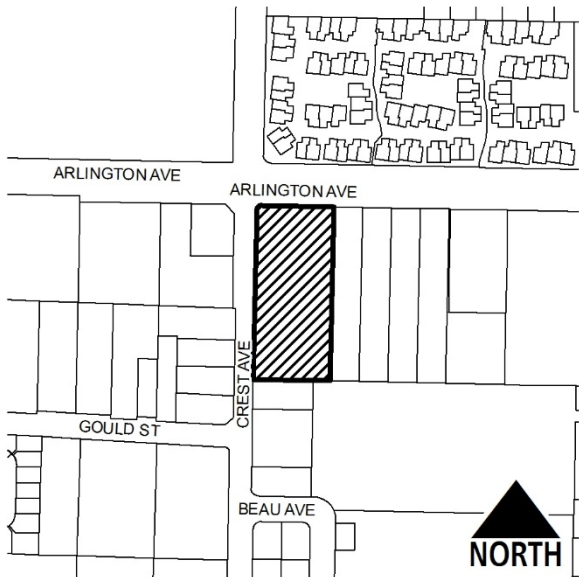




**PLANNING COMMISSION HEARING DATE: OCTOBER 6, 2016**

**AGENDA ITEM NO.: 4**

**PROPOSED PROJECT**

<i>Case Numbers</i>	<b>P11-0768</b> (Conditional Use Permit) <b>and P11-0769</b> (Design Review)	
<i>Request</i>	To consider a Conditional Use Permit and Design Review for the establishment of a vehicle impound yard and the remodel of an existing 5,082 square foot building, and a Variance to allow reduced front yard setbacks along Arlington Avenue and Crest Avenue.	
<i>Applicant</i>	Gerald Kohutek of Exclusive Towing	
<i>Project Location</i>	Located at 9920 Arlington Avenue, at the southeast corner of Arlington Avenue and Crest Avenue	
<i>APN</i>	151-020-001	
<i>Project area</i>	2.07 acres	
<i>Ward</i>	6	
<i>Neighborhood</i>	Arlanza	
<i>Specific Plan</i>	Not Applicable	
<i>General Plan Designation</i>	B/OP – Business/Office Park	
<i>Zoning Designation</i>	BMP – Business and Manufacturing Park Zone	
<i>Staff Planner</i>	Sean P. Kelleher, Associate Planner; 951-826-5712; skelleher@riversideca.gov	

## RECOMMENDATIONS

Staff recommends that the City Planning Commission:

1. **DETERMINE** that Planning Cases P11-0768 and P11-0769 will not have a significant effect on the environment and are categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
2. **APPROVE** Planning Cases P11-0768 and P11-0769 based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

## BACKGROUND

This 2.08-acre property was approved in 1979 to be developed as a storage yard and maintenance facility for Pacific Telephone under Planning Case DR-034-790. Subsequently, several similar outdoor storage and contractor yard uses have operated at this site; however, it has been vacant since 2011. The site currently contains an existing single story office and covered canopy area. The existing building is comprised of a 1,984 square foot office, 902 square foot storage room, two garages totaling 1,895 square feet, 301 square feet of mechanical rooms, and an attached 682 square foot canopy. A majority of the site contains dilapidated asphalt enclosed by a combination of dilapidated chain link fencing and barbed wire. Precision block walls exists along the southerly property line and a portion of the Crest Avenue frontage. The site contains minimal to no landscaping.

On October 23, 2014, the Planning Commission considered a General Plan Amendment, Rezone, Design Review and Variance requests for the establishment of a vehicle impound yard and remodel of the existing building. At the applicants request the item was continued to the December 4, 2014, and subsequently the January 22, 2015 City Planning Commission Meeting to address land use compatibility concerns expressed by staff. At the January 22, 2015 Planning Commission meeting the item was continued off-calendar.

On June 7, 2016, the City Council adopted the "Streamline Riverside" ordinance, which modified the Zoning Code Table 19.150.020.A (Permitted Uses Table) to permit vehicle impound and tow yards in the BMP – Business and Manufacturing Park Zone, subject to the granting of a Conditional Use Permit, where they were previously prohibited.

