



**Community Development Department
Planning Division**

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

PLANNING COMMISSION HEARING DATE: JUNE 4, 2015

AGENDA ITEM NO.: #2

PROPOSED PROJECT

Case Numbers	P15-0303 (Conditional Use Permit), P15-0304 (Conditional Use Permit), P15-0305 (Variance) and P14-0973 (Design Review)	
Request	To construct a commercial center consisting of a 3,008 square foot drive thru restaurant ("Miguel's Jr") and a 3,600 sq. ft. drive thru restaurant building.	
Applicant	SDG Investments, LLC	
Project Location	A vacant site at the Southeast corner of Van Buren Boulevard and Gamble Avenue (APN # 274-140-036, 274-120-030)	
Project area	Approximately 2 acres	
Ward	4	
Neighborhood	Orangecrest	
Specific Plan	N/A	
General Plan Designation	C- Commercial	
Zoning Designation	CR – Commercial Retail Zone	
Staff Planner	Gabriel Perez, Principal Planner; 951-826-5108; gjperez@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 the Conditional Use Permits, Design Review, and Variance. Specifically, Staff Recommends that the City Planning Commission:

1. **RECOMMEND that the City Council DETERMINE** that Planning Cases P15-0303 (Conditional Use Permit), P15-0304 (Conditional Use Permit), P15-0305 (Variance) and P14-0973 (Design Review) constitute in-fill development therefore is categorically exempt from the provisions of the California Environmental Quality Act per Section 15332 of the CEQA Guidelines.
2. **RECOMMEND APPROVAL** of Planning Cases: P15-0303 (Conditional Use Permit), P15-0304 (Conditional Use Permit), P15-0305 (Variance) and P14-0973 (Design Review), 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.

SITE BACKGROUND

As shown on the attached exhibits, the 2 acre, two-parcel, vacant site is located on the Southeast corner of Van Buren Boulevard and Gamble Avenue, directly surrounded by the unincorporated areas of the County of Riverside to the north, south and west. Access to the site will be available from an entrance on Gamble Avenue and Fred Street. There is an existing sewer pump station for the Western Municipal Water District on-site along the southerly property line that is accessed by improved asphalt driveways from Gamble Avenue and Fred Street.

The project site has an average slope of 4 %, and generally drains generally towards to the West. Attached exhibits 3-5 demonstrate the project site's specific location as well as the subject and surrounding General Plan and Zoning designations.

PROPOSAL

The following applications have been submitted:

- Conditional Use Permit (2)
- Design Review
- Variance

The applicant has submitted a Conditional Use Permit, Design Review, and Variance application to construct a commercial complex consisting of a new approximately 3,008 square foot drive thru restaurant "Miguel's Jr" (Building 1) and a 3,600 square foot restaurant building (Building 2) with a proposed drive thru restaurant; including indoor & outdoor eating areas. The "Miguel's Jr" and Building 2 drive thru lanes are approximately 246-feet and 189-feet in length respectively. The "Miguel's Jr" building would be approximately 37-feet from the Van Buren Boulevard frontage. Building 2 is proposed further setback from the street separated by a parking area at a distance of 69 feet from the Van Buren Boulevard frontage. The proposed "Miguel's Jr" restaurant will have approximately 40-50 total employees. The restaurant hours of operation will be from 10 am until 10 pm. There are no committed users for the restaurant building 2, but the applicant estimates a total of 35 to 50 employees.

The project is proposed to feature an outdoor patio area adjacent to building 2. The drive-thru windows of the Miguel's Jr building are proposed to be situated facing Gamble Avenue. A landscape buffer will be provided between the queueing lane and the street for screening. A 3-

foot, 5-inch garden wall is proposed along the length of the drive thru lane for the Miguel's Jr. In addition, proposed landscaping consists of a series of complementary pedestrian level shrubs and ground covers, as well as sufficient parking lot trees and accent plants.

The proposed buildings incorporate modern architecture with significant glazing incorporated into the western, northern, and eastern facades. The building exterior will consist of stucco in red, green, and taupe. The applicant is proposing mural panels on portions of the western and eastern façades.

