

Planning Commission Memorandum

Community & Economic Development Department

Planning Division

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

PLANNING COMMISSION HEARING DATE: JULY 9, 2015 AGENDA ITEM NO.: 4

PROPOSED PROJECT				
Case Numbers	P15-0068 (Conditional Use Permit), P15-0175 (Design Review) P15-0176 (Variance), P15-0399 (Variance), P15-0400 (Variance)			
Request	To demolish an existing drive-thru restaurant ("Wienerschnitzel") and the construction of a new approximately 1,144 square foot drive-thru restaurant			
Applicant	Geoff Ingles, Galardi Group			
Project Location	3695 Central Avenue	14412		
APN	225-124-015	SUNNYSIDE DR		
Project area	Approximately 0.31 acre site			
Ward	3			
Neighborhood	Magnolia Center Neighborhood			
Specific Plan	Magnolia Avenue Specific Plan	CENTRAL AVE		
General Plan Designation	Mixed Use - Village			
Zoning Designation	CG - Commercial General	SHAST NORTH-		
Staff Planner	Gaby Adame, Assistant Planer	; 951-826-5933; gadame@riversideca.gov		

RECOMMENDATIONS

Pursuant to Chapters 2.40 and 19.050.030 of the Riverside Municipal Code, the Planning Commission is asked review the proposed project subject to its consistency with the Zoning Code (Title 19) and Subdivision Code (Title 18). Additionally, the Planning Commission is asked to concur with Staff's determination that the proposed project is conditionally consistent with the Citywide Design & Sign Guidelines. Specifically, Staff Recommends that the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development);

- 2. **RECOMMEND APPROVAL** of Planning Cases Case Numbers: P15-0068 (Conditional Use Permit), P15-0175 (Design Review), P15-0176 (Variance), P15-0399 (Variance), and P15-0400 (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 6-11 as approved project plans, subject to recommended conditions of approval.

Pursuant to Riverside Municipal Code (RMC) Sections 19.650.020 and 19.760.050, the decision of Planning Commission to grant a Conditional Use Permit shall require an affirmative vote of 2/3 of the Commission membership present and voting at the public hearing.

SITE BACKGROUND

The existing 0.31 acre site is developed with an 550 square-foot (approximate) drive-thru business, ("Wienerschnitzel") originally constructed in 1966. The "A"-frame structure contains storefront windows with a drive-thru lane circulating counterclockwise. The site currently contains 16 parking stalls with egress and egress from Central Avenue and the adjacent alley to the north.

As a matter of information, a 0.04 acre parcel (APN 225-124-022) located in the northwesterly section of the site, sits empty and unused. This parcel is under different ownership and has no relation to the current site.

PROPOSAL

The following applications have been submitted:

- Conditional Use Permit
- Design Review
- Variance (3)

The applicant is requesting demolition of the existing building and construction of a new 1,144 square foot building. As shown on the attached site plan (exhibit 7), 16 parking stalls, an outdoor dining area and a 108 foot long drive thru lane are proposed. Variances related to proposed drive-thru lane length, and landscape setbacks are proposed.

The drive-thru restaurant proposes to be open 10 to 12 hours a day, with peak hours ranging from 11:00 a.m. to 3:00 p.m., and 5:00 p.m. and 8:00 p.m., Monday through Friday. A total of fifteen (15) individuals will be employed at this facility, with an average of four (4) people per shift.

PROJECT ANALYSIS

Authorization and Compliance Summary					
	Consistent	Inconsistent	N/A		
General Plan 2025 The proposed project is consistent with the underlying General Plan 2025 land use designation of MU - Mixed Use-Village, and is located in the Magnolia Center Neighborhood. General Plan Objective LU-67 encourages revitalization of the area as a subregional retail center, which this project will compliment, and the MU-V designation encourages outdoor dining and gathering places. The required ROW dedication will also facilitate completion of Central Avenue as a 120 foot arterial.	V				
<i>Specific Plan</i> The project site is within the Magnolia Avenue Specific Plan and the Magnolia Center District. The proposed project meets the districts objectives and policies, specifically by improving circulation and streetscape appearance in Magnolia Center.					
<i>Zoning Code Land Use Consistency (Title 19)</i> The underlying CG – Commercial General Zone is consistent with commercial developments, subject to Design Review and, for a drive-thru business, a Conditional Use Permit.	N				
<i>Compliance with Citywide Design & Sign Guidelines</i> The proposed project meets the objectives of the City's design guidance document, subject to the recommended conditions of approval detailed below.	V				

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

	Standard		Proposed	Consistent	Inconsistent
	Front	0 feet	6.4 feet	\checkmark	
Min.	Street Side	0 feet	2.5 feet (West)	\checkmark	
Setbacks	Street Side	0 feet	2.5 feet (East)	\checkmark	
	Rear	0 feet	2 feet	\checkmark	
Min. Parking ¹	1 stall/100 sq. ft. of floor area	12 stalls required	12 stalls	V	

Drive-Thru Business Standards					
Standard		Proposed	Consistent	Inconsistent	
Minimum Frontage	100 feet		108 feet		
Landscape Setbacks	Street Frontages	15 foot planter	South: 16 feet from existing property line 0 feet after dedication		
	Interior Property Lines	5 foot planter	East and West: 2.5 feet		
	Between Drive- Thru and Parking Lot	5 foot planter	2.5 feet		V
Max. Building Height	35 feet		21 feet		
Drive-Thru Lane Standards	Minimum Length: 180 feet		Approx. 108 feet		
	Minimum Stacking: 10 vehicles		6 vehicles		
	Minimum Width: 12 feet		12 feet		

DESIGN REVIEW

Site Design

As shown on the above table, the project is not consistent with development standards pertaining to drive-thru lane length and landscape setbacks. To facilitate the project as proposed, the applicant has requested the following variances:

- a. To permit a 108 foot long drive thru lane where a minimum 180 foot long queueing lane for 10 vehicles is required.
- b. To permit a 2.5 foot wide landscape planter along the drive thru lane where 5 feet is required.
- c. To permit a two foot wide front landscape planter where a 15 foot wide planter is required along Central Avenue.

