



Community and Economic Development Department

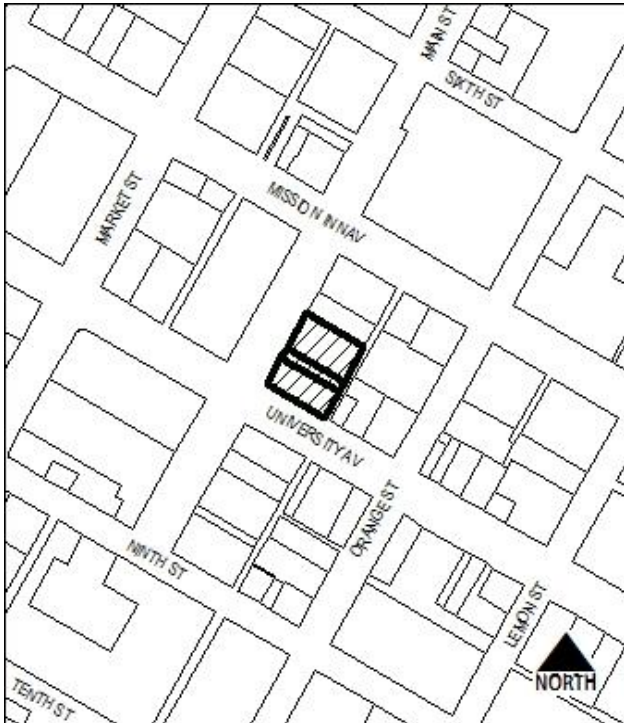
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Planning Division

PLANNING COMMISSION HEARING DATE: MAY 21, 2015

AGENDA ITEM NO.: #2

PROPOSED PROJECT

Case Numbers	P15-0247 (Conditional Use Permit), P15-0248 (Tentative Tract Map), P15-0250 (Variance), P15-0251 (Variance), P15-0252 (Variance), P15-0363 (Variance)	
Request	To construct a mixed use project, consisting of 91 multi-family residential units, approximately 8,692 square feet of commercial space and a 115-stall parking garage.	
Applicant	Rob Dodman, Ratkovich Properties	
Project Location	3744, 3768 and 3776 Main Street, situated on the northeasterly corner of the intersection of University Avenue and Main Street Pedestrian Mall.	
APN	APN # 213-271-005, 213-271-006 and 213-271-007	
Project area	Approximately 0.62 acres	
Ward	1	
Neighborhood	Downtown	
Specific Plan	Downtown Specific Plan – Raincross District	
General Plan Designation	DSP – Downtown Specific Plan	
Zoning Designation	DSP-RC – Downtown Specific Plan-Raincross District	
Staff Planner	Brian Norton, Associate Planner; 951-826-2308; bnorton@riversideca.gov	

RECOMMENDATIONS

Pursuant to Chapters 2.40 and 19.050.030 of the Riverside Municipal Code, the Planning Commission shall review the proposed project subject to its consistency with the Zoning Code (Title 19), which includes a Conditional Use Permit. Specifically, staff recommends that the City Planning Commission:

1. **RECOMMEND** that the **City Council DETERMINE that this proposed project is exempt** from the California Environmental Quality Act (CEQA) review pursuant to Section 15332, as the project constitutes in-fill development;
2. **RECOMMEND APPROVAL** of Planning Cases: P15-0247 (Conditional Use Permit), P15-0248 (Tentative Tract Map), P15-0250 (Variance), P15-0251 (Variance), P15-0252 (Variance) and P15-0363(Variance), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions;
3. **RECOMMEND ADOPTION** of attached exhibits 6 - 8 as approved project plans, subject to recommended conditions of approval.

SITE BACKGROUND

The project is located within the Raincross District of the Downtown Specific Plan. The Raincross District is considered to be the cultural, historical and social center of both Riverside and the region beyond. The intent of the specific plan and the district standards are to create and encourage opportunities for a variety of commercial, residential and entertainment uses, in which the Raincross District encourages those uses to occur as both single use buildings and as part of a mixed-use development. The center of the Raincross District is occupied by the Mission Inn Historic District, which contains numerous local and national historic landmarks and where development standards encourage preservation and adaptive reuse of historic structures to provide downtown residents, employees, citywide residents, regional shoppers and tourists a sense of place by encouraging development that creates daytime, evening and weekend activity through the use of a high activity pedestrian environment with a storefront emphasis at the street level.

As shown on the attached exhibits, the 0.62 acre site is comprised of a single parcel that was issued a Certificate of Compliance under Planning Case P14-0748 on October 03, 2014. The project is bounded by the Main Street pedestrian mall on the westerly side of the project, University Avenue on the southerly side of the Imperial Hardware Lofts (IHL) project, an existing alley on the easterly side of the project and an existing commercial use on the northerly side of the project. The project site is fully developed with the northerly most parcel containing the Imperial Hardware Building, (Structure of Merit #296), constructed in the 1890's (est), for commercial use, while the remaining two southerly parcels are developed with a surface parking lot with access from the alley and related landscaping. It should be noted that existing on-site parking stalls range in size from 7 feet-8 inches to 8 feet-8 inches in width and are typically 16 feet to 20 feet in depth. The topography of the site is fairly flat and has a slight slope of 2.76 percent, towards the southwesterly portion of the site.

