



City of Arts & Innovation

# COMMUNITY DEVELOPMENT DEPARTMENT

## Planning Division

### REZONING, CONDITIONAL USE PERMIT, DESIGN REVIEW, FINDINGS OF PUBLIC CONVENIENCE AND/OR NECESSITY SUPPLEMENTAL REPORT

**AGENDA ITEM NO.: 2**

**WARD NO: 5**

**NEIGHBORHOOD: Arlington South**

**PLANNING COMMISSION HEARING DATE: August 7, 2014**

- I. CASE NUMBER(S):** **P14-0341** (Rezoning)  
**P13-0967** (Conditional Use Permit)  
**P13-0968** (Design Review)  
**P14-0342** (Findings of Public Convenience or Necessity)

#### **II. PROJECT SUMMARY:**

**1) Proposal:**

To consider:

- 1) An **Amendment to the Zoning Code** (Title 19 of the Municipal Code) to rezone approximately 1.2 acres of vacant land from the R-1-7000-SP – Single Family Residential and Specific Plan (Riverwalk Vista) Overlay Zones to the CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones;
- 2) A **Conditional Use Permit** to allow construction of a vehicle fuel station with an automated vehicle wash facility and two self-service (coin-operated) vehicle wash facilities and the concurrent off-sale of beer and wine in conjunction with vehicle fuel sales;
- 3) The **Design Review** of a plot plan and building elevations for an approximately 4,760 square-foot vehicle fuel canopy structure, an approximately 4,700 square-foot convenience store with second-story office and storage areas, an approximately 2,277 square-foot attached vehicle wash facility with a single-lane automated vehicle wash and two-lane self-service (coin-operated) vehicle wash bays; and
- 4) **Findings of Public Convenience and/or Necessity** to permit a second off-sale alcohol license in the subject Census Tract where a maximum of one off-sale license is expected.

**2) Location:**

Approximately 1.2 vacant acres of a 13 acre site situated on the northeasterly corner of La Sierra Avenue and Indiana Avenue, adjacent to and southerly of the existing La Sierra Metrolink station and parking lot.

- 3) **Applicant:** Fred Cohen  
CJC Design, Inc.  
140 N. Maple Street, Suite 101  
Corona, CA 92880
- 4) **Case Planner:** Kyle Smith, AICP, Associate Planner  
(951) 826-5220 kjsmith@riversideca.gov

### III. RECOMMENDATION:

#### That the City Planning Commission:

1. **RECOMMEND** that the City Council **DETERMINE** that this proposed project will not have a significant effect on the environment based on the findings set forth in the case record and recommend the City Council adopt a Mitigated Negative Declaration;
2. **RECOMMEND ADOPTION** of the Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Section 21081.6;
3. **RECOMMEND APPROVAL** of Planning Cases **P14-0341** (Rezoning), **P13-0967** (Conditional Use Permit), **P13-0968** (Design Review) and **P14-0342** (Findings of Public Convenience and/or Necessity) based on the findings outlined in the staff report and summarized in the following findings and subject to the recommended conditions attached:
  - a. The proposed CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones is substantially compatible with the goals, policies, and objectives of the General Plan 2025 as follows:
    - i. The rezoning will allow for mixed-use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels (Policy LU-8.3);
    - ii. The rezoning will allow for the designation of areas for urban land uses where adequate public facilities and services exist or are planned, in accordance with the public facilities and service provisions policies of this General Plan (Policy LU-9.3);
    - iii. The rezoning will optimize development opportunities on underutilized and undeveloped parcels near the La Sierra Metrolink station to create appropriately scaled developments that enhance and protect nearby neighborhoods while benefitting the community at large (Objective LU-66); and
    - iv. The rezoning will not adversely affect surrounding properties; and will promote public health, safety, and the general welfare of the community.
  - b. The proposed CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones will facilitate the proposed project, as per Section 19.150,(Permitted Land Uses) vehicle fuel stations and ancillary vehicle wash facilities and concurrent alcohol sales may be permitted subject to consideration and approval of a Conditional Use Permit in the proposed zone;