## PROPOSAL

The applicant is requesting approval of a Conditional Use Permit and Design Review for the establishment of a vehicle impound yard, and a Variance to allow reduced front yard landscaped setbacks along Arlington Avenue and Crest Avenue.

According to the project description provided by the applicant, Exclusive Towing has contracts with the Riverside Police Department and California Highway Patrol for the storage and retrieval of impounded vehicles. The applicant estimates that on a given day approximately five vehicles will be brought to the facility and four vehicles will leave the facility. The proposed facility is designed to accommodate a maximum of 179 vehicles. Impounded vehicles will be stored within the two existing garages attached to the existing office building, under the existing 6,270 square foot canopy or within the open yard area. No stacking of vehicles is proposed. A total of ten tow trucks will be assigned to this facility. Ancillary maintenance and inspections of the tow trucks will be performed on-site, and will be limited to window cleaning and checking of vehicle fluids and

tire pressures. The applicant has indicated that maintenance or repair of the trucks will be performed at an off-site repair facility.

In addition, vehicle auctions will be conducted once a week, to auction approximately three to five vehicles. Approximately 12 people are anticipated to attend the weekly auctions. The auctions are in compliance with State law requiring vehicle impound yard operators to conduct vehicle auctions for vehicles that have been impounded and not collected by their owners.

Improvements to the site include the remodel of an existing 5,082 square foot building, demolition of existing block walls and chain link fences along Arlington Avenue and Crest Avenue, construction of new perimeter fencing and screening walls, and landscape improvements.

The office will operate Monday through Friday, from 8:00 a.m. to 5:00 p.m.; however, the impound yard will operate 24 hours a day. A total of 11 staff will be employed at this location including nine drivers and two secretaries. A total of 22 parking spaces will be provided within the yard area for employees and business vehicles and 11 parking spaces will be provided in the parking lot fronting onto Arlington Avenue. Primary access to the site will be provided from a two way driveway along Arlington Avenue. Secondary access will be provided on Crest Avenue for employees only.

## PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>			
	N/A	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The proposed project is consistent with the underlying General Plan 2025 land use designation of B/OP – Business/Office Park, which provides for single or mixed light industrial uses that do not create nuisances due to odor, dust, noise or heavy truck traffic. In addition, this project will further the intent of the General Plan by facilitating redevelopment of an underutilized property consistent with General Plan Policy LU-25.4 - Identify opportunities to redevelop older, underutilized properties.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The BMP – Business and Manufacturing Park Zone is consistent with the B/OP – Business/Office Park General Plan land use designation. Proposed vehicle impound and tow yards are permitted in the BMP Zone, subject to a Conditional Use Permit and compliance with Site Location, Operational, and Development Standards for Vehicle Impound Yards.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design &amp; Sign Guidelines</i></p> <p>The proposed project meets the objectives of the Citywide Design Guidelines and Sign Guidelines, subject to the recommended conditions of approval.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>BMP- Business and Manufacturing Park Zone Development Standards</i>					
Standard			Proposed	Consistent	Inconsistent
<i>Min. Setbacks</i>	Front (Arlington Avenue)	50 Feet	25 Feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Street Side (Crest Avenue)	20 feet	46 Feet (Building)  10 Feet (Wall)	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>
	Interior Side	0 feet	0 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	0 feet	83 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>FAR</i>	1.50		0.05	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Maximum Building Height</i>	45 Feet		16 Feet 6 Inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Parking (Outdoor Storage Yard)</i>	1 space/4,000 square feet net lot area	23 Parking Spaces	33 Parking Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Vehicle Impound and Tow Yards Development Standards</b>				
	<b>Standard</b>	<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Setbacks</b>	300 Foot Setback from Residential, Mixed Use, Office, Commercial, Air, Public Facilities, or Agricultural Zones	50 Feet (Residential Zone)  59 Feet (Commercial Zone)  135 Feet (Public Facilities Zone)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Screening of Impound and Tow Yard</b>	8 Foot High Block Wall	8 Foot High Block Wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Landscape Setbacks</b>	20 Feet	10 Feet (Crest Avenue)  25 – 48 Feet (Arlington Avenue)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Vehicle Stacking</b>	Not Permitted	Not Proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Storage Yard Surface</b>	Slate, slag or alternate dust-, weed- and mud-retardant material.	90% Compacted Type 2 Road Base, Gravel Paving, and Asphalt Concrete Paving	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Circulation</b>	Provide internal circulation, safe entrances and exits	24 Foot Driveway (Arlington Avenue)  30 Foot Driveway (Crest Avenue)  24 Foot (Minimum Onsite Drive Aisle width)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***Modification of Development Standards***