A Cultural Resources Report was prepared by Taylor Loudon of Historical Architecture Consulting Design and assessed the project under the Secretary of Interior Standards. The project was reviewed, at a Public Hearing, by the Cultural Heritage Board on May 20, 2015 under Planning Case P15-0249 (Certificate of Appropriateness) for the adaptive reuse of the Imperial Hardware

Building, deemed a Structure of Merit and a contributor to the Mission Inn Historic District. Due to the location of the project, in the Mission Inn Historic District, the Cultural Heritage Board has purview over the Certificate of Appropriateness for review and consideration of the architectural design of the project, which has been assessed according to the Secretary of Interior Standards.

PROPOSAL

The following applications have been submitted:

- Conditional Use Permit (CUP)
- Tentative Tract Map for Condominium Purposes (TTM)
- Variance (VR)
- Certificate of Appropriateness (COA) (It should be noted that the Cultural Heritage Board reviewed the COA on May 20, 2015)

The proposed project involves the development of a 120,355 square foot mixed-use development referred herein as Imperial Hardware Lofts, consisting of a 6-story building with 91 residential units, approximately 8,692 square feet of commercial space and a 115-stall vehicle parking garage.

Commercial

The project is proposing approximately 8,692 square feet of commercial tenant space on the ground floor level. The lease space is divided into two areas, with 7,684 square feet of commercial primarily facing the Main Street Pedestrian Mall and a small segment along University Avenue and 1,008 square feet dedicated to a lease office which will be located on the southeasterly portion of the property along the University Avenue frontage and accessible from the main entry lobby.

While the applicant has not identified the number of tenants or the ultimate floor layout of the commercial tenant space, the Downtown Specific Plan allows for retail uses on the ground floor levels which are devoted to pedestrian-oriented retail, restaurant or similar type uses. To facilitate future build out of the lease spaces, plans reflect infrastructure, such as vents and drains, that would enable installation of kitchen food preparation areas should it be needed. While not reflected on plans and dependent upon future tenants, outdoor seating areas for restaurants could be added along the Main Street Pedestrian Mall frontage, creating a sense of place and lending to the existing connectivity of adjacent projects with the Main Street Pedestrian Mall.

Residential Units

The 91 units, which include a tract map for condominium purposes, are proposed to be located on levels 2 through 6 of the project. Pedestrian access to the project is provided through two entry points, one in the main lobby area facing University Avenue and one facing Main Street. Internal access is provided by two elevators and two stairwells. All units are keyless entry and accessed through an internal hallway system, which has been day-lighted, at the ends of the hallways, to allow for increased light and air flow.

Of the 91 units, 25 are studio units, 42 are one bedroom units and 24 are two bedroom units. Plans indicate four different floor layouts for the studio apartments, which range in size from 471

square feet to 517 square feet. Thirteen floor plan layouts for 1 bedroom apartments which range in size from 636 square feet to 939 square feet and twelve floor layouts for the 2 bedroom units which range in size from 944 square feet to 1,346 square feet in size.

Open Space

Common Open Space

A total of 6,562 square feet of common useable open space is provided throughout the project. Proposed amenities are divided up into two areas, the 'Imperial Deck' on level 2 and the 'Sundowner Roof-Top Lounge' on the roof level. The Imperial Deck includes amenities such as; a fitness center, grilling stations, swimming pool, spa, fire pits, indoor/outdoor community room (kitchen, lounge, hospitality bar, dining area, pool table, TV), pet-washing station and outdoor movie screen. The Sundowner Roof-Top Lounge includes amenities such as; outdoor lounge, fire pits, drought resistant landscaping and 360-degree views of Mt. Rubidoux, Historic Mission Inn and the Downtown core. Furthermore, the project proposes additional amenities such as electric vehicle charging stations and a bicycle work station located in the parking garage.

The Downtown Specific Plan requires that a minimum of 50 square feet of common useable open space be provided per dwelling unit, such for this project, 4,550 square feet of common useable open space is required. The project complies with the requirements, as noted above, a total of 6,562 total square feet of common useable open space is proposed.

Private Open Space

The project proposes 58 units with private balconies of varying sizes, on levels 2 through 6, from 50 square feet to 248 square feet in size. Private balconies are predominately located on units facing the 'Imperial Amenity Deck', but also include patios that face onto the Main Street Pedestrian Mall. Due to the proximity of the project to the southerly property line, along University Avenue, those units will primarily have 'Juliet balconies', which have not been counted towards the total private space requirements.

The Downtown Specific Plan requires at least 50 percent of the dwelling units to have a minimum 50 square feet of open space. The project complies with the requirements, as 63 percent of the units have 50 square feet or more of private open space.

Parking

A total of 115 on-site parking spaces will be provided for residences, in a secured multi-level parking garage. Approximately 29 parking spaces will be provided on the ground level, behind the commercial and leasing office areas, while 86 parking stalls will be provided on a subterranean parking level, accessed by vehicle ramps on the northerly side of the garage.