- c. Based on the analysis provided in the staff report and with the implementation of the recommended conditions of approval, the necessary findings from Section 19.760.040 (Required findings for a Conditional Use Permit) can be made, as follows:
  - i. The proposal 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;
  - ii. The proposal 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; and
  - iii. The proposal will be consistent with the purposes of the Zoning Code with the approval of the rezoning 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;
- d. Based on the analysis provided in the staff report and with the implementation of the recommended conditions of approval, the necessary findings from Section Chapters 19.410 (Vehicle Fuel Stations) can be made as follows:
  - i. The proposed use will not substantially increase vehicular traffic on streets in a residential zone, and the proposed use will not substantially lessen the usability and suitability of adjacent or nearby residentially zoned property for residential use;
  - ii. The proposed use will not substantially lessen the usability of adjacent or nearby commercially-zoned property for commercial use by interfering with pedestrian traffic;
  - iii. The proposed use will not create increased traffic hazards to pedestrians and is not located in close proximity of a school, or an assembly of people;
  - iv. The proposed site is served by streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by such use; and
  - v. The proposed site is adequate in size and shape to accommodate said use, and to accommodate all yards, walls, parking, landscaping and other required improvements;
- e. With the staff recommended conditions of approval, safety and security measures will be applied to this use to help further ensure that the use is well managed and compatible with the surrounding neighborhood; and
- f. The proposed development is compliance with the majority of the standards applicable to vehicle fuel stations, vehicle wash facilities, and concurrent off-sale of alcohol and motor vehicle fuel. Any requested variances to implement the project as proposed can be justified, as detailed in this report. While findings of public convenience and/or necessity are required as the subject census tract is over-concentrated with off-sale alcohol licenses, the necessary findings can be made, as detailed in this report.

#### **IV. BACKGROUND/HISTORY:**

The proposed development was originally considered by the City Planning Commission on June 19, 2014. At that meeting, the Planning Commission elected to continue this matter to the August 7, 2014 meeting to provide the applicant additional time to address the following concerns which were discussed during the public hearing:

- Vehicular access to the site
  - It was recommended that a dedicated right-turn lane along Indiana Avenue and a deceleration lane along La Sierra Avenue be installed;
  - The potential conflict point with ingress and vehicle wash facility lane should be reconfigured; and
  - The “pork chop” at Indiana Avenue driveway should be removed.
- Recommended Site Plan modifications
  - Remove coin-op car wash;
  - Shift building to increase vehicular maneuvering area adjacent to pumps; and
  - Relocate vacuum and dryers;
- Provide clarifications regarding service access driveway and proposed Summary Vacation;
- Communicate with Alvord Unified School District regarding pedestrian connectivity and safety.

Since the initial public hearing date, the applicant has been working closely with Staff to address the concerns raised by the Planning Commission. The purpose of this supplemental staff report is to provide an analysis of the applicant’s responses to the Planning Commission’s comments.

#### **V. PROJECT ANALYSIS:**

As the majority of the project remains unchanged, the original staff report is attached for detailed analysis on the proposed access, parking, and overall site design (exhibit E). Staff has provided a summary and supplemental analysis of the revisions:

##### Vehicular access to the site

As is shown on the revised site plan (exhibit A), a dedicated right-turn lane along Indiana Avenue and a deceleration lane along La Sierra Avenue are now proposed. This configuration is supported by the Public Works Department, subject to recommended conditions of approval. Staff believes the deceleration lane along the La Sierra Avenue frontage will reduce the speeds of vehicles entering the project site. In addition, the geometrics of the potential conflict point with vehicle ingress from La Sierra Avenue and vehicle the exit lane from the wash facility lane has been reconfigured as to preclude an unpermitted egress from the wash facility on to La Sierra Avenue. Finally, the “pork chop” at the Indiana Avenue driveway has been removed as left turns from this driveway will be precluded by the median to be installed in Indiana Avenue.

##### Revised site plan

Additional revisions to the site plan (exhibit A) include the removal of the two coin-op car wash bays. Only a single, full-service vehicle wash facility bay is proposed for the project. This reconfiguration allows the building to be shifted towards the west to increase vehicular maneuvering areas adjacent to

pumps. The vehicle wash facility still will function with a counter-clockwise circulation pattern, and comply with all design standards applicable to vehicle wash facilities. Finally, the vacuums and dryers associated with the vehicle wash facility have been relocated from the parking spaces along the Indiana Avenue frontage to a location adjacent to the building, along the wash facility out-bound lane.