City Municipal Code Section 19.720.040 identifies findings that must be made to approve a Variance request. The findings must identify site specific hardships or unique circumstances that deprive the property owner of privileges enjoyed by other properties with identical zoning. Municipal Code Section 19.720.040, only allows the granting of a Variance if the following can be determined:

- The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;
- 2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification;
- 3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located; and
- 4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.

These findings are consistent with California Government Code Section 65906, which states: "Variances from the terms of the zoning ordinances shall be granted <u>only</u> when, because of <u>special circumstances applicable to the property</u>, including <u>size</u>, <u>shape</u>, <u>topography</u>, <u>location</u> or <u>surroundings</u>, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated."

Staff believes that the site's existing size and on-site buildings, in combination with a required 16 foot dedication of property for street right-of-way, which further reduces the site's size, support the applicant's requested Variances. Staff has recommended findings for the Variance application that elaborate these special circumstances. Furthermore, the proposed Variances will not be detrimental to the public welfare or damaging of surrounding properties. The reconfigured site design would improve accessibility and congestion from that which currently exists. Additionally, the applicant proposes to add more landscaping than currently exists, which would improve the aesthetic appeal of the site. The site, as it has been proposed by the applicant, was designed in manner that minimizes the amount of variances needed while providing a viable development and functional restaurant.

Street Dedication

The project site fronts on Central Avenue, which is identified in General Plan 2035 as an arterial roadway with a 120 foot width. Currently, however, the width of Central Avenue is substandard, having a dimension from the centerline to the northern right of way of only 44 feet. For the City to achieve the ultimate street width specified in the General Plan, an additional 16 feet needs to be acquired from this property, so as to provide a 60 feet centerline width.

The Riverside Municipal Code Section 18.210.020, Dedications, specifies that, as a condition of approval, an applicant may be required to dedicate all parcels of land that are needed for streets. Because the applicant is proposing to raise the existing site and build a completely new restaurant, the City has conditioned the applicant to provide a full dedication of the 16 feet.

Parking and Site Access

As shown on the attached site plan (exhibit 7), vehicular access to the project site is proposed from Central Avenue. Additional access is provided from the alley along the northerly boundary of the site. The alley is accessible from Magnolia Avenue to the west, and De Anza Avenue to the east. As shown in the table above, sufficient on-site parking is provided.

Architecture

The proposed Wienerschnitzel will be the first in California using a new corporate design. The new design will incorporate a contemporary industrial look, using ribbed metal side panels and roofing with projecting and recessed elements. The building will include a yellow and red color palette, which emphasizes Wienerschnitzel's corporate identity.

A walk up order window will be located on the eastern façade, adjacent to the outdoor dining area and below a metal canopy. A drive-thru window is proposed facing westerly, with a 2.5 foot landscape planter between the drive-thru lane and the adjacent property, which is a large surface parking lot.

Staff supports the building elevations as described above, subject to the recommended conditions of approval.

Signage

Signage is not under review by the Planning Commission as part of this application. However, a condition of approval has been recommended by staff that requires a separate design review application for signage, should the Planning Commission approve the applicant's building and site proposal.

While sign drawings have not been submitted to staff, and therefore a full evaluation of signage has not occurred, it is important to note that the signage shown in the building elevations does not comply with the City's Sign Code requirements. This is principally based on the fact that some of the signs proposed are "roof signs" by definition, which are prohibited in the City. The applicant has been made aware of the signage problems with the current elevations, and staff will work with the applicant to find solutions that meet the City's sign regulations.

ENVIRONMENTAL IMPACTS

This project has been deemed exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15332 (In-Fill Development). The proposed project will not have a significant effect on the environment.

NEIGHBORHOOD COMPATIBILITY

The proposed drive-thru business would facilitate in-fill development within a Mixed Use zoned corridor in the Magnolia Avenue neighborhood. The use is proposed at a location where adequate parking is available for the use and where the use can be operated in a manner that will not be detrimental to surrounding land uses. Adequate access to the project site exists from Central Avenue and adjacent alley-way.

PUBLIC NOTICE AND COMMENTS

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

EXHIBITS LIST

- 1. Staff Recommended Findings (with Variance Findings)
- 2. Staff Recommended Conditions of Approval
- 3. Aerial Photo
- 4. General Plan Map
- 5. Zoning Map
- 6. Color Building Elevations
- 7. Site Plan
- 8. Floor Plans
- 9. Preliminary Grading Plan
- 10. Color Board
- 11. Photo of existing Wienerschnitzel
- 12. Existing Site Photos

(Color / Material Board to be available at the City Planning Commission Meeting)

Report and Recommendations Prepared by: Report and Recommendations Reviewed by:	Gaby Adame, Assistant Planner Kyle J. Smith, AICP, Senior Planner
	Jay Eastman, AICP, Interim City Planner
Report and Recommendations Approved by:	Emilio Ramirez, Interim Community and
	Economic Development Director



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: P15-0068 (Conditional Use Permit) P15-0175 (Design Review) P15-0176 (Variance) P15-0399 (Variance) P15-0400 (Variance)