Of the 115 stalls, 14 (including ADA) are standard sized stalls of 9-foot by 18-foot, 71 are 'universal parking spaces' of 8.5-feet by 18-feet, 24 of the inner tandem spaces of 8.5-feet by 15-feet and 6 are dedicated to electric vehicle parking and are 8.5-feet by 15-feet. It should be noted that 48 parking stalls are dedicated to tandem parking (24 tandem stalls) and will be directly assigned to the 24 two-bedroom units (48 bedrooms).

While the Downtown Specific Plan defers residential parking standards to the Zoning Code, the Specific Plan allows for the commercial portion of the development to be exempted, as the Imperial Hardware building is a contributor to the Mission Inn Historic District.

Access to the secure parking garage, will be taken through the existing alley. The alley will be widened to 20-feet, from University Avenue to the parking garage entrance, to facilitate two-way traffic. No restrictions will be placed on directional exit from the parking garage and vehicles will be able to proceed to either Mission Inn or University Avenues.

The applicant has requested parking related variances, which are addressed below and supported by a parking analysis, turning radius studies and the applicant's justifications which are attached as exhibits as part of this report.

LOCATION AND SURROUNDING LAND USES

	Existing Land Use	General Plan Designation	Zoning Designation
<i>Project Site</i>	Vacant Commercial Building (Imperial Hardware) Surface Parking Lot	DSP – Downtown Specific Plan	DSP-RC – Downtown Specific Plan – Rain Cross District
<i>North</i>	Commercial Building	DSP – Downtown Specific Plan	DSP-RC – Downtown Specific Plan – Rain Cross District
<i>East</i>	Commercial Building Parking Garage	DSP – Downtown Specific Plan	DSP-RC – Downtown Specific Plan – Rain Cross District
<i>South</i>	Office Museum	DSP – Downtown Specific Plan	DSP-RC – Downtown Specific Plan – Rain Cross District
<i>West</i>	Mixed Use Building (Commercial and Office)	DSP – Downtown Specific Plan	DSP-RC – Downtown Specific Plan – Rain Cross District

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	Consistent	Inconsistent	N/A
General Plan 2025 The proposed project is consistent with the underlying General Plan 2025 land use designation of DSP – Downtown Specific Plan, which will further the intent of the General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific Plan The project site is located within the Downtown Specific Plan-Raincross District and will further the intent of the Specific Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zoning Code Land Use Consistency (Title 19) The underlying DSP-RC – Downtown Specific Plan - Raincross District is consistent with the DSP – Downtown Specific Plan General Plan land use designation. However, the project does require approval of a Conditional Use Permit and Variances related to parking for approval.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with Citywide Design & Sign Guidelines The proposed project substantially meets the objectives of the City's design guidance document, subject to the recommended conditions of approval detailed below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compliance with development standards for mixed use development in the Downtown Specific Plan – Raincross District The Specific Plan allows for mixed-use developments with densities greater than 60 dwelling units an acre and heights of up to 100-feet subject to the granting of a Conditional Use Permit. As discussed below, the project is consistent with applicable development standards, with the exception of parking, which the applicant has provided justifications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>Downtown Specific Plan – Raincross District and Mixed-Use Standards</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Density</i>	60 du/ac Maximum unit density may be increased with the approval of CUP		146 du/ac Contingent on approval of CUP	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Height</i>	60-feet Maximum height may be increased in the Mission Inn Historic District to 100-feet with approval of CUP		85-feet to top of elevator tower 72-feet to the top of roof	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>FAR</i>	3.0 Mission Inn Historic District		2.9	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lot Size</i>	10,000 square feet		27,137 square feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Setbacks</i>	Front (University Avenue)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side (Main Street)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side (Alley)	0 feet	0 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear (Adjacent to Existing commercial building)	0 feet	0 feet Adaptive reuse of the Imperial Hardware building	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Parking</i>	Residential (1.5 space for 1 bedroom and 2 spaces for 2 bedrooms)	149	115	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Downtown Specific Plan – Raincross District and Mixed-Use Standards</i>					
Standard			Proposed	Consistent	Inconsistent
	Commercial (Exempt with adaptive reuse of District Contributor)	0	0	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROJECT ANALYSIS

Site Plan

Staff supports the proposed site plan as previously described, subject to implementation of the conditions of approval. As discussed earlier, the general site layout of the mixed-use development, with commercial uses on the ground floor and residential above, with the exception of requested variances for parking, is consistent with the Visions, Goals and Policies of the Downtown Specific Plan;

- *Policy LU 1.1: Raincross District:* The pedestrian-oriented center of Downtown, with an emphasis on an intense mixture of residential, specialty commercial, tourist, restaurant, cultural, arts, and civic uses. Design philosophy emphasizes new and infill construction that is compatible with the historic structures that give Downtown its unique identity.
- *Policy LU-4:* Encourage mixed-use development with a strong residential presence in the Raincross District, including both new construction and the adaptation of upstairs spaces in existing buildings for residential purposes.