#### Service access driveway and proposed Summary Vacation

An approximately 12,758 square-foot portion of the project site located directly contiguous to La Sierra Avenue is located within the public-right-of-way and identified as McMillian Street. This area is not developed for street purposes and is only retained as right-of-way to provide access to the adjacent flood control channel, railroad, and La Sierra Avenue Bridge. In order for the proposed project to be constructed, this area will be required to be removed from the public right-of-way and deemed surplus property. The applicant has submitted a concurrent Summary Vacation case (Planning Case P14-0091) which will be considered by the City Council in conjunction with the proposed project. The vacated area must be acquired by the developer and incorporated into the project site prior to issuance of any permits for development.

The City has coordinated with all applicable departments and agencies and recommends that limited vehicular access to the flood control channel, railroad, and the La Sierra Avenue Bridge be provided via a driveway along the westerly side of the site, as depicted on the conceptual grading plan, adjacent to the vehicular stacking lane for the car wash. The proposed 12 foot wide driveway will meet the needs of all agencies.

#### Pedestrian connectivity and safety

Planning Staff routed this project for comment to Alvord Unified School District upon submittal of the application to address any concerns related to the proposed project. While Arizona Middle School & Orrenmaa Elementary School are in close proximity to the project site, the proposed vehicular circulation pattern of the vehicle fuel station will not create unreasonable hazards to pedestrians as pedestrian traffic of all types is expected along arterial corridors. All required street and sidewalk improvements will be designed and constructed to Public Works standards and specifications. Staff will continue to work with Alvord Unified School District and all other agencies regarding this project.

#### Conclusion

The modifications described above will increase the safety of pedestrians and other vehicles, while increasing maneuverability and functionality of the site. Staff can support these modifications subject to the revised recommended conditions of approval attached to this supplemental report, and the findings contained in the June 19, 2014 Planning Commission Staff Report, including the rezoning, Conditional Use Permit, Design Review, Findings of Public Convenience and/or Necessity, and variance related to this project.

### **VIII. PUBLIC NOTICE AND COMMENTS:**

Public notices were mailed to property owners and occupants within 300 feet of the site in conjunction with the June 19, 2014 City Planning Commission meeting. Staff has received several informational phone calls from members of the public, and one email submitted with concerns over neighborhood compatibility and traffic.

## **IX. EXHIBITS:**

- A. Revised Site Plan
- B. Revised Convenience Store Floor Plan
- C. Conceptual Landscape Plan
- D. Exterior Elevations (Building and Canopy)
- E. Staff Report (P13-0967, P13-0968, P14-0341 & P14-0342) dated June 19, 2014

## **REVISED RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

Case Number: P14-0341 (Rezoning)

Meeting Date: August 7, 2014

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

### **Case Specific**

#### **• Planning**

1. The CG-SP – Commercial General and Specific Plan (Riverwalk Vista) Overlay Zones shall be applied to the subject properties, as shown in Exhibit 4.
2. All applicable conditions of related Planning Cases P13-0967 (Conditional Use Permit), P13-0968 (Design Review), and P14-0342 (Findings of Public Convenience and/or Necessity) shall apply to this Project.

### **Standard Conditions**

#### **• Planning**

3. When all of the conditions of approval have been completed, the City Attorney's Office shall prepare the appropriate rezoning Ordinance for City Council adoption.
4. There shall be a two-year time limit in which to satisfy the approved conditions and finalize this action. Subsequent one-year time extensions may be granted by the City Council upon request by the applicant. Any extension of time beyond five years may only be granted after an advertised public hearing by the City Council.
5. All necessary parcel description describing the exact area to be rezoned shall be prepared, signed and sealed by a licensed Land Surveyor or Civil Engineer authorized to practice Land Surveying in the State of California for the area of the property to be rezoned. Descriptions are required to be on 8 1/2 inch by 11 inch paper with the title "Attachment A" at the top.

## **GENERAL INFORMATION NOTES**

1. Appeal Information
  - a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision.
  - b. Appeal filing and processing information may be obtained from the Community Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall.