As part of the recently adopted "Streamline Riverside" ordinance, certain development standards for specific land uses may be modified in conjunction with the consideration of a Conditional Use Permit. This property does not comply with the 300 foot separation requirement from properties in

a residential, mixed use, office, commercial, air, public facilities, or agricultural zone, as the closest residentially zoned property is located approximately 50 feet from the property on the west side of Crest Avenue, and commercially zoned property is approximately 59 feet from the property on the west side of Crest Avenue, and public facilities zoned property is approximately 135 feet from the property on northwest corner of Arlington Avenue and Crest Avenue.

Staff supports the modification of the minimum separation requirement as this proposal includes site design features and operational characteristics that will ensure land use compatibility with the adjacent zones. These features include: 1) relocating an existing driveway on Crest Avenue further away from the residential properties on the opposite side of the street; 2) the use of fork lifts in lieu of tow trucks to move vehicles within the yard; 3) the use of tow trucks with ambient noise sensors for backup alarms to avoid exceeding the ambient noise level; and, 4) installation of landscaping and the construction of an eight foot high decorative wall to screen and secure the site along both street frontages.

The Code also requires a 20 foot landscaped setback along all street frontages, where the project proposes 10 feet along Crest Avenue. Staff supports the modification of the reduced landscaped setback requirement as the proposed landscaped setback will be in scale with the adjacent development pattern, allow for a variety of plant materials to soften the visual impact of the block wall, proposed along the Crest Avenue frontage, and visually it will be perceived as a larger setback given its adjacency to the 8 foot wide parkway. Along Crest Avenue the applicant is proposing a mix of evergreen Brisbane Box and Canyon Live Oak Trees, that will provide an additional screening and help reduce noise from the of the facility.

### ***Variance***

The applicant has requested and provided justifications in support of a variance to allow a 25 foot setback along Arlington Avenue and a 10 foot setback along Crest Avenue. As well, supplemental variance justifications, prepared by staff, are also provided. Compliance with the Code would require the partial demolition of the existing office building which would render the building impractical to function as an office. The existing 25 foot front yard setback along Arlington Avenue is consistent with the front yard setbacks of properties in the surrounding area zoned BMP. Furthermore, compliance with the Code would preclude the construction of the eight foot high block wall within the 20 foot setback along Crest Avenue. In order to construct a solid wall in the front yard setback, the wall would need to be reduced in height to three feet. A three foot high solid wall would not adequately screen the vehicle impound yard area from public view. Relocating the wall to meet the setback requirement would also be impractical, as it would result in a substantial reduction of the vehicle impound yard area.

## **DESIGN REVIEW**

### ***Site Plan/Access and Circulation***

Staff supports the site design as it generally complies with the BMP Zone and vehicle impound and tow yard development standards. The site provides for adequate circulation. Primary vehicular access to the site is proposed from a 24-foot wide, two-way driveway on Arlington Avenue and secondary access from Crest Avenue. Customers and employees will be able to access the site from Arlington Avenue. The entrance from Crest Avenue will be accessible to employees only.

Two gates are proposed across the driveway on Arlington Avenue. The first gate will be setback 12 feet from the property line and consist of four foot high tubular steel. The second gate will be setback 80 feet from the front property line and consist of eight foot high solid metal panels

painted to match the block wall. All gates will be closed to secure the site when the office is closed. A single eight foot high gate is proposed across the driveway on Crest Avenue and will be setback ten feet from the property line. This gate will also consist of solid metal panels painted to match the block wall. The gates are proposed to be motorized and to be opened from within the tow vehicles.