Height

The proposed project is similar in height to surrounding buildings within the Raincross District and more specifically. Buildings adjacent to the intersection of University Avenue and the Main Street Pedestrian Mall, such as the former First National Bank building, located on the southerly side of the intersection of University Avenue and Main Street, with an approximate height of 65 feet, the Mission Square office tower with a height of 99 feet and the California Tower with an approximate height of 140 feet. Other buildings located in the Raincross District, but not directly adjacent to the proposed project, have similar heights, including the Marriot Hotel, with an approximate height of 99 feet, City Hall with an approximate height of 90 feet and Mount Rubidoux Manor, which has an overall height of 166 feet. In addition, Centennial Plaza (currently under construction), which will house administrative functions for Riverside Community College and the school of Culinary Arts, will have an approximate height of 65 feet. Based upon the overall height and use, the project can be supported as it is consistent with the purpose and intent of the Raincross District and compatible with surrounding development.

Density

Similar in nature to the overall height, the Downtown Specific Plan allows the overall density to be increased, subject to the approval of a Conditional Use Permit. The project, at 91 units, is proposed at a density of 146 dwelling units per acre. While, the development standards do not specify a maximum density; a precedent has been set in the Raincross District pertaining to residential density. Mount Rubidoux Manor, as noted above, has an existing residential density of 164 units to the acre. Furthermore, the project is consistent with goals of the Downtown Specific Plan in which the following goals and policies are codified under section 3.4.2 Housing Goals and Policies;

- *Policy H-1-1:* Provide a variety of housing options, including medium and high density apartments and condominiums, live/work loft space and mixed-use buildings with a residential component.

The Raincross District has a mixture of medium and high density residential projects, most notably; medium density projects include the Raincross Promenade (56 du/ac), Centerpoint Apartments (48 du/ac), and the M'Sole live/work units (33 du/ac) at the intersection of Market and Third Streets. In addition, and as noted above, Mount Rubidoux Manor is considered a high density residential project within the Raincross District.

- *Policy H-1-5:* Encourage and promote new high density residential projects and the use of upstairs spaces in existing buildings in the Raincross District for housing to increase housing options and help bring daytime, evening and weekend activity to the Downtown.

The IHL project complies with the above policy, as the project is considered a high density residential project over commercial lease space. The increase in density and addition of ground level commercial will spur additional economic activity throughout the week during the daytime and evening hours.

Vehicular Access

As noted above, access to the project will be provided by a two-way, 20 foot wide alley, consisting of decorative pavers. In this instance, the pavers will not only function as a decorative entrance to the project for vehicles, but will serve as a water quality treatment function pursuant to the Water Quality Management Plan for the project.

Given that University Avenue is in close proximity to the garage entrance, it is anticipated that most motorists will turn right out of the structure to access University Avenue. As previously discussed, motorists will be able to turn left out of the garage and access Mission Inn Avenue if the alley beyond the entrance to the garage is not being utilized by delivery trucks for loading and unloading purposes.

In order to assist motorists exiting the garage, Staff has conditioned cameras be mounted along the alley side of the project and monitors interior to the parking garage to indicate if delivery trucks are present in the alley northerly of the project. If delivery trucks are present, the motorist will make a right out of the garage and head unimpeded to University Avenue. As a matter of

information, no parking of vehicles or delivery trucks will be allowed from University Avenue to the project garage entrance along the alley.

On-Site Parking

Vehicle Parking

Total Parking Stalls – Imperial Hardware Lofts		
	Parking Spaces Provided	Parking Spaces Required (DSP 16.2.4 Parking Requirements)
Residential	115	149 (67 – one bedroom (studio and 1 bedroom), 24 – two bedroom)
Commercial	0	0 (Commercial parking is exempt, due to Imperial Hardware status as a District Contributor to the Mission Inn Historic District)
Total	115	149

Parking Stall Size – Imperial Hardware lofts				
Type	Size	Ground Level	Basement Level	Total
Standard Stall (Including ADA)	9 x 18	6	8	14
Universal Stall (C1)	8.5 x 18	17	54	71
Tandem (C2)	8.5 x 15	0	24	24
EV Charging (C3)	8.5 x 15	6	0	6
Total		29	86	115

On-Site Drive- Aisles				
	Parking Angle in Degrees	Circulation	Drive Aisle Width Provided	Drive Aisle Width Required (RMC Chapter 19.580)
Ground Level	90 degree	Two-Way Traffic	24 feet to 25 feet	24 feet
Basement Level	90 degree	One-Way traffic	21 feet-6 inches to 23 feet-6 inches (maneuvering)	24 feet
			16 feet-1 inch (Non maneuvering area)	16 feet

On-Site Tandem Parking		
	Total Number of 2-bedroom Units	Total Number of Tandem Parking Stalls
Tandem Parking	24 (48 bedrooms)	24 sets (48 parking spaces)

As noted in the above tables, parking is provided at a ratio of 1 stall per bedroom and has a mixture of parking stall sizes. While the DSP briefly discusses the challenges with downtown parking as opposed to suburban parking, the DSP utilizes the parking requirements of the Zoning Code. Based upon the above the charts the project requires the following parking variances;

1. Reduction in the overall number of parking spaces required for residential units;
2. Reduction in the overall size of parking spaces;
3. The use of tandem parking stalls to satisfy the minimum parking requirements; and
4. The reduction in overall drive aisle width for one-way, 90 degree parking stalls.