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 C - Commercial, which will further the intent of the General Plan by facilitating in-fill development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific Plan The project site is not within a Specific Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Zoning Code Land Use Consistency (Title 19) The underlying CR – Commercial Retail Zone is consistent with the C - Commercial General Plan land use designation. Proposed Commercial developments are subject to Design Review and the proposed Drive Thru requires a Conditional Use Permit.	<input checked="" type="checkbox"/>	<input 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 Drive-Thru Business Development Standards The underlying base zone (CR-Commercial Retail) allows for restaurants as a permitted use by right. However, Drive-Thrus are only permitted as a Conditional Use. As is demonstrated in the table below, the project is consistent with all applicable development standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Standard			Proposed	Consistent	Inconsistent
<i>Max. Floor Area Ratio</i>	0.50		0.15	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Setbacks</i>	Front	0 feet	North: 37 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side	0 feet	West: 30 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street Side	0 feet	East: 110 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	South: 40 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Parking</i> ¹	1 stall/100 sq. ft. of floor area	66 stalls min.	75 stalls	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Drive-Thru Business Standards</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Minimum Frontage</i>	100 feet		420 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setbacks</i>	Street Frontages	15 foot planter	West (Gamble Ave.), North (Van Buren Blvd): 15 feet East: 8 feet (Variance required)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Drive-Thru Business Standards					
Standard			Proposed	Consistent	Inconsistent
	Interior Property Lines	5 foot planter	Refer to site plan, exhibit 7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Between Drive-Thru and Parking Lot	5 foot planter	N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Max. Building Height	35 feet		22 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drive-Thru Lane Standards	Minimum Length: 180 feet		Approx. 200 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Stacking: 10 vehicles		10 vehicles	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Minimum Width: 12 feet		12 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DESIGN REVIEW

Site Access

Vehicular access to the project site is proposed from a 24-foot wide driveway from Gamble Avenue and 29-foot, 9-inch wide driveway from Fred Street. No direct access is proposed from Van Buren Boulevard. The Van Buren Boulevard and Gamble Avenue intersection is currently a signalized intersection. A raised median currently exists along Van Buren Boulevard, which restricts vehicles to a right turn onto Van Buren Boulevard from Gamble Avenue. This drive aisle connects to the primary internal drive aisle within the project and the proposed drive thru will be accessed from this driveway. The drive thru lane for Miguel's Jr is located directly adjacent to the Van Buren Boulevard street frontage. The drive thru lane for building 2 is largely screened Van Buren Boulevard by the restaurant building. The access driveways traverse existing sewer easements to the existing sewer pump station for the Western Municipal Water District.

Architecture

The applicant is proposing building design of the Miguel's Jr restaurant with contemporary architecture, featuring straight lines along the roof line and gradual curves for projecting facade

elements. Additionally, the building walls includes vertical and horizontal score lines. The proposed building elevations (Exhibit 6) include a front façade with frontage along Van Buren Boulevard that features significant projecting and recessed elements, significant coverage by windows, and accent exterior lighting. The building will include a taupe, green, and red color palette to emphasize its corporate identity. The building will also have an integrated taupe canopy and square scoring accents. The side elevations are further enhanced with mural panels with images relevant to the agricultural heritage of the City of Riverside. The ultimate height of the building is 22-feet. The applicant has consulted with the Riverside Art Museum for historically relevant images that will be incorporated into the panel design. The mural panels are not permitted to include images related to the operations of the business.