STAFF RECOMMENDED FINDINGS

Conditional Use Permit, Design Review, and Variance:

- a. The proposed project is consistent with the General Plan 2025 and the intent and purpose of the Mixed-Use—Village General Plan land use designation, the objectives of the Magnolia Center neighborhood, and the Circulation Element.
- b. The proposed development, as conditioned, 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;
- c. With the recommended conditions of approval, the proposed use is substantially compatible with the existing residential and commercial 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 drive-thru restaurant 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 commercial use will be consistent with the purposes of the Zoning Code, with the approval of the variance from the required landscape setback and drive-thru lane design standards, and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.
- f. Based on the analysis provided in the staff report and with the implementation of the recommended conditions of approval, the necessary findings from Section 19.475.050 (Additional Permit Findings) apply for approving a discretionary permit for a drive-thru business:
 - i. The proposed development will not substantially increase vehicular traffic on streets in a residential zone;

- ii. The proposed development will not substantially lessen the usability of adjacent or nearby commercially zoned property or commercial use by interfering with pedestrian traffic;
- iii. The proposed development will not create increased traffic hazards to pedestrians.
- iv. As conditioned, the proposed project site will be adequate in size and shape to accommodate said use and to accommodate all yards, walls, parking, landscaping and other required improvements; and
- v. The proposed development will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use.
- g. The proposed development is compliance with the majority of the standards applicable to the proposed development.
- h. The project qualifies as an In-fill development project and is categorically exempt from the provisions of the California Environmental Quality Act per Section 15332 of the CEQA Guidelines.
- i. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance:

VARIANCE A: To permit a 108 foot long drive thru lane where a minimum 180 foot long queueing lane for 10 vehicles is required.

VARIANCE B: To permit a 2.5 foot landscape planter along the drive thru lane when 5 feet is required.

VARIANCE C: To permit a two foot wide front landscape planter where a 15 foot wide planter is required along Central Avenue.

As justification, to the applicant's attached variance justifications, Staff has prepared the following supplemental variance justifications:

1. The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.

<u>VARIANCE A</u>: The Zoning Code requires a drive thru queuing lane of a minimum length of 180 feet, to allow for the on-site storage of at least 10 vehicles, and a minimum width of 12 feet. While the proposal meets the appropriate width, strict application of these provisions would not permit the proposed 108 foot long drive thru lane. An unnecessary hardship would result from this provision, as the site is currently developed with a drive-thru restaurant with a substandard drive thru lane in the same general location as proposed and, while not ideal, it has not resulted in inadequate maneuvering area for vehicles entering the drive thru lane or traveling through the site. Therefore, staff can make the necessary findings to justify the variance.

<u>VARIANCE B & C</u>: The proposal complies with this finding. The Zoning Code requires a 15 foot wide landscape setback along the front the front property line as well as a five foot wide planter along the drive thru lane. Strict application of these provisions would not allow for construction of the proposed project, given that the site would be

approximately 0.3 acres and is only 108 feet in width. Furthermore, an unnecessary hardship would result from compliance with these provisions, as the site contains and is bounded by existing development with no opportunities to expand operations. Staff notes that sufficient opportunities exist on site for adequate landscaping appropriate for an urban setting and proper functionality of the site. Therefore, staff can make the necessary findings to justify this variance.

2. There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.

<u>VARIANCE A, B & C:</u> The proposal complies with this finding. The subject site is approximately 0.3 acres and is bounded by existing development on all sides. Thus, physical conditions exist which limit the applicant's ability to provide the appropriate landscaping. The combination of the existing development pattern and the limited size of the parcel in question are exceptional circumstances which exist today and the proposal has been designed as to minimize the necessity of variances while providing an attractive, functional project.

3. The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.

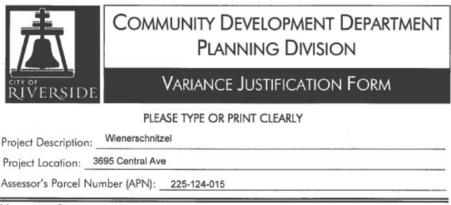
The proposal complies with this finding. The proposed variance relating to the drive-thru lane will not be detrimental to the public welfare or injurious to other properties in the neighborhood. The modifications to the drive-thru lane, as previously described, are in conjunction other site improvements associated with the overall modernization of the site, which will make for a more efficient, functional and aesthetically pleasing development of the property. Vehicular stacking in the drive-thru lane will be improved over the existing situation. Finally, the requested drive thru lane width variance would result in opportunities for the applicant to provide landscaping along the westerly property line which would further screen the drive thru windows and provide a greater aesthetic benefit to the project.

<u>VARIANCE B & C:</u> The proposal complies with this finding. The requested variances will not be detrimental to the public with application of the recommended conditions of approval, which require landscaping around the building and the parking lot to significantly improve the aesthetics of the site as compared to the existing condition. Specifically, the additional landscaping at the base of the building along the front elevation will help soften the building at such time Central Avenue is improved to its ultimate right-of-way width. Finally, the efficiency and functionality of the site improvements proposed under this application will only make the site safer and less potentially detrimental to the public welfare as compared to the existing conditions of the site.

4. The granting of this request will not be contrary to the objectives of the General Plan.

VARIANCE A, B & C: Based on the scope of the requested variances, the granting of this request will not be contrary to the objectives of the General Plan 2025.

Applicant Prepared Variance Justifications



VARIANCES REQUESTED – State variance(s) requested specifically and in detail. Please attach separate sheets(s) as necessary.