The applicant has provided justifications in support of the proposed parking variances (Exhibit 11). Based upon the applicant's findings, Staff can make the necessary findings to support the requested variances, as the mixed-use project contains both residential and commercial space within convenient access to mass transit and a walkable environment, helping to foster a 'park once' strategy in the Downtown. The project is located in the core of the downtown adjacent to no less than eight (8) Riverside Transit Authority (RTA) bus lines. In addition, the Downtown Metrolink station is within walking or biking distance of the project. This allows residences of the project to utilize multiple forms of mass transit to access destinations in the City, the County of Riverside and the Los Angeles basin. Further, the project is located in the core of Downtown, in an area that has been developed to foster and encourage walking or biking to nearby businesses that provide personal services, restaurants, retail stores, entertainment and

education, all which can be found within 750 feet of the project. The IHL is also in close proximity to major employment centers that include Government Offices, Riverside Community College, University of California Riverside and others located in the downtown core.

In addition to the parking analysis performed by Parking Design Group (Exhibit 12) dated March 24, 2015, parking variances were reviewed by Richard Wilson, Ph.D. FAICP of Richard Wilson and Associates, LLC (Exhibit 13) and found to be appropriate, "Given the large shared parking potential in the downtown, multifamily housing parking supplies of less than one space per bedroom are justifiable and well within current practice in downtowns across the country. In that regard, the Imperial Hardware Lofts represent a conservative approach that does not pose a risk of parking impacts". In addition to the parking analysis and review by Dr. Wilson, the applicant provided turning radius and turning maneuvers in the parking garage as depicted in exhibit 10. The applicant has also provided a parking management plan, indicating that all tandem parking spaces are assigned to 2 bedroom units and that large size vehicles will be assigned full size parking stalls on the ground floor of the parking garage. It should be noted that while the project prepossesses a mixture of parking stall sizes, the downtown core already has multiple size parking stalls located in multiple parking garages and surface parking lots. The existing surface parking lot on the project site, has stalls that range in size from 7 feet-8 inches to 9 feet in width and 16 feet to 18 feet in depth. Multiple parking garage stalls in the downtown core were measured and range in widths from 5 foot 3 inches to 9 feet, with 8 feet-6 inches being the average. In addition, parking stall depth ranges in size from 15 feet to 18 feet.

Bicycle Parking

In addition to vehicle parking, 30 bike parking spaces have been provided within the northerly portion of the parking garage. Staff believes the location of the project is placed in a highly desirable area for biking. Class 2 bike lanes exist along Market Street connecting to different areas of the Downtown with jobs, entertainment and education. In addition, delineated bike lanes provide easy access to recreational opportunities, such as; the Santa Ana River Trail, Mount Rubidoux, Ryan Boniminio Park and Sycamore Canyon Wilderness Park. Moreover, the General Plan 2025 identifies future installation of a Class 2 bike lane connecting the University of California (UCR) with Market Street along Third Street to supplement existing Class 2 bike lanes along University Avenue connecting to University Village and the UCR campus. Furthermore, White Park is within proximity to the project and can be accessed by riding through the downtown corridors with low traffic volume and slower speeds. In addition to on-site bike parking for residences, the project will need to meet the standards of the Building and Safety Code, in which Staff will review location of bike racks through construction documents.

In addition, to the bike parking spaces, a bike kitchen is proposed for the basement level of the garage in which, two 'fix-it stations' will be provided so that bike owners may perform minor repairs to their bikes on-site. Further, each entry to all units has been designed to accommodate a wall mounted bike storage system for occupants to hang bikes and easily access them while leaving the apartment. The wall mounted units also assist in preventing bikes from being stored on the balcony.

Providing on-site bike parking and amenities help foster alternate forms of transportation and lessen the dependency on a vehicle. The encouragement and facilitation of alternate forms of

infrastructure, as noted above (RTA Routes, Metrolink, Bikes) is consistent with the Vision, Goals and Policies of Chapter 16 Parking Strategies of the DSP, in that greater use of transit, bicycling and walking, as well as ridesharing, work to reduce overall parking demand in a downtown area.

Conceptual Landscape

The submitted conceptual landscape plan includes multiple species of trees, shrubs and ground cover. Although there is limited space at ground level for landscaping, the conceptual landscaping plans and renderings show that a majority of plants will be placed on the Imperial Amenity Deck, while a small portion of shrubs will be planted on the roof top deck. In addition, landscape plans show multiple hardscape finishes that can be found throughout the project, including enhanced concrete paving, raised planters and wood decking. Staff supports this plan in concept and final landscape and irrigation plans will be required to be reviewed and approved by Design Review staff during the plan check review process.