## **REVISED RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

Case Number: **P13-0967** (Conditional Use Permit)

Meeting Date: August 7, 2014

**P14-0342** (Findings of Public Convenience and/or Necessity)

### **CONDITIONS**

#### **Case Specific**

- **Planning**

1. All conditions of related Planning Cases P14-0341 (Rezoning), P13-0968 (Design Review) shall apply to this Project.
2. The Planning Commission makes the necessary findings in the applicant's favor to grant the following variance. As justification, the applicant's written justifications and staff's supplemental variance justifications are referenced:
  - a. To allow the vehicle parking areas within the required 30-foot setback between vehicle fuel station buildings and a property line where only vehicle maneuvering, landscaping, and light poles are permitted in this area; and
  - b. To permit the concurrent sale of motor vehicle fuel with alcoholic beverages within 100 feet of a property zoned for residential uses.
3. The Planning Commission makes the necessary findings that the issuance of a Type 20 license (off sale beer and wine) meets the public convenience or necessity required by Section 23958.4 of the Business and Professional Codes as justified by the applicant's written findings and staff's supplemental findings included in this report.
4. The vehicle fuel station, convenience market, and vehicle wash facility shall be operated as described in the submitted application for this case and as described in the body of the attached report; unless superseded by these conditions of approval.
5. Construction and operation 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.

#### *Operational Conditions – General*

6. 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.
7. 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.



8. All storage and display of merchandise and supplies must be conducted within the fuel station building.
9. No vehicles shall be parked on the premises other than those of persons attending to business on the site, vehicles of employees, and other service vehicles used in the operation of the station. No vehicle may be parked on the premises and offered for sale.
10. The business for which this Conditional Use Permit is granted shall be continually operated in compliance with the definition for Vehicle Fuel Station and Vehicle Wash Facility, contained in Definitions Section 19.910.020 of the Zoning Code, and all site location, operation and development standards contained in Sections 19.410.040 and 19.425.030 of the Zoning Code. Failure to comply with these requirements will be grounds for Code Enforcement action, revocation or further legal action.
11. Provisions shall be made for regular on-site maintenance and clean-up of the property.

*Operational Conditions – Vehicle Wash Facility*

12. \* The hours of operation for the vehicle wash facility shall be limited to between 7:00 a.m. to 10:00 p.m., seven days a week and the operations shall comply with the City's Noise Code.
13. \*The manufactured produced silencer package for the car wash blowers shall be installed and utilized at all times of operation.
14. All equipment, supplies and activities associated with the vehicle wash facility shall be contained within an enclosed building with only sufficient openings for ingress and egress of vehicles. This includes the washing, machine drying and any other procedure incidental to vehicle washing and cleaning; however, outside manual drying shall be allowed if screened from public view.
15. Any water flow resulting from the use of the washing facilities shall be confined to the vehicle wash facility site and disposed of through an on-site drainage system in accordance with applicable laws.
16. Notwithstanding approval for the operation of the vehicle wash facility, all other operations outside of the vehicle fuel station shall be limited to the dispensing of fuel, oil, air and water.

*Prior to commencement of alcohol sales:*

17. A written security plan shall be submitted and approved by the Riverside Police Department and Planning Division.
18. Outdoor security cameras shall be installed to the satisfaction of Police and Planning Division staff.
19. Security cameras shall be installed above case register areas to monitor transactions.

## *Operational Conditions – Alcohol Sales*

20. Approval of this request is limited to the off-sale of beer and wine only.
21. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.05.020 of the Municipal Code.
22. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Riverside Municipal Code.
23. The management at each location of off-sale of alcoholic beverages pursuant to this section shall be responsible for educating the public regarding drunken driving laws and the related penalties for breaking those laws. (This includes minimum age law, open container law and driving while intoxicated law.) This can be accomplished by posting prominent signs, decals or brochures at the point of purchase and providing adequate training for employees.
24. Display and sale area for alcoholic beverages shall be limited to 2% of the total floor area of the store, as depicted on the conceptual floor plan.
25. No displays of beer or wine shall be located within five feet of the store's entrance, windows or checkout counter;
26. Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
27. No beer or wine advertising shall be located on gasoline islands; no advertising for beer or wine shall be located on buildings or in windows.
28. Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell beer and wine.
29. Outside security bars on windows shall not be permitted.