Request variance allowing for a reduction of the required 15' landscape buffer. Proposed landscaping for

the site is greater than the existing landscaping. The tables will be used to seat patrons.

REQUIRED FINDINGS – Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and 3 and 4 "no" to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

 Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code? <u>Explain in detail.</u>

Yes. See attached.

 Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? <u>Explain in detail.</u>

Yes. See attached.

 Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? <u>Explain in detail.</u>

No. See attached.

 Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail.

No. See attached.

Variance Justification Attachment 1 - 3695 Central Avenue 15' Front Landscape setback

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- Yes. This project is a redevelopment, improving upon existing site conditions and bringing the site more closely in conformance with current zoning. Due to site constraints, and the strict application of the zoning codes required minimum parking, required right of way dedication and required front building setback, it is infeasible and impractical to require a 15' front landscape and provide adequate seating for the patrons of Wienerschnitzel and Tastee Freeze.
- 2. Yes. The project site has special circumstances as it is a redevelopment, improving upon existing conditions. When the site was designed for the existing Wienerschnitzel, it did not anticipate the dedication of additional right of way along Central Avenue as is now required. The lot size is not large enough to provide the required landscaped setback and seating for visiting patrons.
- 3. No. The variance is not detrimental to the public welfare as it is for the benefit the public. It will provide seating conducive to a walkable community by allowing a place to sit while partaking of purchased meals. The public will also still receive a buffer from the street in the form of hardscape and an architecturally designed seating area rather than the required landscaped area.
- 4. No. The Variance is required as a direct result of the site meeting the General Plan requirements for Right of Way and ultimate street width along Central Ave. There are no objectives of the general plan contrary to the granting of this variance.



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

VARIANCE JUSTIFICATION FORM

PLEASE TYPE OR PRINT CLEARLY

Wienerschnitzel Project Description:

3695 Central Ave Project Location:

Assessor's Parcel Number (APN): 225-124-015

VARIANCES REQUESTED – State variance(s) requested specifically and in detail. Please attach separate sheets(s) as necessary.

Request variance allowing for a reduction of the required 180 linear feet of drive-thru length and 5' wide

landscape buffer at the side property lines to 107 L.F. of drive thru and 2.5' landscape buffer from curb face to PL.

REQUIRED FINDINGS - Answer each of the following questions yes or no and then explain your answer in detail. Questions 1 and 2 must be answered "yes" and 3 and 4 "no" to justify granting of a variance. Attach written details if insufficient space is provided on this form. Economic hardship is not an allowable justification for a variance.

1. Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of Yes. Due to site constraints, required minimum parking, required right of wa the Zoning Code? Explain in detail. dedication and required front building setback, it is infeasible and impractical to require a 180 l.f. for stacking and a 5' landscape buffer. Thi:

building is a small building and we are only supplying the minimum required parking. The proposed development will provide much more stacking and landscaping than the existing site and move the drive thru entrance away from central, removing the back up condition that currently occurs on Central Ave.

- 2. Are there special circumstances or conditions applicable to your property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification? Explain in detail. Yes. The project site is small and the city is requiring the dedication of additional right of way than the development initially planned for when creating the site for the existing Wienerschnitzel. The lot width is not large enough to provide adequate parking, the building and adequate circulation.
- 3. Will the granting of such variance prove materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which your property is located? Explain in detail.

No. The allowance of the variances will actually improve public safety from the current conditions by removing a back up condition that occurs on Central Ave due to currently insufficient staking.

4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail.

No. There is currently a Wienerschnitel on site that was constructed in accordance with zoning at that time. Since then, additional zoning constraints have been added to the area. The reconstruction of the Wienerschnitzel per the Exhibition of the exhibition of the Wienerschnitzel per the exhibition of the exhibition



COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Numbers: P15-0068 (Conditional Use Permit)

Case Specific

- Planning
- 1. All conditions of Planning Case P15-0175 (Design Review) shall apply to this Project.
- 2. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, it necessary prior to any sign permit issuance.
- 3. The drive-thru restaurant shall be developed and operated substantially as described in the text of this staff 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.
- 4. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
- 5. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
- 6. 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 of urban pollutants, and flooding.
- 7. Prior to receiving a Building Permit the plot plan, building elevations, landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required. The plot plan and building elevations must be approved prior to building permit issuance; landscaping and irrigation plans must be submitted prior to building permit issuance.
- 8. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
- 9. 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.

10. In approving this case, it has been determined that there is no evidence before the City that the proposed project will have any potential for adverse effect on wildlife resources and the impacts of the project are found to be de minimis pursuant to Section 711.4 of the Fish and Game Code.

Operational Conditions

- 11. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
- 12. No outdoor pay phones shall be permitted on the premises.
- 13. 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.
- 14. Provisions shall be made for regular on-site maintenance and clean-up of the property.
- 15. The site shall be fully landscaped where required and maintained and kept in clean, weed and graffiti free condition at all times.

Prior to Building Permit Issuance

- 16. Advisory: Plans shall be submitted depicting proper ADA compliance.
- 17. Plans shall be submitted depicting the final elevations of the trash enclosure and materials used.
- 18. Prior to receiving a Building Permit the plot plan, building elevations, landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. A separate application and filing fee is required. The plot plan and building elevations must be approved prior to building permit issuance; landscaping and irrigation plans must be submitted prior to building permit issuance.
- 19. Plans submitted for Design Review staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and installation of a screen wall.