The proposed Building 2 restaurant building design incorporates contemporary architecture with an overhead canopy structure along the entire front elevation with pilasters that extend into vertical architectural elements above the main roofline at the corners and center of the building. The front elevation includes substantial coverage by windows. Building 2 is further setback from the Van Buren Boulevard street frontage than the Miguel's Jr restaurant. The drive thru window is proposed on the easterly elevations inclusive of an overhead canopy. The building walls includes vertical and horizontal score lines. The rear elevation consists of doorways for utility rooms and service areas. The ultimate height of building 2 is 24-feet,

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

Conceptual Landscaping

The conceptual landscape plan (Exhibit 9) has been designed to provide a variety of drought tolerant landscape materials throughout the project site, including trees, shrubs, and groundcovers. The applicant proposes high efficiency, low water use methods which include drip irrigation, smart irrigation controllers and the use of bark mulch to retain moisture and reduce evaporation. Additionally, a 42-inch split face block wall is proposed at the corner of Van Buren Boulevard and Gamble Avenue to screen headlights for vehicles within the drive thru lane. The proposed landscaping will serve to enhance the streetscape and the project. Staff supports the conceptual landscape plan.

Signage

While not reviewed by the Planning Commission under this application a condition of approval has been added to the staff report that requires separate design review for signage for the subject site buildings.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15332, as the project constitutes an in-fill development. A Mitigated Negative Declaration, P12-0369, was prepared for mass grading of the site and a mitigation monitoring plan adopted in April 19, 2013.

NEIGHBORHOOD COMPATIBILITY

The proposed drive-thru business would facilitate in-fill development within a commercially zoned corridor in the Orangecrest 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 by Van Buren Boulevard, Gamble Avenue, and Fred Street. Additionally, it should be noted that the Riverside Police Department and Riverside County Planning Department was notified of the proposal, and no opposition was indicated. For these reasons, no neighborhood compatibility impacts are anticipated in conjunction with this use.

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. Zoning Map
6. Color Building Elevations
7. Site Plan
8. Floor Plan
9. Conceptual Landscape Plan
10. Preliminary Grading Plan
11. Color Board
12. Existing Site Photos
13. Correspondence received

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

Report and Recommendations Prepared by:	Gabriel Perez, Principal Planner
Report and Recommendations Reviewed by:	David Welsh, Interim Deputy Director of Community and Economic Development
Report and Recommendations Approved by:	Emilio Ramirez, Interim Community and Economic Development Director



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

EXHIBIT 1- STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P15-0303** (Conditional Use Permit)
 P15-0304 (Conditional Use Permit)
 P15-0305 (Variance)
 P14-0973 (Design Review)

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 C - Commercial General Plan land use designation as this project will:
 - i. Avoid creating any hindrance to safe operations at the March Air Reserve Base/Inland Port using the Riverside County Airport Land Use Compatibility Plan as the project was found to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Policy LU-75.1); and
 - ii. Encourage local-serving retail development to provide nearby shopping opportunities within the neighborhood (Policy LU-75.3).
- 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;
- c. The proposed commercial use 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 commercial use 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 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. In fact, the project will provide necessary off-site improvements including sidewalks that provide pedestrian connectivity Westerly, Easterly, and southerly of the site and to the existing Riverside Transit Authority transit stop;
 - 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. Furthermore, A Mitigated Negative Declaration, P12-0369, was prepared for mass grading of the site and a mitigation monitoring plan adopted in April 19, 2013.
- i. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance:
- VARIANCE A: To permit a 6 foot landscape setback from the property line along Fred Street where a 15 foot setback is required.

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.*

The proposal complies with this finding. Installing the 15-foot landscape planter along Fred Street would require the elimination of 3 proposed parking stalls in the proposed parking plan. The landscape setback including right-of way areas will be 12'6" which is a considerable landscape area adjacent to a 66-foot wide collector street and is sufficient to accommodate trees, shrubs, and groundcover. Therefore, Staff can support the requested variances.

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.*

The subject site is a triangular shaped site which is a challenge for commercial site planning for the accommodation of adequate parking, drive aisles, and building pads.

The site is further challenged by the land dedicated to the existing 35-foot and 45-foot wide access easements on the site in the favor of the Western Municipal Water District Lift Station. The applicant proposes substantial landscape perimeter setbacks at 11-feet and 21-feet, where the code requires a minimum of 5' landscape perimeter setbacks for drive thru facilities.