- **Police**

30. There shall be no consumption of alcoholic beverages on the store property and this requirement will be prominently posted throughout the property.
31. No single units of beer or fortified wine/liquor shall be sold. Beer shall be sold in six-pack or larger pre-packaged lots.
32. Any adult-oriented magazines, video tapes and other similar materials shall be displayed in an area partitioned off from, and not visible to, the general public or minors and shall be labeled "Adults Only".
33. There shall be no coin-operated games maintained upon the premises at any time.

34. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Per the LSUSP, the light poles cannot exceed 14-feet in height.
35. The lighting in the parking lot of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the area of nearby residences.
36. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
37. The applicant shall be responsible for maintaining free from graffiti, the area adjacent to the premises to which they have control.
38. No loitering shall be permitted on any property adjacent to the licensed premises and under the control of the licensee.
39. The applicant shall provide adequate landscaping and landscape maintenance to maintain a professional property appearance.
40. No pay phones shall be installed or maintained outside the building or on the site.
41. The licensee/employees shall attend a 3-hour LEAD (License, Education, Alcohol and Drugs) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining the alcohol license.
42. The conditional use permit is subject to mandatory six-month review from the date of final occupancy. In addition to any other stipulations made by the Planning Division, three or more verified complaints within any 12-month period received by the Riverside Police Department regarding disturbances caused at the site by patrons or staff shall be grounds for revocation proceedings.
43. The subject alcoholic beverage license shall not be exchanged for a public premises type license or operated as a public premise. All alcoholic beverages sold shall be for consumption off the premises.
44. The business windows shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the building shall remain at adequate levels to clearly see into the business from the exterior.
45. Management shall actively participate in Business Watch through the Riverside Police Department.

### **Standard Conditions**

- **Planning**

46. 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.

47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.
54. Failure to abide by all conditions of this permit shall be cause for revocation.
55. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.

56. 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.
57. 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.
58. 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.

- **Public Works**

59. Vacation of McMillan Drive to Public Works specifications. The vacated area must be acquired by the developer and incorporated into the project site prior to issuance of any permits for development.
60. Deed for widening Indiana Avenue to 50 feet from monument centerline to Public Works specifications. Additional dedication along Indiana and a corner-cut at the intersection of La Sierra as required to accommodate the required westbound right turn lane and the northbound right turn lane.
61. Installation of a dedicated westbound right-turn lane on Indiana Avenue approaching La Sierra to Public Works specifications.
62. Size, number and location of driveways to Public Works specifications. The proposed driveway on Indiana Avenue shall be restricted to right turn ingress and egress only. The proposed driveway on La Sierra Avenue shall be restricted to right turn ingress and egress only.
63. Closure of unused driveway opening on Indiana Avenue to Public Works specifications.
64. Installation of a raised center median on Indiana Avenue easterly of La Sierra Avenue to prohibit left-turn movements to Public Works specifications.
65. Traffic signal modifications on La Sierra Avenue at Indiana Avenue to provide right-turn overlaps for the northbound and southbound approaches to Public Works specifications.
66. Installation of a dedicated northbound right turn lane/deceleration lane on La Sierra Avenue northerly of the intersection of Indiana Avenue to Public Works specifications.
67. Relocation of traffic signal facilities at the northeasterly corner of La Sierra Avenue and Indiana Avenue to Public Works specifications.
68. 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.

69. 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.
70. 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.
71. 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.

72. 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.

- **Public Utilities**

73. **Advisory:** The provision of water facilities in accordance with the City of Riverside Public Utilities Water Rules.
74. **Advisory:** The provision of utility fees and charges in accordance with the City of Riverside Public Utilities Water Rules.

- **Park and Recreation**

75. Prior to Building Permit Issuance: Payment of all applicable park development fees (local and regional/reserve) 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 at (951) 826-2000.

- **Fire**

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

*THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:*

76. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
77. Construction plans shall be submitted and permitted prior to construction.
78. Any required fire hydrants shall be installed and operational prior to Fire Department release of permit.
79. Fire Department access is required to be maintained during all phases of construction.

