

PLANNING COMMISSION
RECOMMENDED CONDITIONS

PLANNING COMMISSION HEARING DATE: April 7, 2016

Case No.: **P14-0045** (General Plan Amendment)
P14-0046 (Specific Plan Amendment)
P14-0047 (Rezone)
P14-0048 (Site Plan Review)

CONDITIONS All mitigation measures are noted by an asterisk (*)

Case Specific

• **Planning**

1. All conditions of Planning Case P15-0939 (Certificate of Appropriateness) shall apply.
2. The General Plan 2025 land use designation of MU-U – Mixed Use - Urban shall be applied to the subject property as depicted on Exhibit 7.
3. The MU-U-SP – Mixed Use – Urban – Specific Plan (Marketplace Specific Plan) Overlay Zones and MU-U-SP-CR - Mixed Use – Urban – Specific Plan (Marketplace Specific Plan) and Cultural Resources (Seventh Street East Historic District) Overlay Zones shall be applied to the subject properties, as shown in Exhibit 7.
4. The Riverside Marketplace Specific Plan Sub-Area plan shall be amended to include the new Mixed-Use Marketplace Sub-area and development standards as shown on Exhibit 7.
5. All conditions of the Airport Land Use Commission (ALUC), processed under case ZAP1162MA15, shall be satisfied.
6. Two weeks prior to the commencement of construction, notification must be provided to surrounding land uses disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period. For the duration of construction activities, the construction manager shall serve as the contact person should noise levels become disruptive to local residents. A sign shall be posted at the Project site with the contact phone number.
7. All tandem parking spaces shall be assigned exclusively to two-bedroom units.
8. The Southern Pacific Railroad bridge shall be reviewed for compliance with the Design Guidelines.

Prior to Grading Permit Issuance:

9. The General Plan Amendment, Specific Plan Amendment and Rezoning shall be adopted.

10. 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 all recommendations of the required Project specific Water Quality Management Plan;
 - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and
 - e. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.

During Grading Activities

11. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - b. Grading activities shall cease during period of high winds (greater than 25mph);
 - 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;
 - 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 to Public Works Department for review and approval. The Traffic Plan shall include, 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. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - e. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - f. Wash off trucks and other equipment leaving the site;
 - g. Replace ground cover in disturbed areas immediately after construction;
 - h. Keep disturbed/loose soil moist at all times;
 - i. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.

12. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
13. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

Prior to Issuance of Building Permit:

14. A lot line adjustment shall be recorded to consolidate the project site parcels to the satisfaction of the Planning Division and Public Works Department.
15. * The Project proponent shall demonstrate to the City that all exposed residential exterior window/wall assemblies facing Mission Inn Avenue provide a Sound Transmission Class (STC) rating of at least 28 dBA; window/wall assemblies facing Commerce Street and the Railroad provide an STC rating of at least 25 dBA; and window/wall assemblies facing University Avenue provide an STC rating of at least 23.4 dBA. The building plans submitted to the City for review and approval shall identify the STC rating of the materials used to construct the exterior windows/wall assemblies.
16. * Provide a striping plan in substantial conformance with the University Avenue Driveway Access Striping Exhibit, as shown on Figure 9-1 of the TIA, unless the City Public Works Department determines that an alternate plan would provide acceptable access to the Project site.
17. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. 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. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest preventer possible, be painted green, and consist of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
19. 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 new buildings and within the common open space areas shall be submitted with the exterior lighting plan. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum intensity of ten foot-candles at ground level throughout the

areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1). The light sources shall be shielded to minimize offsite glare, shall not direct light skyward and shall be directed away from adjacent properties and public right-of-ways. If lights are proposed to be mounted on buildings, down-lights shall be utilized. Light poles shall not exceed 20 feet in height, including the height of any concrete or other base material.

20. Landscaping, irrigation, exterior lighting, and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping, irrigation and exterior lighting plans must be submitted prior to building permit issuance.
21. Fence/Wall plans shall be submitted as part of the construction plans, and shall include the following:
 - a. The location, height and materials, including decorative cap, of all existing perimeter fences and walls;
 - b. The proposed decorative block wall along the easterly property line shall be no more than 6 feet in height. The wall shall be reduced to 3 feet in height within 20 feet of the Mission Inn Avenue property line; and
 - c. Columns with decorative cap shall be provided at different intervals; and

During Construction:

