy:*

16. 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 the Case Planner, at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities.

*Site Operation Standards:*

17. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
18. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation
19. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
20. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

*Standard Conditions:*

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

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

23. 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.
24. The Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
25. 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.
26. 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.
27. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
28. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
29. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
30. 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.

**Public Works**

Conditions to be fulfilled prior to occupancy unless otherwise noted

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

32. Removal of existing parallel frontage road and turn-out along Arlington Avenue project frontage and extension of curb, gutter and sidewalk to complete continuous segment to public works specifications.
33. 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 in 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.
34. Realignment of existing sewer main and dedication of new easement prior to issuance of a grading permit.
35. Installation of sewer lateral(s) to serve this project to Public Works specifications.
36. Off-site improvement plans to be approved by Public Works prior to issuance of construction permit.
37. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to map recordation.
38. Reconstruction of existing driveway to public works specifications.
39. Trash enclosures required per public works specifications.
40. 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.

41. 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:

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;

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

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

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

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

42. 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.
43. 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.
44. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
  - Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
  - Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
  - Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

**Fire**

45. EXISTING BUILDING - If the building is equipped with an existing fire sprinkler, fire alarm, fixed extinguishing system, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, these systems shall be maintained and extended if necessary to provide proper coverage of structures. Plans shall be submitted by a California Licensed contractor, under separate cover to the fire department and obtain approvals prior to any work on such systems.
 

**Note** - All existing fire alarm systems and fire sprinkler water flow monitoring systems that are currently certificated UL, FM placard or ETL shall be maintained for the life of the system. The fire alarm contractor shall be UL, FM or ETL to maintain the certification or placard of the system. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
46. NEW PROPOSED BUILDINGS - An automatic fire sprinkler system is required by City Ordinance 16.32.335. Under separate cover, submit plans for the automatic fire sprinkler system(s) and obtain approval from the Fire Department prior to installation. Systems exceeding 20 sprinkler heads shall be provided with supervisory service and shall be monitored by a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.
 

Have a UL, FM or ETL listed and licensed C10 fire alarm contractor submit plans and obtain approvals prior to installation. Alarm contractor shall provide a copy of a maintenance contract complying with N.F.P.A. 72.

47. The fire department emergency access and on site fire hydrants shall be maintained as required by the Riverside Fire Department minimum requirements, see links provided:  
<https://riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/B12001.pdf>  
<https://riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/B14003.pdf>  
<https://riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/D11005.pdf>
48. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
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. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
51. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
52. Construction plans shall be submitted and permitted prior to construction.
53. Fire Department access shall be maintained during all phases of construction.
54. One new public fire hydrant on Arlington Ave shall be required based on three (3) new proposed building on Arlington Ave.

#### **Public Utilities – Electric**

55. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site. In addition to installing spare conduits, streetlights, also stub & cap along property frontage.

#### **Public Utilities – Water**

56. New water service installations are processed under a separate plan and permit submitted directly to the Public Utilities Department. Water plan must be submitted prior to issuance of building permit.
57. All landscape irrigation shall be provided from a dedicated landscape water meter separate from domestic use. Landscape irrigation may be shared across parcels within the project.
58. Executed Common Fire Service Agreement is required for any fire service shared across multiple parcels.
59. Domestic water service cannot be shared across parcels. Each parcel requires its own domestic water service connection.

#### **Environmental Compliance**

60. A Wastewater Discharge Survey for restaurants **must** be submitted to EC for approval along with a menu.

**The Wastewater Survey and Menu will help to determine if you need an interceptor and what size. Plans must show the interceptor location.**

Details regarding oil water interceptor for restaurant must be submitted to EC for review and approval. The City requires a minimum 750-gallon interceptor. Actual approved interceptor size depends on review of drainage fixture units and information written in submitted Wastewater survey. Approved interceptor must be installed prior to the restaurant opening for business.

Domestic waste shall not be allowed to pass through the interceptor.

61. If a sampling station is required—submit proposed installation on corrected plans.
62. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
63. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
64. Other items for correction may need to be completed after actual plans are submitted for a formal review.
65. Proposed trash enclosures with drains to sanitary sewer must have cover to control rainwater intrusion.

#### **Parks and Recreation**

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

#### **Traffic**

67. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a stop sign (R1-1), stop bar, stop legend, at the project's unsignalized driveways. Stop signs must conform to City Standard 664 and the markings must conform to the California Manual on Uniform Traffic Control Devices, Part 2A and 2B: <https://dot.ca.gov/programs/safety-programs/camutcd/camutcd-files>. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage and striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
68. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
69. Prior to issuance of a Certificate of Occupancy, the applicant shall install MUTCD compliant right turn only pavement marking symbol and associated "R3-5R" signage at the project's entry ways on Arlington Avenue to roadway. The applicant shall hire a contractor to install the MUTCD compliant signage and striping. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage & striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
70. Prior to issuance of a Certificate of Occupancy, the applicant shall install MUTCD compliant no left turn during the weekday AM peak period (7:00 am to 9:00 am) and weekday PM peak period (4:00 pm to 6:00 pm) signage R33A (CA) for southbound left-turns at the intersection of Arlington Avenue and Harold Avenue as recommended in the Traffic Operational Analysis dated February 7, 2023 conducted for the Arlington Plaza Project. The applicant shall hire a contractor to install the MUTCD compliant signage and

striping. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage & striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.

71. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct eight (8) Polara audible pedestrian push buttons with a central control unit system at the signalized intersection of Van Buren Boulevard and Arlington Avenue. An acceptable audible pedestrian push button assembly and system is the Polara Model iN2 with 5" x 7" R10-3 face plates. The contractor shall complete the construction work with an approved Public Works Permit. The installation of all the traffic signal infrastructure improvements shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
72. That prior to the issuance of a Certificate of Occupancy, the applicant shall furnish and install an Alpha Battery Backup System (BBS) (or equivalent) at the signalized intersection of Van Buren Boulevard and Arlington Avenue. The applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the traffic signal equipment shall be completed to the satisfaction of the Director of Public Works.
73. Signing & striping improvements and traffic signal modifications in this memo shall be shown on traffic design plans signed by a licensed civil or traffic engineer and to the satisfaction of the Director of Public Works.