Operational Conditions

- 20. The day care facility operation shall be limited to Monday through Friday, 6:00 a.m. to 6:00 p.m. No Holiday, Weekend, or Night operation shall be permitted. Should the applicant request revised hours of operation in the future, a revised Conditional Use Permit will be required including all applicable submittal requirements and fees.
- 21. The day care facility shall be operated as described in the submitted application for this case and as described in the body of the attached report.
- 22. The site shall be fully landscaped and maintained and kept in clean, weed and graffiti free condition at all times.
- 23. Signage shall be limited to that permitted under the City's Sign Code.

24. The business for which this Conditional Use Permit is granted shall be continually operated in compliance with the definition for a day care facility, contained in Definitions Section 19.910.050 of the Zoning Code, and all site location, operation and development standards contained in Section 19.290.030 of the Zoning Code. Failure to comply with these requirements will be grounds for Code Enforcement action, revocation or further legal action.

Standard Conditions

- 25. There shall be a two-year time limit in which to commence 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.
- 26. 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.
- 27. The Project must be completed per the Conditional Use Permit and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
- 28. 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.
- 29. The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
- 30. 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.
- 31. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- 32. 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.
- 33. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community and Economic Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.

- 34. 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.
- 35. Failure to abide by all conditions of this permit shall be cause for revocation.
- 36. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
- 37. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

• Public Works

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

- 38. Deed for widening Central Avenue to 60 feet from monument centerline to Public Works specifications.
 - a. Size, number and location of driveways to Public Works specifications.
 - b. 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.
 - c. 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.
- 39. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

- 40. 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.
- 41. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

• Public Utilities – Electric

CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

- 42. 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.
- 43. 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.

Public Utilities – Water

- 44. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
- 45. Advisory: The provision of utility fees and charges in accordance with the City of Riverside *Public* Utilities Water Rules.
- 46. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.

Fire Department

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

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

47. 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.

- 48. Construction plans shall be submitted and permitted prior to construction.
- 49. Fire Department access is required to be maintained during all phases of construction.
- 50. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

Parks and Recreation

51. No Conditions.

GENERAL INFORMATION NOTES

- 1. 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 Planning Department Public Information Section, 3rd Floor, City Hall.

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: P15-0175 (Design Review) P15-0176 (Variance) P15-0399 (Variance) P15-0400 (Variance)

CONDITIONS

Case Specific

- Planning
- 1. All conditions of Planning Case P15-0068 (Conditional Use Permit) shall apply to this Project.
- 2. *Advisory:* Signs and murals shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, it necessary prior to any sign permit issuance.
- 3. *Advisory:* Any outdoor dining shall be in compliance with Chapter 19.495 (Outdoor Dining and Food Preparation (Permanent)) of the Zoning Code.
- 4. Planning Commission makes the necessary findings in the applicant's favor to grant the following variance:
 - a. To permit a 108 foot long drive thru lane where a minimum 180 foot long queueing lane for 10 vehicles is required.
 - b. To permit a 2.5 foot wide landscape planter along the drive thru lane where 5 feet is required.
 - c. To permit a two foot wide front landscape planter where a 15 foot wide planter is required along Central Avenue.

Prior to Grading Permit Issuance

- 5. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - d. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement;
 - e. The project shall abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:

- i. Development of a construction traffic management program that includes, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site;
- ii. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
- iii. Wash off trucks and other equipment leaving the site;
- iv. Replace ground cover in disturbed areas immediately after construction;
- v. Keep disturbed/loose soil moist at all times;
- vi. Suspend all grading activities when wind speeds exceed 25 miles per hour;
- vii. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

During grading and construction activities:

- 6. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
- 7. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. the generation of dust shall be controlled as required by the AQMD;
 - b. grading activities shall cease during periods of high winds (greater than 25 mph);
 - c. trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer; and
 - d. the contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.
- 8. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- 9. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 10. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- 11. The Contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.

12. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

Prior to Building Permit Issuance

- 13. The landscaping, irrigation and sign plans shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. The landscaping and irrigation plans must be submitted prior to building permit issuance.
- 14. Vines shall be planted along perimeter walls and trained to ensure proper coverage along the expanse of the wall.
- 15. Plans submitted for Design Review staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
- 16. Submit three sets of plans depicting the preferred location for above ground utility transformers of capacity to accommodate the planned or speculative uses within the building(s). These plans shall be reviewed and approved by the Planning Division and Public Utilities Department Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. If landscape screening is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.
- 17. An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All onsite lighting shall provide a minimum intensity of one foot-candle and a maximum of ten footcandles 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, downlights shall be utilized. Light poles shall not exceed fourteen (14) feet in height, including the height of any concrete or other base material.
- 18. Staff Required Plot Plan Conditions: Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;
 - b. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it;
 - c. Provision for handicap accessible parking as deemed necessary by Building and Safety Division;
 - d. Provision for screening any ground mounted equipment to the satisfaction of Design Review Staff;

- e. Provision for wheel stops where parking spaces are adjacent to pedestrian walkways, screen walls or building walls;
- f. Decorative block walls at a minimum 6 feet in height along the southerly and easterly property lines to the satisfaction of Planning staff.

Standard Conditions

Planning

- 19. This approval is for design concept only, and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
- 20. The project must be completed per the Design Review by the Planning Commission, including all conditions listed in this report. Any substantial changes to the project must be approved by the Planning Commission or minor changes by Design Review staff. Upon completion of the project, a Design Review staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
- 21. There is a 24-month time limit on this approval, which begins following City Council approval of this case.
- 22. 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 modification that may be required by these conditions of approval.

Public Works

The following Public Works "Engineering" conditions to be met prior to case finalization:

23. Public Works conditions for Planning Case P15-0068 shall apply.

• Fire Department

Contact Margaret Albanese at 951-826-5455 for questions regarding Fire conditions or corrections. The following to be met prior to construction permit issuance:

- 24. 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.
- 25. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
- 26. Construction plans shall be submitted and permitted prior to construction.