ENVIRONMENTAL REVIEW

Technical studies, such as; Traffic, Noise, Air Quality and Cultural Resources report, pursuant to the Secretary of Interior Standards were prepared specific to the project. Impacts have been determined to be less than significant; the project qualifies as an infill development and exempt from CEQA.

NEIGHBORHOOD COMPATIBILITY

As described in detail in this analysis, the proposed use will be compatible with the specific site location, development, and operation standards related to mixed-use projects within the Raincross District and Mission Inn Historic District subcategory of the Downtown Specific Plan. Policies found within the DSP support the development of the mixed-use project as proposed and will not prove detrimental to the surrounding neighborhood or the general public with fulfillment of the recommended conditions of approval.

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.

EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Specific Plan/Zoning Map
6. Tentative Tract Map
7. Proposed Grading Plan
8. Project Plans (Massing Study, Open Space Study, Site Plan, Floor Plans, Elevations, Renderings, Conceptual Landscape)
9. Existing Site Photos
10. Parking Diagram (Turning Radius)
11. Applicant Variance Justifications
12. Parking Analysis
13. Richard Wilson & Associates LLC Parking Review
14. Downtown Amenity Map
15. Comment Letters

Report and Recommendations Prepared by:
Report and Recommendations Reviewed by:
Report and Recommendations Approved by:

Brian Norton, Associate Planner
Gabriel Perez, Principal Planner
Emilio Ramirez,
Interim Community and Economic
Development Director



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 1- STAFF RECOMMENDED FINDINGS

PLANNING CASES: P15-0247 (Conditional Use Permit), P15-0248 (Tentative Tract Map)

STAFF RECOMMENDED FINDINGS

Conditional Use Permit & Design Review:

- a. The proposed project is consistent with the General Plan 2025 and the intent and purpose of the DSP-RC – Downtown Specific Plan and Raincross District and the DSP – Downtown Specific Plan General Plan land use designation;
 - i. The intent of the specific plan and the district standards are to create and encourage opportunities for a variety of commercial, residential and entertainment uses, in which the Raincross District encourages those uses to occur as both single use buildings and as part of a mixed-use development.
 - ii. *Policy LU 1.1: Raincross District:* The pedestrian-oriented center of Downtown, with an emphasis on an intense mixture of residential, specialty commercial, tourist, restaurant, cultural, arts, and civic uses. Design philosophy emphasizes new and infill construction that is compatible with the historic structures that give Downtown its unique identity.
 - iii. *Policy LU-4:* Encourage mixed-use development with a strong residential presence in the Raincross District, including both new construction and the adaptation of upstairs spaces in existing buildings for residential purposes.
- b. The proposed development will not have substantial adverse effects on the surrounding property or uses, and will be compatible with the existing and planned land use character of the surrounding area;
 - i. Development standards encourage preservation and adaptive reuse of historic structures to provide downtown residence, employees, citywide residents, regional shoppers and tourists a sense of place by encouraging development that creates daytime, evening and weekend activity through the use of a high activity pedestrian environment with a storefront emphasis at the street level.
 - ii. Building heights and densities are consistent with the surrounding environment. Densities in a downtown core will create a positive impact in that denser areas depend less on personal vehicles and more on mass transit, walking and bicycling to areas within the downtown promoting a 'park once' strategy.
 - iii. *Policy H-1-1:* Provide a variety of housing options, including medium and high density apartments and condominiums, live/work loft space and mixed-use buildings with a residential component.

- iv. *Policy H-1-5*: Encourage and promote new high density residential projects and the use of upstairs spaces in existing buildings in the Raincross District for housing to increase housing options and help bring daytime, evening and weekend activity to the Downtown.
- c. The proposed mixed-use 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;
- d. The proposed mixed-use 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, with implementation of the recommended conditions of approval;
- e. The proposed mixed-use project will be consistent with the purposes of the Specific Plan and Zoning Code and the application of any required variances to the development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.
- f. The proposed project is in compliance, with the exceptions of variances for parking, with the standards applicable to the proposed development as conditioned.



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P15-0248** (Tentative Tract Map)

Meeting Date: May 21, 2015

CONDITIONS

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 Development Department, Planning Division.

Case Specific

- **Planning**

1. All applicable conditions of related Planning Cases P15-0247 (CUP), P15-0249 (COA) and P15-0250-0252 and P15-0363 (Variances) shall apply.
2. There shall be a 36-month time period in which to record the Map. Subsequent time extensions may be granted pursuant to the standards of the Zoning and Subdivision Codes.

Public Utilities Electric

Contact Summer Ayala at 951-826-2129 for questions regarding public utilities (electric) conditions/corrections listed below.

3. 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.
4. 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.
5. Blanket public utility easements on all parcels.

Public Utilities Water

6. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.

7. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
8. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.
9. A blanket water utility easement shall be granted.

Fire Prevention

Contact Margaret Albanese at 951-826-5455 for questions regarding fire conditions or corrections.

The following to be met prior to construction permit issuance:

10. An automatic fire sprinkler system is required by City Ordinance 16.32.076. 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 an approved facility. Post Indicator valves, Detector Check control valves and water flow switches are required to be central station monitored. Have 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.
11. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
12. Construction plans shall be submitted and permitted prior to construction.
13. Fire Department access is required to be maintained during all phases of construction.

