

**PLANNING COMMISSION  
APPROVED CONDITIONS**

Planning Commission Meeting Date: September 12, 2024

**PLANNING CASE:** PR-2024-001569 (Rezone, Conditional Use Permit, and Design Review)

**\*\*REVISED CONDITIONS OF APPROVAL (52c.) FROM CPC\*\***

**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. Landscaping and Irrigation plans for the project site shall be submitted to the Planning Division for review, including the following requirements below, separate applications and filing fees are required.
- a. Tiered landscaping consisting of a variety of shrubs, trees and ground cover shall be provided adjacent to street frontages and to screen the parking lot. Additional landscaping may be requested to the satisfaction of staff.
10. Walls and Fences:
- a. A minimum 3-foot-high solid screen wall shall be constructed along the drive-thru frontage where adjacent to Van Buren Boulevard. The wall shall be constructed of decorative solid masonry and include a decorative cap.
  - b. Existing solid masonry perimeter walls shall be painted and recapped.
11. The drive-thru lane at the northerly portion of the site shall be striped with colors consistent with Dutch Bros' branding.
12. 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 through means including but not limited to relocation, berms, landscaping, and/or installation of a screen wall, subject to Planning Division review and approval..
13. An exterior lighting plan shall be submitted to staff for review and approval. A photometric plan 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.

14. 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.
15. Ground mounted equipment shall be screened from view on all sides with solid masonry walls or similar permanent structures.

*During Construction:*

16. 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.
17. 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:*

18. 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 to schedule the final inspection at least one week prior to needing the release of utilities.

*Site Operation Standards:*

19. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
20. 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
21. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
22. 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.
23. Applicant will be required to remove any graffiti on the project site within 48 hours of the incident being reported to City of Riverside Code Enforcement.

*Standard Conditions:*

24. 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.
25. The Rezone, 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.**

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
33. 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.

34. Storm Drain construction will be contingent on engineer's drainage study.
35. Prior to Building Permit Issuance, the Applicant shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
36. Installation of sewers and sewer laterals to serve this project to Public Works specifications.
37. Size, number and location of driveways to Public Works specifications.
38. Closure of unused driveway(s) to Public Works specifications.
39. Trash enclosures required per Public Works specifications. Project is required to use the City of Riverside franchise hauler Athens Services for waste disposal or recycling.
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.

#### **Public Works - Traffic Division**

45. The Applicant shall complete an empirical queuing study six (6) months after issuance of a certificate of occupancy. The project shall complete operational improvements at project driveway and Van Buren Boulevard to ensure that vehicle stacking does not overflow into the public street, to the satisfaction of the City, through the Department of Public Works. Following discussion with the Applicant, if no suitable alternative is identified, in the sole discretion of the City, the City will make the final determination which may include temporary and/or semi-permanent closure modification of the right turn ingress movement at project driveway and Van Buren Boulevard.
46. Prior to the Certificate of Occupancy, the project shall develop a Grand Opening Period Staffing Plan that shall restrict the right-turn ingress maneuver at the project driveway and Van Buren Boulevard for the entire duration of the Grand Opening period (minimum three weeks from the first day of operations; termination of the Grand Opening period to be determined by the City Traffic Engineer). The Grand Opening Period Staffing Plan shall also include all signage and striping to direct vehicles for the optimal queuing efficiency to the project drive-thru entry. It is highly recommended that traffic control services thru third party should be in place during the entire grand opening period. The Grand Opening Period Staffing Plan shall also include all signage and striping along the

adjacent parcel's (Walmart) parking lot to direct vehicles for the optimal queuing efficiency to the project drive-thru entry. Any temporary traffic control in the right of way must be deployed by a contractor via a street opening permit.