27. Fire Department access is required to be maintained during all phases of construction.

• Public Utilities – Water

- 28. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
- 29. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.
- 30. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
- Park and Recreation
- 31. No Conditions.
- Public Utilities Electric

CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

- 32. 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.
- 33. 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.

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 Planning Disvision Public Information Section, 3rd Floor, City Hall.

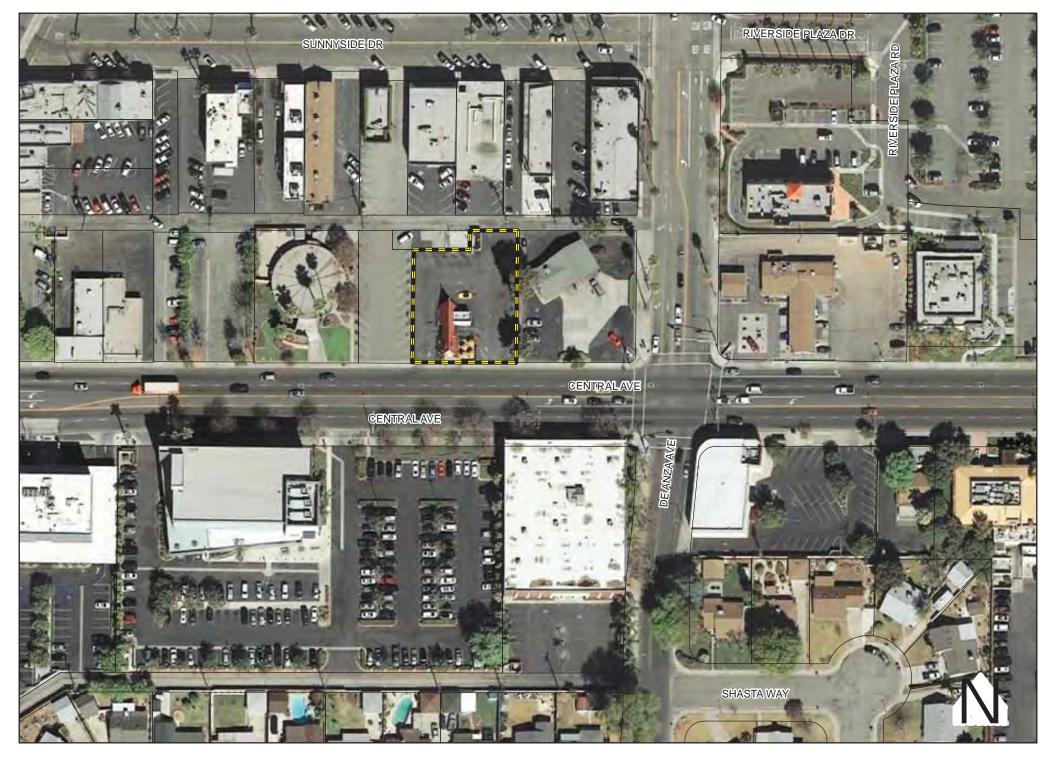
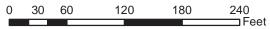