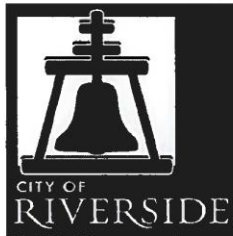
3. *The granting of this request will not prove materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.*

The proposal complies with this finding. Staff can support the requested variance, as the proposed site design is still adequate to provide the necessary aesthetic qualities to the project without creating a detriment to the overall site design. Therefore, Staff can support the requested variance. The landscape plan includes a landscape area that exceeds the 5% requirements for parking lot areas.

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

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



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

VARIANCE JUSTIFICATION FORM

PLEASE TYPE OR PRINT CLEARLY

Project Description: 2-acre commercial pad development center
Project Location: SEC of VanBuren Blvd / Gamble Ave. - Riverside
Assessor's Parcel Number (APN): 274-140-036 Lots 39+45

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

Seeking an 8ft. variance of the required 15 ft. landscape set-back on Ford St. frontage

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 the Zoning Code? Explain in detail. Yes. The site has challenges because of configuration and easements with RMWD for access to sewer lift station. The proper landscape area will be installed but right-of-way is short because of future street widening.
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. The project will still have a 15' landscape area on Ford St, just not the 15' ft. setback from right-of-way.
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. Project will still have ample landscape area. Overall, the project will have 30% landscape area.
4. Will the granting of such variance be contrary to the objectives of any part of the General Plan? Explain in detail. No.



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

EXHIBIT 2 - STAFF RECOMMENDED CONDITIONS OF APPROVAL

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P15-0303** ("Miguel's Jr"-Conditional Use Permit) **P15-0304** ("Building 2" Conditional Use Permit)

CONDITIONS

Case Specific

- **Planning**

1. All conditions of Planning Case P14-0973 (Design Review) shall apply to this Project.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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

10. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
11. No outdoor pay phones shall be permitted on the premises.
12. 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.
13. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.
14. Provisions shall be made for regular on-site maintenance and clean-up of the property.

Standard Conditions

15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. Failure to abide by all conditions of this permit shall be cause for revocation.
26. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
27. 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**

28. All Public Works conditions of approval for Planning Case P14-0973 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:

29. All required fire hydrants shall be in service and fire flow available prior to building permit release by the fire department. Violation of this requirement may result in citations that require a court appearance to be issued.
30. 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.
31. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
32. Construction plans shall be submitted and permitted prior to construction.
33. Fire Department access is required to be maintained during all phases of construction.

- **Public Utilities – Water**

34. Advisory: Water utility provisions to the specifications of the Western Municipal Water District of Riverside County.

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 Division Public Information Section, 3rd Floor, City Hall.

RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES

Case Number: **P14-0973** (Design Review) **P15-0305** (Variance)

CONDITIONS

Case Specific

- **Planning**

1. All conditions of Planning Case P15-0303 and P15-0304 (Conditional Use Permit) shall apply to this Project.
2. All conditions of P12-0369 (Environmental Initial Study) shall apply to this project including compliance with the mitigation and monitoring program.
3. **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, if necessary prior to any sign permit issuance.
4. **Advisory:** Any outdoor dining shall be in compliance with Chapter 19.495 (Outdoor Dining and Food Preparation (Permanent)) of the Zoning Code.

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 applicant shall complete a Lot Line Adjustment case inclusive of required right-of-way dedications.
14. 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.
15. Vines shall be planted along perimeter walls and trained to ensure proper coverage along the expanse of the wall.
16. 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.
17. 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.
18. 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 on-site lighting shall provide a minimum intensity of one foot-candle and a maximum 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.
19. Staff Required Plot Plan Conditions: Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;