Standard Conditions

- **Planning**

14. There is a thirty-six-month time limit in which to satisfy the conditions and record this map. Six subsequent one-year time extensions may be granted by the City Planning Commission upon request by the applicant. Application for a one-year time extension must be made prior to the expiration date of the map. No time extension may be granted for applications received after the expiration date of the map.
15. Within 30 days of the approval of the project by the City the developer/subdivider 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 subdivision, 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/subdivider of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.

16. 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.
17. 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.

GENERAL INFORMATION NOTES

Appeal Information

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

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P15-0247** (Conditional Use Permit)

Meeting Date: May 21, 2015

CONDITIONS

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 Development Department, Planning Division.

Case Specific

- **Planning**

1. All applicable conditions of related Planning Cases P15-0248 (TTM), P15-0249 (COA) and P15-0250-0252 and P15-0363 (Variances) shall apply.

Prior to Grading Permit Issuance

2. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Compliance with City adopted interim erosion control measures;
 - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - c. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - d. Note all drainage features will be color treated to match surrounding terrain; and
 - e. Final BMPs shall be finalized, subject to Public Work Department approval.

During Grading

3. In the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, *State CEQA Guidelines* 15064.5(e), and Public Resources Code 5097.98 must be implemented. Specifically, in accordance with Public Resources Code (PRC) Section 5097.98, the Riverside County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner will then determine

within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with PRC Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification. Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the MLD and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

4. 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.
5. The development project must 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:
 - 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;
 - Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - Wash off trucks and other equipment leaving the site;
 - Replace ground cover in disturbed areas immediately after construction;
 - Keep disturbed/loose soil moist at all times;
 - Suspend all grading activities when wind speeds exceed 25 miles per hour;
 - Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
6. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
7. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered

generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

8. Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
9. Insure that motor powered equipment is equipped with proper mufflers.

Prior to Issuance of Building Permit

10. 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.
11. Landscaping and Irrigation plans shall be submitted for Design Review staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping, irrigation and exterior lighting plans must be submitted prior to building permit issuance.
12. 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. Backflow preventers shall be screened to the fullest extent possible and shall not encroach onto any sidewalks or pedestrian paths of travel.
13. 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 subject site. 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. Transformers shall not encroach onto any sidewalks or pedestrian paths of travel. 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.
14. An exterior lighting plan shall be submitted with construction drawings and shall include a photometric study and manufacturer's cut sheets of all decorative 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 a minimum intensity of one foot-candle and a maximum intensity of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). 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 fourteen (14) feet in height, including the height of any concrete or other base material.

15. Staff Required Site Plan Conditions: Site plans shall be submitted to Building and Safety and shall include the following:

- a. Provisions for a security gate and coded entry shall be located at the entrance to the parking structure. A specific detail shall be provided on plans showing the security gate to the satisfaction of the Planning Division, Fire Department and Public Works Department;
- b. Provide cut sheets of all proposed lighting standards, decorative paving, street furniture and awnings to the satisfaction of Design Review staff;
- c. Indicate the use of decorative textured paving at all vehicle entry points to the satisfaction of Design Review staff;
- d. All ground mounted mechanical equipment, including backflow devices and electrical boxes shall be fully screened from public view;
- e. All mechanical equipment, including gas/electrical meters, shall be fully screened from public view;
- f. For safety, sufficient lighting shall be located at the vehicle entry driveway and shall include a form of decorative lighting;
- g. Provisions to ensure that storm water shall not be drained across any on-site or off-site pedestrian connections or sidewalks; and
- h. Provision for decorative bike racks for commercial use shall be reflected on the site plan.

16. Staff Required Landscape/Irrigation Plans Conditions: Landscape and Irrigation plans submitted for Design Review staff review and approval shall include the following:

- a. All landscaping and irrigation shall meet or exceed the provisions and standards found in Chapter 19.570 Of the Zoning Code;
- b. All landscaping shall be permanently irrigated and maintained at all times in all common areas and areas visible to the public right-of-way;
- c. Catalogue cut sheets for all furniture provided in amenity areas; and
- d. The plant palette shall include the use of drought tolerant plant species in accordance with the City's Water Efficient Ordinance.

17. A line-of-sight study shall be submitted for review and approval of Design Review staff, indicating that any new roof mounted mechanical equipment will be completely screened from view from all perimeter streets. Parapet walls shall be designed so the top of these walls are higher than the tallest piece of mechanical

equipment on the roof of the building. 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. 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.

Site Operation Standards

18. Cameras shall be provided on the easterly wall of the building, providing a clear line-of-sight down the entirety of the alley and a monitor provided within the parking garage, near the exit, to convey to motorist exiting the project if delivery trucks are present northerly of the garage entrance and exit point.
19. No storage shall be permitted on balconies.
20. The applicant shall provide staff a comprehensive parking management plan.
21. Any graffiti on the facility shall be removed within 24 hours of notification.

Prior to Release of Utilities and/or Occupancy:

22. 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 Brian Norton, at (951) 826-2308 to schedule the final inspection at least a week prior to needing the release of utilities.

