

PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Case Nos.: **P15-0983** (CUP)  
**P15-0984** (DR)

PLANNING COMMISSION HEARING DATE: June 16, 2016

**CONDITIONS**

**Case Specific**

• **Planning**

1. A maximum of 167 children and 23 employees shall be permitted in conjunction with this Conditional Use Permit.
2. All conditions of Riverside County Airport Land Use Commission case ZAP1169MA15 shall apply.
3. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

*Prior to Grading Permit Issuance:*

4. 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:*

- 5. 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.
- 6. 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.
- 7. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- 8. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- 9. 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.
- 10. 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.
- 11. 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:*

12. 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.
13. **Building Elevation Conditions:** Revise the submitted building elevations such that the plan provided for building permit plan check incorporates the following changes:
  - a. Specify all building materials and colors to match the materials and colors as approved by the City Planning Commission, as applicable; and
  - b. All mechanical equipment shall be screened from view on all sides by architectural features compatible in color and design with the building to the satisfaction of staff.
14. **Fence/Wall Conditions:** Revise the submitted fence/wall plan such that the plan provided for building permit plan check incorporates the following changes:
  - a. The PVC perimeter fence shall be painted a tan color, to the satisfaction of Staff.
15. **Landscape and Irrigation Plans** shall be submitted for Design Review approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping and irrigation plans must be submitted prior to building permit issuance. Landscape and irrigation plans shall include the following:
  - a. Additional trees shall be planted within the landscape setback along Mission Village Drive, to the satisfaction of Staff.
16. **Photometric/Lighting Plan:** An exterior photometric study and manufacturer's cut sheets of all exterior lighting shall be submitted with building permit plans for review and approval. 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.

*Prior to Release of Utilities and/or Occupancy:*

17. 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 Candice Assadzadeh at (951) 826-5667 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.

*Operational Conditions:*

18. A copy of the 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.
19. The applicant shall obtain all licenses and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current.
20. The outdoor play area shall comply with the City's noise regulations, as set forth in Chapter 19.590 (Performance Standards) and Title 7 of the Riverside Municipal Code to minimize noise impacts.

**Standard Conditions**

• **Planning**

21. There is a 24-month time limit on this approval, which begins following City Council approval of this case.
22. 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.
23. The Project must be completed per the Conditional Use Permit 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. Failure to abide by all conditions of this permit shall be cause for revocation.
32. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
33. 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.
34. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.

- **Public Works**

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

35. Installation of sewers/sewer laterals to serve this project to Public Works specifications.
36. No new driveway approaches will be allowed to serve this property. Utilization of existing drive approaches required.
37. 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.

38. 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.
39. 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 (CC&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.

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

- **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:*

42. 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.
43. 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.
44. Fire Department access is required to be maintained during all phases of construction.
45. Group E occupancies having an occupant load of 50 or more shall be provided with an approved manual and automatic fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communications system. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. Submit plans and obtain approvals

from the Fire Department prior to installation. New fire alarm systems shall be UL, FM or ETL certificated for the life of the system. Central Station shall be UL UUFX.

A Fire Safety and Evacuation Plan shall be provided for Group E occupancies. The Fire Safety and Evacuation Plan shall be submitted to the Fire Department for review prior to final for occupancy. 2013 California Fire Code, Chapter 4

An evacuation drill shall be conducted not less than once every calendar month at the elementary and intermediate levels, and not less than twice at every school year at the secondary level. 2013 California Fire Code, Chapter 4.

- **Public Utilities – Electric**

Contact Summer Ayala at 951-826-2129 for questions regarding Public Utilities (Electric) conditions/corrections listed below.

46. 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.
47. 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 Works – Street Trees**

Contact Guy Tanaka at [gtanaka@riversideca.gov](mailto:gtanaka@riversideca.gov) or 951-351-6313 for questions regarding Street Tree conditions or corrections.

48. Protect in place existing *Cinnamomum camphora* (camphor trees) along Mission Village Drive.
49. All other trees in public right-of-way to be removed.

*Prior to Occupancy Release:*

50. 24" box size trees required; species, placement, and quantity to be determined at time of site inspection after fine grading is complete and hardscape has been installed.

- **Parks and Recreation**

*Prior to Building Permit Issuance:*

51. 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.