- b. A minimum 12-inch concrete walkway, including curb width, shall be provided along the sides of landscape planters whenever the side of a parking stall is adjacent to it;
 - c. Provision for handicap accessible parking as deemed necessary by Building and Safety Division;
 - d. Provision for screening any ground mounted equipment to the satisfaction of Design Review Staff;
 - e. Provision for wheel stops where parking spaces are adjacent to pedestrian walkways, screen walls or building walls;
 - f. Decorative block walls at a minimum 6 feet in height along the southerly and easterly property lines to the satisfaction of Planning staff.
20. Staff Required Building Elevations Conditions: Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:
- a. Catalog cuts of the decorative sconce lighting and steel canopies shall be submitted for review and approval of Design Review staff; and
 - b. The building elevations submitted for building permits shall clearly specify all building materials and colors to match the materials and colors as approved by the City Planning Commission as applicable.
21. Add details for the enhancement of the existing trash enclosure to include colors and materials as those proposed for the vehicle wash facility and convenience store and a decorative overhead trellis subject to Planning Division staff approval and in accordance with the City's trash enclosure policies and standard drawings (available at the Planning Division) as follows:

REQUIRED ENCLOSURE MATERIALS:

- a. Block color: Precision block stuccoed and painted to match building or decorative block.
 - b. Cap color: To match exterior of enclosure walls;
 - c. Gate/Gauge Material: 16/ga ribbed metal to match color of building;
 - d. Pedestrian access requirement: Yes;
 - e. Decorative overhead trellis requirement: Yes; and
 - f. Overhead cover to prevent contact with storm water: Yes.
22. A sight line study shall be submitted for review and approval of Design Review staff, indicating that any existing and new roof mounted mechanical equipment will be completely screened from view of all perimeter streets. Additionally, mechanical equipment screening details shall be provided as follows:

- a. Where exposed pitched roofs are proposed, locate **NO** mechanical equipment on any roof pitch, except as specifically approved by the Planning Commission or Design Review staff;
 - b. Where exposed roof pitches are not proposed (i.e., "flat" roofs) specify all roof mounted equipment for screening on all sides with either separate screens or parapet walls at least as high as the equipment to be screened;
 - c. Specify all electric meters and panels for 1) placement in enclosures or 2) color and materials to match the adjacent building wall surface; and
 - d. 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.
23. Staff Required Landscape and Irrigation Plans Conditions: The required detailed landscape and irrigation plans shall include the following elements:
- a. Catalog cuts of the proposed free-standing landscaped arbors and green screens shall be submitted for review and approval of Design Review staff;
 - b. Catalog cuts of the proposed outdoor furniture shall be submitted for review and approval of Design Review staff;
 - c. Landscaping sufficiently screen the service doors located on the street facing side of the building to the satisfaction of Staff.

Prior to Release of Utilities and/or Occupancy:

24. 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 Kyle Smith at (951) 826-5220 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

Standard Conditions

• **Planning**

25. 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.
26. 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.

27. There is a 24-month time limit on this approval, which begins following City Council approval of this case.
28. 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.
29. The final design of the art mural panels on building 1 (Miguel's Jr) are subject to final approval by Planning Division staff. The images of the art panels shall reflect the agricultural heritage of the City of Riverside and shall not incorporate any corporate imagery or images related to the operation of the restaurant.

- **Public Works**

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

30. Deed for widening Fred Street to 33 feet from monument centerline to Public Works specifications.
31. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and paving on Fred Street along project frontage with 10 feet additional paving on east side of Fred Street to Public Works specifications.
32. Installation of curb and gutter at 55 feet from monument centerline, sidewalk and matching paving along unimproved frontage on Van Buren Boulevard to Public Works
33. Deed for widening Gamble Avenue to 33 feet from monument centerline to Public Works specifications.
34. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and matching paving on Gamble Avenue along project frontage to Public Works specifications.
35. Waiver of access to Van Buren Boulevard along project frontage.
36. Prior to Building Permit Issuance, the Developer shall complete a lot line adjustment to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
37. Advisory - Sewer service for project to be provided by Western Municipal Water District.
38. Size, number and location of driveways to Public Works specifications.
39. 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.

40. 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:
 - i. 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;
 - ii. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;
 - iii. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - iv. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - v. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
41. 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.
42. 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.

43. A surety prepared by Public Works to be posted to guarantee the required off-site improvements prior to issuance of a Building Permit.
44. Off-site improvement plans to be approved by Public Works prior to Construction Permit Issuance.
45. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
 - i. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - ii. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - iii. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

- **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:

46. All required fire hydrants shall be in service and fire flow available prior to building permit release by the fire department. Violation of this requirement may result in citations that require a court appearance to be issued.
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. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
49. Construction plans shall be submitted and permitted prior to construction.
50. Fire Department access is required to be maintained during all phases of construction.