22. * Prior to initiation of ground-disturbing activities, construction personnel shall be alerted to possibility of buried historic period cultural deposits. Should any cultural and/or archaeological resources be inadvertently discovered during construction, construction activities in the vicinity of the discovery shall immediately halt and shall be moved to other parts of the Project site and a qualified archaeologist shall be contacted to determine the significance of the resource(s). If the find is determined to be a historical or unique archaeological resource, as defined in Section 15064.5 of the California Code of Regulations (State CEQA Guidelines), avoidance or other appropriate measures shall be implemented.
23. * If any paleontological resources are exposed during Project related excavation, ground disturbance activities in the vicinity of the discovery shall be moved and a qualified paleontological resources specialist will be retained by the Project Applicant to evaluate the resources. If the find is determined to be significant, avoidance or other appropriate measures as identified by the paleontological resources specialist shall be implemented. Appropriate measures include a qualified paleontologist to be permitted to recover, evaluate, and curate the finds in accordance with the standards and guidelines of the City of Riverside and the Society of Vertebrate Paleontology.
24. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
25. *The construction contractor shall locate noise generating construction equipment and construction staging in areas that will create the greatest distance between construction related noise sources and noise sensitive receptors (nearby residences) that are nearest

the Project site. The location of the construction staging areas shall be shown on the construction specifications and shall be reviewed by the City prior to the issuance of grading permit.

26. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
27. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
28. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
29. The Construction Contractor shall time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
30. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in MM CR2.

Prior to Release of Utilities and/or Occupancy for any phase

31. 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, Senior Planner, at (951) 826-2308 or bnorton@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.
32. *All future property managers at the project site shall be required to disclose to potential residents the number of trains that pass by per day and at what time of day they pass. They should also be required to inform potential residents that the train horn noise will be audible in most of the proposed residential dwelling units. Relatively current train inventory data can be found on the Federal Railroad Administration's website. More specifically, data can currently be found at <http://safetydata.fra.dot.gov/officeofsafety/publicsite/crossing/crossing.aspx>.

- **Public Works**

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

33. Installation of curb and gutter at 31.5 feet from monument centerline, sidewalk and matching paving on Mission Inn Avenue to Public Works specifications.
34. Installation of curb and gutter at 20 feet from monument centerline, sidewalk and matching paving on 9th Street to Public Works specifications.
35. Prior to issuance of a building permit, applicant shall secure ownership of old abandoned Southern Pacific Railroad bridge. Subsequent to acquisition applicant shall apply for and obtain an Encroachment Permit allowing for private use of the bridge in the public right-of-way to Public Works and Planning Specifications.
36. Off-site improvement plans to be approved by Public Works prior to issuance of a construction permit.
37. A surety prepared by Public Works shall be posted to guarantee the required off-site improvements prior to issuance of a Building Permit.
38. Installation of sidewalk along Commerce Street frontage to Public Works specifications.
39. Installation of sewers/sewer laterals to serve this project to Public Works specifications. If an existing sewer lateral is proposed to be reused, the applicant shall perform a video inspection of the lateral to confirm it is suitable for use. A record of the video inspection shall be submitted to Public Works for review and concurrence.
40. Size, number and location of driveways to Public Works specifications.
41. Closure of unused driveway opening(s) to Public Works specifications.
42. The applicant shall place necessary signage to restrict left turns out of the University Avenue access driveway during the PM peak hour of traffic: 4:00 PM to 6:30 PM.
43. The applicant shall design signing & striping plans to extend the two-way left turn lane along University Avenue adjacent to the project access driveway to Public Works specifications.
44. The applicant shall ensure adequate sight distance at all project driveways.
45. All security gates or facilities proposed now or in the future will be located on-site and adequate stacking space and vehicle turn-around area will have to be provided to Public Works specifications.
46. 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.

47. 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.
48. 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.
49. 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.
50. 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.

51. 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 the Public Works Department.

- **Public Utilities – Electric**

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

52. 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.
53. 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**

54. 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.
55. The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
56. The provision of utility fees and charges 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:

57. Access roadways shall be a minimum of twenty (20) feet in unobstructed width with a minimum vertical clearance of thirteen feet, six inches (13'6"). Grade differential shall not exceed twenty (20) percent.
58. Access roadways shall be all weather surfaces, paved, provided with engineered turf block, or alternate design. Such roadways shall be maintained at all times.
59. All required hydrants shall be in service and fire flow available prior to permit release by the Fire Department. Violation of this requirement may result in citations that require a court appearance to be issued.
60. Group R, Division 2 occupancies shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units. (See California Fire Code for exceptions). Submit plans and obtain approvals from the Fire Department prior to installation.
61. 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.
62. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
63. Construction plans shall be submitted and permitted prior to construction.
64. Fire Department access is required to be maintained during all phases of construction.

- **Parks and Recreation**

65. 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.

- **Riverside Police Department**

Security

66. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the parking lot.
67. A security camera surveillance system shall be in constant use, maintained in good working condition and made available for review by members of the Riverside Police Department.
68. Management shall actively participate in Business Watch through the Riverside Police Department.
69. The development shall participate in the Police Department's Crime Free Multiple-Housing Program.

Grounds

70. The licensee shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
71. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises over which they have control.
72. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
73. No pay phones shall be installed or maintained outside the building.

Standard Conditions

- **Planning**

74. The Project must be completed per the Site Plan Review 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.
75. 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.

76. 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.
77. There is a 24 month time limit on this approval.
78. 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.