### ***Perimeter Fencing***

The proposal includes a four foot high wrought iron fence along the property lines fronting onto Arlington Avenue and Crest Avenue with a gate across the Arlington Avenue driveway. In addition, an eight foot high decorative block wall, stucco coated to match the building with stacked stone pilasters is proposed 48 feet from the front property line on Arlington Avenue and ten feet from the property line on Crest Avenue to screen the impound yard. As previously identified eight foot high solid gates are proposed across the driveways on Arlington Avenue and Crest Avenue to screen the impound yard. This proposal will remove the existing six foot high walls along Crest Avenue and the chain link fence along Arlington Avenue and Crest Avenue. The existing eight foot high block wall along the interior side and rear property lines will be protected in place.

### ***Architecture***

The building renovation includes a new stucco coat, a new cornice, spandrel glass and standing seam metal awnings on the north elevation, exposing portions of the existing red brick and gray mortar on the north, east and west elevations, and covered patios attached to the east and west elevations. Staff supports the proposed building elevations as the design is consistent with Citywide Design Guidelines and enhances the existing building.

### ***Conceptual Landscaping***

The conceptual landscape plan reflects multiple species of trees, shrubs and groundcovers to complement and accent the proposed architecture. The landscaping palette has been designed in compliance with the City's Water Efficient Landscape Ordinance and will enhance the streetscape along Arlington Avenue and Crest Avenue. Staff supports the conceptual landscape plan.

## **ENVIRONMENTAL REVIEW**

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15301, as the project constitutes an existing facility.

## **NEIGHBORHOOD COMPATIBILITY**

The proposed project facilitates the redevelopment of an existing vacant contractor's storage yard within an established, industrial area in the Arlanza neighborhood. The project has been designed to operate in a manner that will not be detrimental to surrounding land uses and is sensitive to the residential uses in close proximity to the site. As the vehicle impound yard will operate 24 hours a day, the applicant is proposing to utilize forklifts in lieu of tow trucks to move vehicles within the yard and use tow trucks with ambient noise sensors for backup alarms to avoid exceeding the ambient noise level. The implementation of these measures will ensure the use will be compatible with the surrounding neighborhood. Furthermore, the existing screen walls along Arlington Avenue and Crest Avenue will be removed and replaced with decorative solid walls

with solid gates, and landscaping to adequately screen the vehicle impound yard area from public view. Lastly, this proposal will renovate a dilapidated building and improve a site that lacks landscaping and curb appeal. With implementation of the recommended conditions of approval, this project will be compatible with the surrounding neighborhood.

## PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

## APPEAL INFORMATION

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

## EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location Map
4. General Plan Map
5. Zoning Map
6. Site Plan
7. Floor Plan
8. Roof Plan
9. Building Elevations
10. Parking Canopy Building Elevations and Floor Plan
11. Conceptual Landscape Plan
12. Existing Site Photos
13. Applicant Prepared Variance Justification

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

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Report and Recommendations Prepared by:	Sean P. Kelleher, Associate Planner
Report and Recommendations Reviewed by:	Ted White, City Planner
Report and Recommendations Approved by:	Rafael Guzman, Community & Economic Development Director





EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

**PLANNING CASES:** P11-0768 (Conditional Use Permit) P11-0769 (Design Review)

***Conditional Use Permit Findings pursuant to Chapter 19.760.040:***

- a. The proposed vehicle impound yard 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;
- b. The proposed vehicle impound yard 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
- c. The proposed vehicle impound yard will be consistent with the purposes of the Zoning Code 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.

***Variance Findings pursuant to Chapter 19.720.040:***

**Requested Variance:** To allow the setback along Arlington Avenue to be reduced to a 25 feet and setback Crest Avenue to be reduced to a ten foot setback.

