

PLANNING COMMISSION
RECOMMENDED CONDITIONS

PLANNING COMMISSION HEARING DATE: APRIL 21, 2016

P15-0188 (Specific Plan Amendment)

P15-0189 (Conditional Use Permit)

P14-1078 (Design Review)

CONDITIONS

The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.

All Mitigation Measures are noted by an asterisk (*)

Case Specific

Planning

1. The Hunter Business Park Specific Plan shall be amended to revise the permitted uses table for the Business Support Retail Overlay District to allow drive-thru restaurants subject to a Conditional Use Permit.
2. The drive-thru business 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 the case, except for any specific modification that may be required by these conditions of approval.
3. The applicant shall comply with conditions of approval of the County of Riverside Airport Land Use Commission Development Review Number ZAP1132MA15.

Site Operation Standards:

4. The applicant shall be responsible for maintaining the site free of litter.
5. No window advertising signs shall be placed in or adjacent to the drive-thru windows.
6. Building and window signs shall comply with Chapter 19.620 of the Zoning Code. Signs shall be subject to separate review. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Issuance of Grading Permit:

7. 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; and
 - 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.
- 8. *Clearing of vegetation and construction should occur outside the peak bird nesting season, which generally runs from February 1 through September 1. If project construction is necessary during the bird breeding season, a qualified biologist with experience conducting nesting bird surveys should conduct surveys prior to the start of construction and vegetation clearing and trimming (fuel modification). If an active nest of a protected bird is identified, a buffer should be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer width should generally be 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction or fuel modification is occurring or until the nest is no longer active. No construction or fuel modification should occur within the fenced nest zone until the young have left and would no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors. Reductions in the nest buffer would be made only at the discretion of the qualified biologist.
- 9. *In order for construction work to begin that will impact a tree, a signed release form will be obtained from the City of Riverside Public Works Department. This release shall be based on the condition of the tree and an assessment of the impact of the proposed construction. Mitigation measures necessary to protect the tree will also be stated. In the event a tree must be removed, Public Works Urban Forestry Division will issue a Tree Removal Permit. The property owner may obtain the permit for removal at the owner's expense and subject to payment of a fee for the removal and replacement of the tree based upon the City's Street Tree Asset Value guidelines. For public trees that are not slated for removal, the following guidelines will be implemented to protect trees on City property during the construction of the Project:
 - a. A root protection zone shall be defined by a minimum 42" high barrier constructed around any potentially impacted tree. This barrier shall be at the drip line or at a distance from the trunk equal to 6 inches for each inch of trunk diameter 4.5 feet above the ground if this method defines a larger area.
 - b. Should it be necessary to install irrigation lines within this area, the line shall be located by boring, or an alternate location for the trench is to be established. The minimum clearance between an open trench and a street tree shall be one (1) foot, or six (6) inches for each inch of trunk diameter measured at 4.5 feet above existing grade if this method defines a larger distance. The maximum clearance shall be ten (10) feet. The contractor shall conform to these provisions unless otherwise directed by the City.
 - c. At no time shall any equipment, materials, supplies or fill be allowed within the prescribed root protection zone unless otherwise directed by Public Works Urban Forestry Division. The root protection zone is defined as the larger of the drip line of

1) the tree or 2) the distance from the trunk equal to six (6) inches for each inch of trunk diameter measured at 4.5 feet above existing grade.

10. *Prior to any earth moving activity, the Project Applicant shall retain a qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology, to oversee the cultural resources-related mitigation efforts. A qualified archaeological monitor shall monitor all ground disturbing activities for the duration of the Project. The archaeological monitor will work under the supervision of the principal investigator. The duration and timing of the monitoring shall be determined by the principal investigator in consultation with the City of Riverside. If, in consultation with the City of Riverside, the principal investigator determines that full-time monitoring is no longer warranted, he or she may recommend a reduction in the level of monitoring to periodic spot checking or may recommend that monitoring cease entirely.