- **Public Utilities – Water**

51. Advisory: Water utility provisions to the specifications of the Western Municipal Water District of Riverside County.

- **Western Municipal Water District**

52. Compliance with water efficient landscape requirements per the City of Riverside's Ordinance.
53. Compliance with water efficient landscape requirements per the City of Riverside's Ordinance.
54. All applicable Asses Facilities Charge (for water facilities), Sewer Connection Fees, Annexation Fees and Meter Installation Fees, must be paid prior to the installation of any water meter,
55. Proposed facilities for water and sewer service must be designed by a Registered Civil Engineer, and reviewed and approved by Western. Deposit for Plan Check must be received prior to plan check and Deposit for Inspection must be received prior to approval of the plans.
56. Western, as a member agency of Metropolitan Water District of Southern California (MWD) will enforce MWD's Plan for Water Use Efficiency Guideline requirements for water conservation.
57. Developer's landscape architect is required to consult with Western's Water Resources Department to review Western's conservation efforts.
58. The property is located within the 1837 Pressure Zone. Currently, Western has an existing 12" water pipeline located in Gamble Avenue for service connection to the proposed project. Available Fire Flow will be determined by a flow test.
59. Western has an existing 12" sewer pipeline in the driveway easement leading to Gamble Lift Station for service connection to the proposed project.
60. Developer to submit 24" x 36" preliminary onsite and/or offsite plan of water and/or sewer plan payout to Western before formal submittal of Water and/or Sewer Improvement Plans.
61. Preliminary water and/or sewer plans shall show the following items:
 - a) Delineate all existing utility facilities (i.e.; pipe diameter, pipe material, manholes, water meters, air/vac, blow-off, fire hydrants, valves, sewer, gas, communication, electrical, etc.) within project boundaries.
 - b) Delineate all easements within project boundaries.
 - c) Delineate all proposed and existing lots, streets, and storm drains.
 - d) Delineate all proposed water and/or sewer facilities within project boundaries. Include pipeline diameters and type material.
62. Developer to submit a detailed engineer's construction cost estimate to Western for review and approval. Once approved, developer shall make deposit for plan checking services for Water and/or Sewer Improvement Plans.
63. Water and/or Sewer Improvement Plans shall be designed per Western's Standard Specifications. Please review Western's Commercial Plan Check Package for submittal formats and requirements online a

<http://www.wmwd.com/DocumentCenter/Home/View/237>

64. Developer to submit grading plans for Western's review and approval before grading permit is issued.
65. Water and/or Sewer Improvement Plans shall not be approved until all items mentioned above are received and approved by Western.
66. The developer is responsible for installing, paying all costs and obtaining an encroachment permit from the local jurisdiction having authority over installation of water and/or sewer facilities including laterals in the public right-of-way. If the customer chooses to cross private property then the customer is responsible to obtain private easements from adjacent property owners.
67. For Water and/or sewer service by Western, the developer must comply with "Standard Conditions" and all applicable Rules, Regulations, and General Policies of Western at the time of construction.
68. Contact Western's Development Services Department at (951) 571-7100 for further information.

- **Park and Recreation**

69. PRIOR TO BUILDING PERMIT ISSUANCE: 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.

- **Airport Land Use Commission**

70. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
71. The following uses shall be prohibited:
 - 1) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - 2) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - 3) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including but not limited to, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, incinerators, and fly ash disposal.

- 4) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 72. The attached notice shall be provided to all potential purchasers of the property and tenants of the proposed building.
- 73. Any new detention or retention basins on the site shall be designed so as to be designed as to provide for a maximum 28-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention/retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
- 74. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

If you have any questions please contact Russell Brady, Contract Planner, at (951)955-0549, or John Guerin, Principal Planner, at (951)955-0982.

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 Division Public Information Section, 3rd Floor, City Hall.