- a. *The strict application of the provisions of the Zoning Regulations would result in practical difficulties or unnecessary hardships in the development of this property.*

The proposal complies with this finding. Strict application of the Zoning Code would require a minimum 50 foot front setback on Arlington Avenue. This would result in the office area being reduced from 1,984 to 1,082 square feet, which would render the building impractical to function as an office. Additionally, strict application of the Zoning Code would preclude the construction of the eight foot high block wall within the 20 foot setback along Crest Avenue. In order to construct a solid wall in the front yard setback, the wall would need to be reduced in height to three feet. A three foot high solid wall would not adequately screen the vehicle impound yard area from public view. Relocating the wall to meet the setback requirement would also be impractical, as it would result in a substantial reduction of the vehicle impound yard area. Therefore, strict application of the front building setbacks along Arlington Avenue and Crest Avenue would result in practical difficulties or unnecessary hardships in the development of this property.

- b. *There are exceptional circumstances or conditions applicable to this property or to the intended use or development of this property which do not apply generally to other property in the same zone or neighborhood.*

The proposal complies with this finding. The existing building does not comply with the front setbacks of the BMP Business Manufacturing Park Zone. Strict application of the Zoning Code

would require a minimum 50 foot front setback on Arlington Avenue, which would result in the office area being reduced from 1,984 to 1,082 square feet, which would render the building impractical to function as an office. Additionally, because the site has frontage on Crest Avenue strict application of the Zoning Code requires a 20 foot setback from the property line for the construction of the required eight foot high screen wall. This would result in a substantial reduction of the vehicle impound yard area, reducing it by 3,957 square feet. Therefore, there are existing site conditions which limit the development of this property which do not apply generally to other property in the same zone or neighborhood.

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

The proposal complies with this finding. The project has been designed to operate in a manner that will not be detrimental to surrounding land uses. The existing building will be renovated as part of the proposed project. Existing screen walls along Arlington Avenue and Crest Avenue will be removed and replaced with eight foot high decorative block walls to screen the impound yard area from public view. The proposed walls will be setback from the property lines to allow for a minimum of a ten foot wide landscape area to be installed between the proposed walls and the property lines along Arlington Avenue and Crest Avenue to minimize aesthetics impacts from the project. Additionally, all gates enclosing the impound yard will be eight foot high and solid. To prevent excess noise from the site forklifts will be used in lieu of tow trucks to move vehicles around on-site, and all tow trucks with back-up alarms will be equipped with ambient noise sensors that adjust in volume relative to ambient noise conditions. Therefore, this project is compatible with the surrounding uses

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

The proposal complies with this finding. Based on the scope of the requested variance, the granting of this request will not be contrary to the objectives of the General Plan 2025.



*EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL*

**RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

Case Numbers: P11-0768 (Conditional Use Permit)  
P11-0769 (Design Review)

**Conditions**

**Case Specific**

• **Planning**

*Operational Standards*

1. 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.
2. 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.
3. Forklift shall be utilized to move vehicles within the yard.
4. Ambient noise sensors on all tow trucks shall be maintained in good working order at all times.
5. The four foot high gate along Arlington Avenue shall remain open during office hours.
6. All vehicles within the impound yard shall have ground contact of all wheels. No stacking of vehicles shall be permitted.
7. All areas shall be maintained in good repair, in a clean, neat and orderly condition.
8. No more than 179 impound vehicles shall be on site at a given time.
9. There shall be no vehicle sales or vehicle repair conducted on site.
10. The surface of the storage yard shall be covered with 90% compacted type 2 road base, gravel paving, and/or asphalt concrete paving.
11. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.

12. The vehicular gates fronting onto Arlington Avenue and Crest Avenue, securing the impound yard area, shall be closed at all times, except to allow vehicles to enter/exit the site.
13. 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.

*During Construction Activities*

14. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
15. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
16. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
17. 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.

*Prior to the Issuance of a Building Permit*

18. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to exercising of this permit.
19. Landscaping and Irrigation plans shall be submitted for Planning Staff review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
20. Plans submitted for staff review should specify the location, design and color of all domestic water meters, backflow preventers and utility cabinets subject to the Planning and Public Utilities review and approval. The visibility of such facilities shall be minimized to Planning Division review and approval through means including but not limited to relocation, berming, landscaping, and/or installation of a screen wall.
21. An exterior lighting plan shall be submitted to 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 twenty (20) feet in height, including the height of any concrete or other base material.