Exhibit 3 - P15-0068, -0175, -0176, -0399, -0400, Aerial Photo



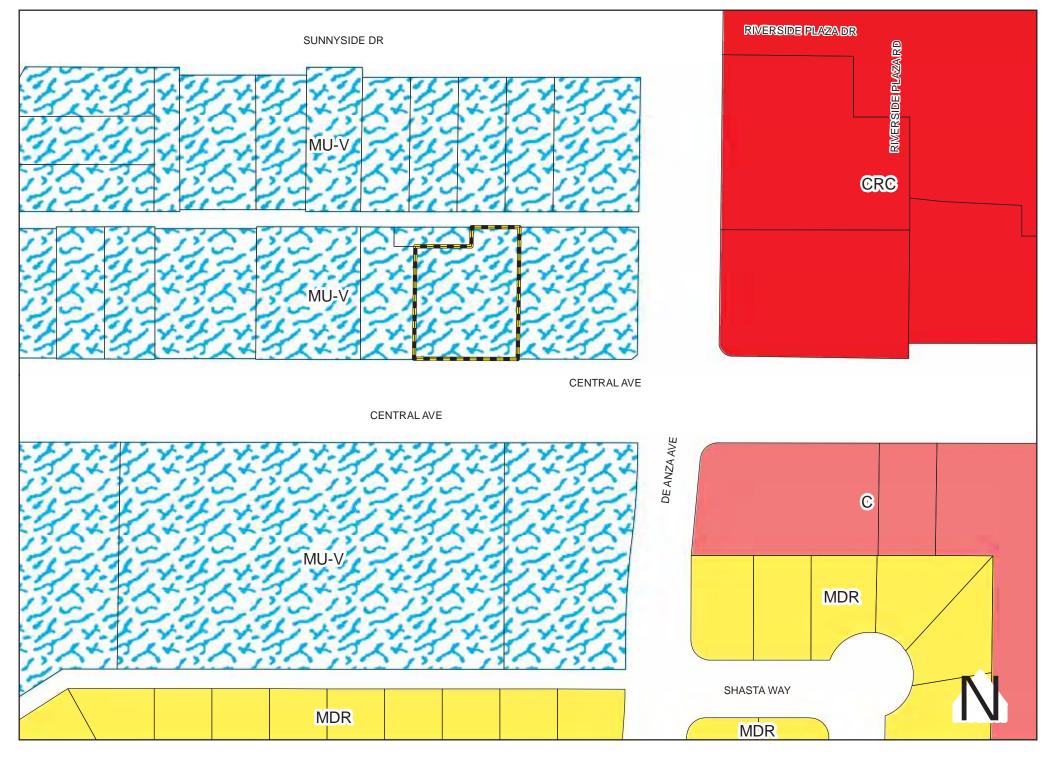


Exhibit 4 - P15-0068, -0175, -0176, -0399, -0400, General Plan Land Use

0 30 60 120 180 240 Feet



Exhibit 5 - P15-0068, -0175, -0176, -0399, -0400, Zoning Map

0 30 60 120 180 240 Feet

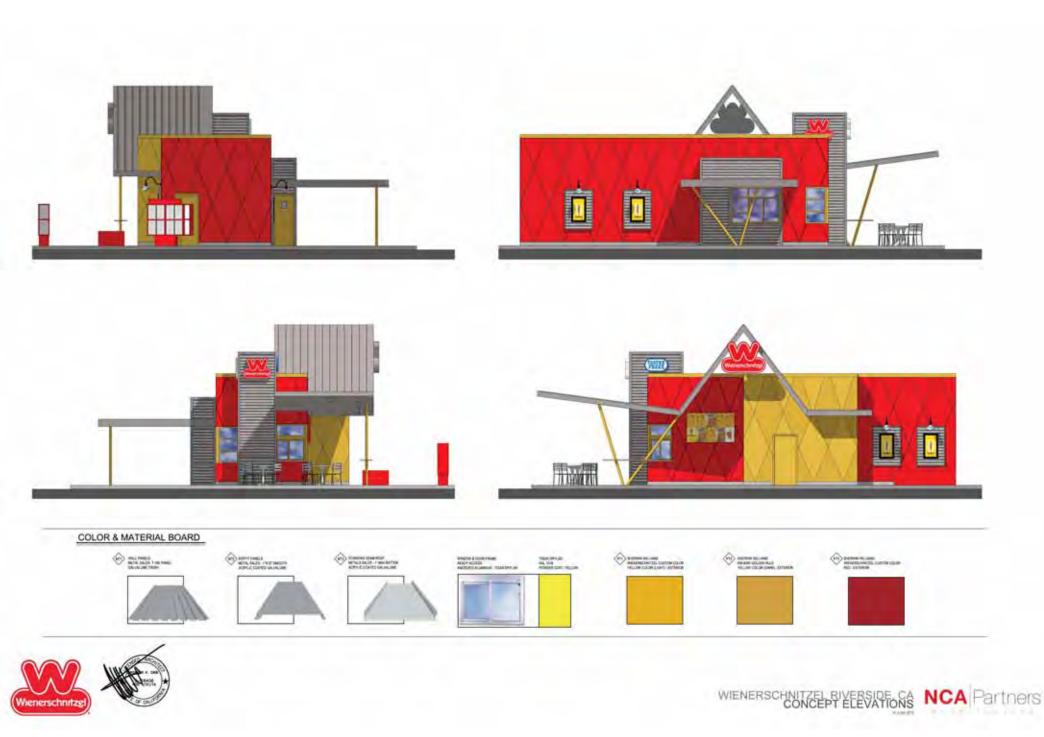


Exhibit 6 - P15-0068, -0175, -0176, -0399, -0400, Color Building Elevations

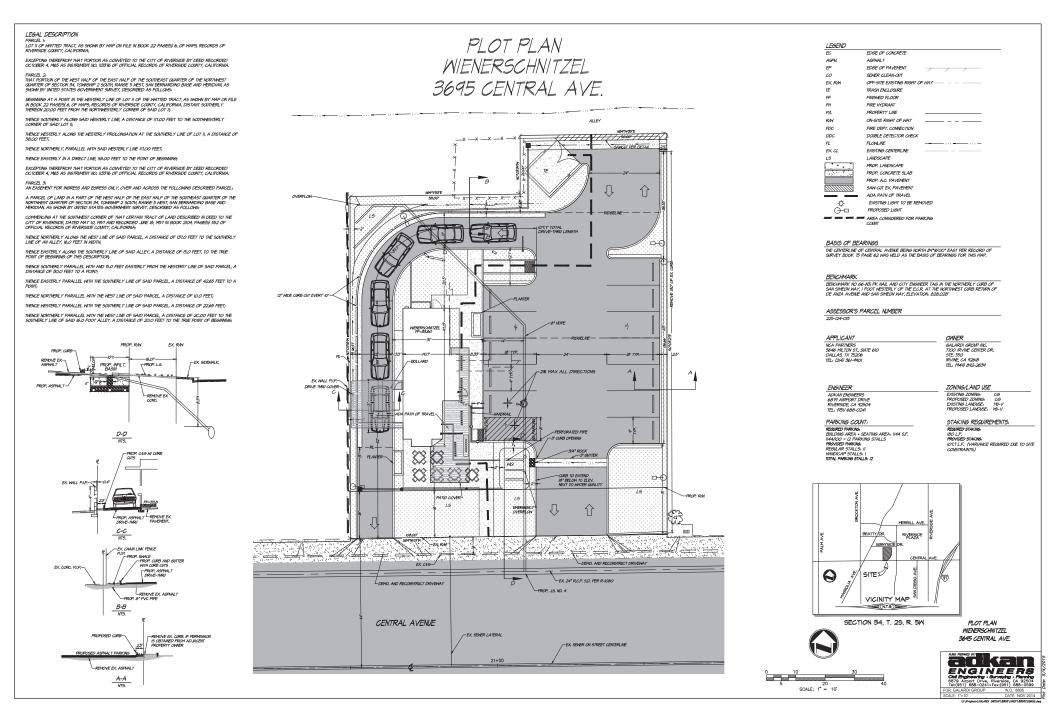


Exhibit 7 - P15-0068, -0175, -0176, -0399, -0400, Site Plan