Public Works

The following public works "engineering" conditions to be met prior to case finalization:

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

24. Installation of sewers/sewer laterals to serve this project to Public Works specifications.
25. Prior to issuance of a building permit, applicant shall obtain an encroachment permit to construct and maintain any canopies and/or building articulations within the public right-of-way. Encroachment permit shall indemnify the City of Riverside from any damages that may arise from encroachment.
26. Prior to case finalization, applicant shall grant City of Riverside perpetual access to underground mechanical room and splash fountain/equipment area. Encroachment permit shall be obtained for subterranean encroachment of mechanical room.
27. Project shall sign northbound approach of the alleyway adjacent to the east side of the project at its intersection with Mission Inn Avenue as right turn only to Public Works satisfaction.
28. Project shall sign southbound approach of the alleyway adjacent to the east side of the project at its intersection with University Avenue as right turn only to Public Works satisfaction.
29. Existing alleyway adjacent to the east side of the project, north of the proposed parking garage entry, shall be signed northbound only to Public Works satisfaction.
30. Project to provide a video feedback system as approved by Public Works Traffic Engineering to allow motorists wishing to make a left turn out of the parking garage to see if the northbound alleyway is occupied. This system should provide a visual indication to motorists that is functional during all lighting conditions and visible prior to exiting the parking garage.
31. 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.

32. 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.

33. 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.

34. 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.

35. 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 Industrial Waste

Contact George Munoz at 951-351-6145 for questions regarding public works industrial waste corrections or conditions.

The following public works "industrial waste" corrections and conditions to be met prior to building permit issuance:

36. Plumbing Plans required; submit 1 set of plumbing plans, or revised plumbing plans, in addition to the two sets required for the Building & Safety and Planning Divisions and another additional set for any other departments requesting revised plans, such as the Fire Department or Public Utilities Electric Division, etc. All plans must be submitted to the Building & Safety Division front counter to be logged in correctly and labeled for distribution to the appropriate departments/divisions.

Fire Prevention

Contact Margaret Albanese at 951-826-5455 for questions regarding fire conditions or corrections.

The following to be met prior to construction permit issuance:

37. An automatic fire sprinkler system is required by City Ordinance 16.32.076. 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 an approved facility. Post Indicator valves, Detector Check control valves and water flow switches are required to be central station monitored. Have 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.
38. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
39. Construction plans shall be submitted and permitted prior to construction.
40. Fire Department access is required to be maintained during all phases of construction.

Park and Recreation

Prior to building permit issuance:

41. 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.

Public Utilities Water

42. No water division requirements.

Standard Conditions

- **Planning**

43. There shall be a two-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.
44. 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.
45. 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.
46. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses 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.
47. 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.
48. 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 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.

49. 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.
50. Failure to abide by all conditions of this permit shall be cause for revocation.
51. If necessary, the plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
52. 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.
53. 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.
54. 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.

GENERAL INFORMATION NOTES

Appeal Information

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

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P15-0250** (Variance), **P15-0251** (Variance), **P15-0252** (Variance) and **P15-0363** (Variance)

CONDITIONS

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 Development Department, Planning Division.

Case Specific

- **Planning**
 1. All applicable conditions of related Planning Cases P15-0247 (CUP), P15-0248 (TTM) and P15-0249 (COA) shall apply.
 2. The Zoning Administrator makes the necessary findings in the applicants favor to grant the following variances. As justification, the applicant's written justifications are referenced:
 - a. To allow for a reduction of 34 parking spaces, to 115 spaces, where 149 spaces would be required based upon the proposed residential use.
 - b. To allow for the reduction in the overall size of the parking stalls.
 - c. To allow for the use of tandem parking stalls to satisfy the minimum parking requirements.
 - d. To allow for a reduction in the overall drive aisle width for one-way, 90 degree parking stalls.
 3. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this variance is exercised.
 4. The subject property shall be developed substantially as shown on the plot plan on file with this case except for any specific modification that may be required by these conditions of approval.
 5. 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.

General Information Notes

6. The Mayor or any member of the City Council may request that the final decision on this variance be reviewed by City Council. The request for the review must be within 10 days of issuance of the Zoning Administrator's final report and recommendations. The City Council may affirm, reverse or modify the final report or the conditions of approval.
7. The Zoning Administrator's decision or any conditions of approval can be appealed to the City Council. Appeals will be accepted until 5:00 p.m. on the tenth day following the Zoning Administrator's decision. To appeal this decision, submit a letter stating what is being appealed and why, the General Application form and a check for \$1531.20, made payable to the City of Riverside to cover the appeal fee. The Planning Department offers an informational packet on filing an appeal. Appeals may be delivered in person or mailed, but they must be received within the period specified above. The Planning Department's address is: City of Riverside, Planning Department, 3900 Main Street, 3rd Floor, Riverside, CA 92522. Appeals will be considered by the City Council within 30 days of the end of the appeal period.
8. Within 30 days of approval of this case by the City Council, 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.

GENERAL INFORMATION NOTES

Appeal Information

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