During Grading and Construction Activities:

11. *To reduce construction-related particulate matter air quality impacts, 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 that is 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.
12. *Projects must abide by the SCAQMD's Rule 403 concerning Best Management Practices for construction sites in order to reduce emissions during the construction phase. Measures may include:
- a. Develop a construction traffic management program that includes, but is not limited to, rerouting construction-related traffic off of congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from the site;
 - b. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - c. Wash off trucks and other equipment leaving the site;
 - d. Replace ground cover in disturbed areas immediately after construction;
 - e. Keep disturbed/loose soil moist at all times;

- f. Suspend all grading activities when wind speeds exceed 25 miles per hour;
 - g. Enforce a 15-mile-per-hour speed limit on unpaved portions of the construction site.
13. *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 must provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
14. *If inadvertent discoveries of subsurface cultural resources are discovered during grading, the Project applicant(s)/developer, the project principal investigator, and the Tribe(s) shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the project applicant and the Tribe(s) cannot agree on the significance or the mitigation for such resources, these items will be presented to the City for decision. The City shall make the determination based on the provisions of the California Environmental Quality Act (CEQA) with respect to cultural resources and shall take into account the religious beliefs, customs and practices of the Tribe(s).
15. *In the event that human remains are encountered, California Health and Safety Code Section 7050.5 states no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), human remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations with the landowner concerning the treatment of the remains as provided in Public Resources Code 5097.98.
16. In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

Prior to Issuance of Building Permit:

17. Any roof mounted mechanical equipment shall be completely screened from view of all perimeter streets. Parapet walls shall be designed so the top of the walls are higher than the tallest mechanical equipment on the roof of the building.
18. Submit three sets of plans depicting the exact size, design and location of the domestic water backflow preventer to the Planning Division. These plans will be reviewed and approved by the Water Division and Planning Division. The design should include the

smallest preventer possible, painted green with screening. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berm, landscaping, and/or installation of a screen wall. The applicant is advised to consult with the Water Division prior to preparing these plans.

19. Submit three sets of plans depicting the preferred location for an above ground utility transformer of capacity to accommodate the planned or speculative uses within the building. 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.
20. An exterior lighting plan shall be submitted for Planning Division staff review. A photometric study and manufacturer's cut sheets of all exterior lighting on buildings, landscaped areas and in parking lots shall be reflected. 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. Light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed twenty feet (20) in height, including the height of any concrete or other base material.
21. Landscaping and Irrigation plans shall be submitted for Planning Staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
22. Revise the Landscape and Irrigation Plans such that the plans submitted for planning staff approval incorporate the following changes:
 - a. The visibility of water meters, backflow preventers and utility cabinets shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall;and
 - b. Provide a landscape buffer between the drive-thru lane and the parking stalls facing the drive-thru lane to direct pedestrian traffic to appropriate cross walks.

Prior to Release of Utilities and/or Occupancy:

23. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the Water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact Brian Norton, at (951) 826-2308 to schedule the final inspection at least a week prior to needing the release of utilities.

24. 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.

Standard Conditions

25. There shall be a 24-month time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
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 Planning Staff. Upon completion of the Project, a Staff inspection must be requested, 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 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

38. Prior to issuance of a Building Permit, Parcel Map 35889 shall be recorded.
39. Size, number and location of driveways to Public Works specifications.
40. Installation of a sewer lateral to serve this project to Public Works specifications.
41. 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.

42. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:

Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;

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

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

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

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

43. 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.

44. 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.

45. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

46. *Prior to case finalization, Accessible Pedestrian Signal (APS) Systems at all crossings at the Iowa Avenue/Spruce Street intersection. The Project Specific Traffic Impact Analysis recommended a right-turn-lane be added along Spruce Street. However, per the Traffic Engineer, Spruce Street is currently at its ultimate improvement width along the project frontage. As such, the fair share fee will be calculated using the estimated cost of a dedicated right turn lane. The fee will may be used to improve other portions of Spruce Street that are not currently improved to the ultimate street width.
47. *Prior to case finalization, reconfigure the Iowa Avenue/Blaine Street intersection phasing to provide southbound right-turn overlap phasing.
48. Size, number and location of driveways to Public Works specifications. Additionally, the driveway located on Iowa Avenue shall be signed to restrict left turn egress movements.
49. Advisory: Water Quality control basins shall require perimeter fencing or guards when the ponding depth exceeds 24 inches and the side slope exceeds a ratio of 4:1, or when a vertical drop of more than 30 inches is located within 36 inches of an adjacent walkway.

Parks and Recreation Department

Prior to Building Permit Issuance:

50. 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.

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:

51. One new public fire hydrant is required on Spruce Street.
52. 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.
53. Fire Department access is required to be maintained during all phases of construction.

Public Utilities – Electric

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

54. No Comments

Public Utilities – Water

- 55. Advisory: All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies.
- 56. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
- 57. Advisory: The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.
- 58. Advisory: The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules. Existing 6" diameter water mains in Interchange Street will need to be upgraded to 12" diameter if fire flow requirements cannot be met by existing water system.