## **GENERAL INFORMATION NOTES**

1. Appeal Information
  - a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision.
  - b. Appeal filing and processing information may be obtained from the Community Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall.



## **REVISED RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

Case Number: **P13-0968** (Design Review)

Meeting Date: August 7, 2014

### **CONDITIONS**

#### **Case Specific**

- **Planning**

1. All conditions of related Planning Cases P14-0341 (Rezoning), P13-0967 (Conditional Use Permit), and P14-0342 (Findings of Public Convenience and/or Necessity) shall apply to this Project.
2. **Advisory:** Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, if necessary prior to any sign permit issuance.
3. The LED band proposed on the fascia of the gas canopy shall be removed.
4. **Advisory:** Any future subdivision of the project site shall be compliant with the CG Zone development standards.

#### *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:
    - (a) 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;

- (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.

*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. Related Summary Vacation case P14-0091 shall be finalized and recorded.
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. Plans submitted for Design Review staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Department review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
16. Submit three sets of plans depicting the preferred location for above ground utility transformers of capacity to accommodate the planned or speculative uses within the building(s). These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. If landscape screening is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.
17. An exterior lighting plan shall be submitted to Design Review staff for review and approval. A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas and in the parking lot shall be submitted with the exterior lighting plan. All 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.

18. **Staff Required Plot Plan Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
- a. Verify that all internal drive aisles have a minimum width of 24 feet and all parking stalls are a minimum 9 feet in width by 18 feet in depth;
  - b. If above ground propane tanks are proposed on site, they shall be located on an area of the site where they can be fully screened from view from any public right-of-way.
  - c. 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;
  - d. Provision for handicap accessible parking as deemed necessary by Building and Safety Division;
  - e. Provision for decorative paving at the driveway entrances. Appropriate materials shall consist of interlocking pavers, stamped colored concrete or equivalent to the satisfaction of Design Review staff;
  - f. Provision for screening any ground mounted equipment to the satisfaction of Design Review Staff;
  - g. Provision for wheel stops where parking spaces are adjacent to pedestrian walkways, screen walls or building walls; and
  - h. Specify protective concrete curbing for all planters adjacent to areas intended for vehicle parking or travel (minimum 6" wide by 6" high).
  - i. The final configuration of the limited access driveway for service vehicles requiring access to the flood control channel, railroad, and La Sierra Avenue bridge access shall be coordinated with City Staff prior to permit issuance.
19. **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. The trellises at the entrance and exit to the vehicle wash tunnel shall be architecturally integrated with the project, to the satisfaction of Design Review staff;
  - b. Catalog cuts of the required decorative sconce lighting shall be submitted for review and approval of Design Review staff; and
  - c. 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.

20. 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.
21. 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.
22. **Staff Required Landscape and Irrigation Plans Conditions:** The required detailed landscape and irrigation plans shall include the following elements:
- a. Vine plantings near the vehicle wash entrance and exit that can be trained to climb up the trellis to better screen the wash facility;
  - b. Vines shall be planted and trained to grow up masonry walls along the site's perimeter;

- c. The planting of street trees along shall be coordinated with the Public Works, Urban Forestry Division.
  - d. To further enhance the corner statement, the applicant shall work with Design Review staff to include a combination of trees and accent plants arranged in a prominent manner, seating, shade structures or other similar elements in the corner statement area, to the satisfaction of Design Review staff.
23. **Staff Required Fence & Wall Plans Conditions:** Fence/Wall plans shall be submitted for Design Review staff approval, and shall include the following:
- a. The location, height and design of all existing perimeter fences and walls;
  - b. \* The site shall be bounded by six-foot high masonry walls where adjacent to the residentially zoned areas.

*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. 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.
- 26. This approval is for design concept only, and does not indicate 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.
- 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.

- **Public Works**

29. All Public Works Department recommended conditions for Planning Case P13-0967 (Conditional Use Permit) shall apply

- **Public Utilities**

30. All Public Utilities Department recommended conditions for Planning Case P13-0967 (Conditional Use Permit) shall apply

- **Park and Recreation**

31. All Parks & Recreation recommended conditions for Planning Case P13-0967 (Conditional Use Permit) shall apply

- **Fire**

32. All Fire Department recommended conditions for Planning Case P13-0967 (Conditional Use Permit) shall apply