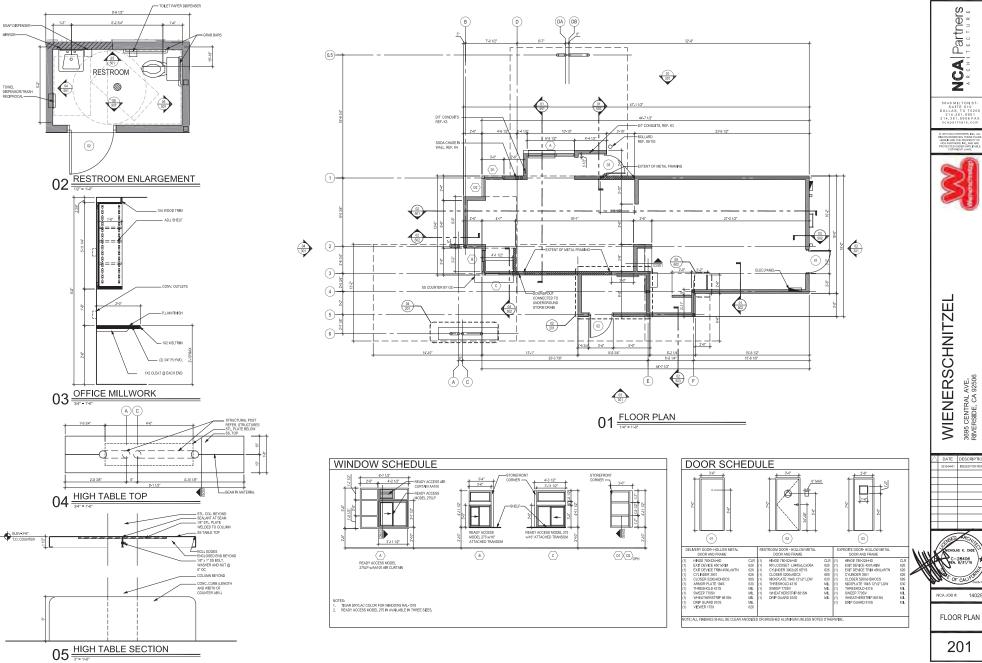


Exhibit 8 - P15-0068, -0175, -0176, -0399, -0400, Floor Plan

3695 CENTRAL AVE. RIVERSIDE, CA 92506

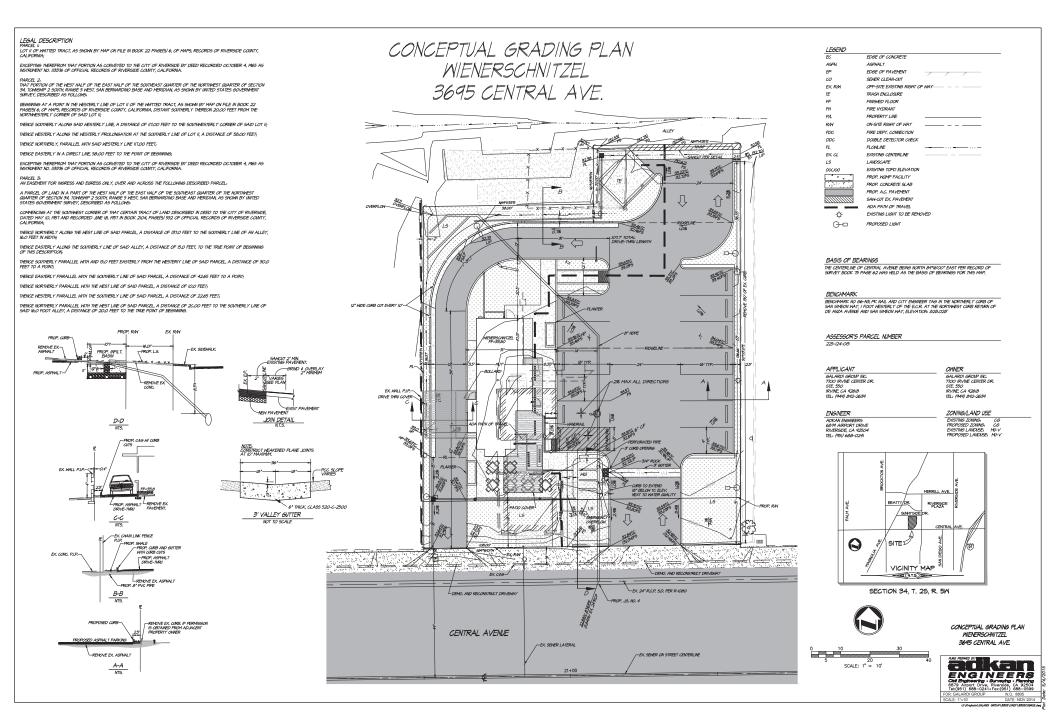


Exhibit 9 - P15-0068, -0175, -0176, -0399, -0400, Preliminary Grading Plan



Exhibit 11 - P15-0068, -0175, -0176, -0399, -0400, Example of Wienerschnitzel Design in Different State





Exhibit 12 - P15-0068, -0175, -0176, -0399, -0400, Existing Site Photos



Exhibit 12 - P15-0068, -0175, -0176, -0399, -0400, Existing Site Photos