47. Operation of the drive-through shall not result in stacking of vehicles in such a manner that would result in obstruction to any access aisle or parking spaces for other tenants in the retail center, the main drive aisles for the retail center, or public streets. If the drive-through operation affects traffic for other tenants, the main drive aisles of the retail center, or any public street, design or operational alternatives to remedy the issue, such as modifying the parking lot, shall be presented to the City for review and approval.
48. To prevent stacking in the drive-through lane from impacting adjacent tenants, additional measures shall be implemented, including but not limited to: Traffic Control Measures, Occupant's managers and staff members shall be trained to direct drive-through traffic to line up along the parking aisle such that car stacking does not overflow onto the main drive aisles of the retail center, use of tablets, applicant's staff members shall take food orders and non-cash payments at the drive-through lanes with tablets to speed up orders in the drive-through lanes during the restaurant's peak hours, Online Order: An Applicant staff member shall set up temporary parking signs for online order pickup as necessary during high demand online orders.
49. Prior to the issuance of a Certificate of Occupancy, the Applicant shall construct a bike rack that can accommodate a minimum of five 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.
50. A traffic control plan shall be prepared, kept onsite, and made available to the store manager for implementation as required. Any temporary traffic control in the right of way must be deployed by a contractor via a street opening permit.
51. Prior to the issuance of certificate of occupancy, a directional signage and striping plan shall be submitted for review and approval to ensure that directional signs are located in appropriate locations for directing drive-through customers and to make sure that intersections of parking aisles are not blocked.
52. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete following improvements:
  - a. Construct a stop sign (R1-1), stop bar, stop legend, at the Project Driveways. Stop signs must conform to City Standard 664 and the stop bar and legend must conform to the City standard 650.
  - b. Intersection of Van Buren Boulevard at Shopping Center:
    - i. Upgrade the existing one crosswalk to high visibility crosswalk per Standard Plan No. 640 across at west approach of the intersection of Van Buren Blvd and Shopping Center.
    - ii. Furnish and install a Marathon Battery Backup System (BBS) (or City approved equivalent).
  - c. Project shall ~~install delineators~~ **extend the existing median** along Van Buren Boulevard near project site starting from the existing median nose to 100' north. ~~Each delineator should be spaced 5' apart.~~
53. The Applicant shall hire a contractor to install the traffic signal equipment to its intended operating conditions. All signage and striping improvements must comply with the most

current California Manual of Uniform Traffic Control Devices (MUTCD) standards. The applicant shall hire a contractor to install MUTCD & City of Riverside Standard compliant signage & striping and median improvements. The applicant shall obtain any necessary permits and approvals to complete the improvements. The applicant is solely responsible for the **procurement** and **installation** of the improvements to the satisfaction of the Director of Public Works.

54. Signing & striping improvement plans and traffic signal modification plans shall be shown as separate design plans signed by a licensed civil or traffic engineer and completed to the satisfaction of the Director of Public Works.
55. If overflow parking generated by the Dutch Bros. negatively impacts the available parking from the surrounding businesses and residences, then the applicant is solely responsible for determining additional parking off-site including considerations for parking lease agreements.

### **Fire Department**

56. All interior Fire Department access roadways of 20-feet shall be maintained at all times. No portion of the fire lane shall be encroached by street parking or landscaping.
57. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
58. Construction plans shall be submitted and permitted prior to construction.
59. 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.
60. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).

### **Public Utilities – Electric**

61. Applicant is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
62. 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.
63. The provision of utility easements, water, streetlights, and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate surveyor.
64. Plot existing electrical distribution facilities on plans submitted for Building Plan Check.
65. The circuit in this area has been recently flagged, this circuit does not have the capacity to add any new load. This new load will trigger a (ex. feeder extensions, new equipment/facilities) customer will be responsible for all cost associated with the improvements.
66. Provide transformer & electric service panel location.
67. The Applicant shall follow up with Riverside Public Utilities & provide estimated demand to confirm requirements/point of connection.

### **Public Utilities – Water**



68. 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.
69. Project requires separate water meters for domestic and landscape irrigation uses.
70. Prior to activation of water service, a Reduced Pressure Principle Backflow Prevention Assembly is to be furnished and installed by Applicant on all water services per City of Riverside Public Utilities standard drawing CWD-616 or CWD-617.

### **Environmental Compliance**

71. A Wastewater Discharge Survey for a restaurant **must** be submitted to Environmental Compliance 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 Environmental Compliance 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.

72. If a sampling station is required—submit proposed installation on corrected plans.
73. All corrections to plans must be completed in order for Environmental Compliance Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
74. 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.
75. Other items for correction may need to be completed after actual plans are submitted for a formal review.
76. Proposed trash enclosures with drains to sanitary sewer must have cover to control rainwater intrusion and connected Grease Interceptor if a hose bib and drain are in the trash enclosure.

### **Parks and Recreation**

77. Prior to Building Permit Issuance, developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) for privately developed areas.