22. Provision for screening any roof or ground mounted equipment shall be fully screened from all public right-of-ways to the satisfaction of Staff.

23. Add details for the enhancement of the existing trash enclosure to include colors and materials and a decorative overhead trellis or solid roof enclosure subject to Planning Division and Building and Safety Staff approval and in accordance with the City's trash enclosure policies and standard drawings

- **Building and Safety**

24. Codes in Effect: The proposed project shall fully comply with the 2013 California Building Code, the 2013 California Green Building Standards Code, the 2013 California Plumbing and Mechanical Codes, the 2013 California Electrical and Energy Codes, and the 2013 California Fire Code as adopted and amended by the City of Riverside, or the version of these codes in effect at the time a permit application is filed.

25. Licensed Design Required: Given the project scope of work; an appropriately Licensed California Design Professional is required to oversee the building plan design which shall bear the wet stamp, date and signature of the licensed professional as required by Sections 5537 and 6737 of the California Business & Professions Code.

26. Plan Review: Building plan review fees will cover the initial plan check and two rechecks only. Any additional review required beyond the first three (3) plan checks shall be paid by the applicant on an hourly basis in accordance with the current B&S fee schedule.

Note: This project shall require a 10 working day (2 week) plan check turnaround schedule for the initial plan check and a 10 working day back check for each subsequent review.

27. Conditions of Approval: A copy of the City Conditions of Approval, signed by the applicant, shall be incorporated as the second sheet of the building plans and be present at the time of initial plan check submittal. Building plans must show in detail how they will conform to the required conditions as applicable.

28. Plan Review: At the time of initial plan review submittal; (5) sets of complete plans, (1) sets of site plans, and (1) floor plan is required along with (2) set of specifications, structural calculations, title 24 energy reports, soil reports, or other related documentation and shall be submitted by the applicant prior to the commencement of City plan review services.

29. Fees: All plan check, permit, and other development related impact fees from the various City Departments and Agencies shall be paid prior to building permit issuance.

30. Structural Calculations: (2) sets of supporting structural calculations shall be prepared under the direction of a California Licensed Engineer or other appropriately licensed design professional. Each set of structural calculations shall bear the wet stamp, date and signature of the licensed design professional prior to permit issuance.

31. Accessibility: The proposed project shall fully comply with the most recent version of Chapter 11-B of the 2013 California Building Code. The proposed building plans shall show in detail all required accessibility features to include all site accessibility components and building components as required.

32. Separate Permits Required: A separate City review, approval and permit is required for any project structural demolition, perimeter/retaining walls, separate structures, or other improvements as required by the City of Riverside.
33. Note: Additional review comments may be forthcoming once 100% construction drawings are completed and the proposed project is submitted for full building plan check prior to permit issuance.
- **Fire Prevention:** *Contact Margaret Albanese at 951-826-5455 for questions regarding fire conditions or corrections.*
34. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments
35. Construction plans shall be submitted and permitted prior to construction.
36. 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. Fire access shall comply with our required turning radius.
37. Provide for fire department access to the gate. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
38. Fire Department access shall be maintained during all phases of construction.
- **Public Works Department**
39. Deed for widening Crest Avenue to 33 feet from monument centerline and Standard r/w cutback at Southeast intersection of Crest Avenue and Arlington Avenue to Public Works specifications.
40. Driveway(s) size and location to Public Works specifications.
- **Public Works Department – Street Trees**
41. Planting of 24" Box Size Street Trees (*Magnolia grandiflora*) required along Arlington Ave. No Street Trees required along Crest Ave.
42. Installation of automatic irrigation system to provide deep-root watering to trees is required. Watering system may utilize landscape meter service for the project itself, separate landscape meter not required.
- **Public Utilities – Water**
43. Prior to issuance of building permit, submit application for landscape water service to RPU water engineering department.
- **Public Utilities – Electric:**
44. Plot existing electrical distribution facilities on original plot plan.

45. Provisions for electrical Utility equipment to provide power to the site is the responsibility of the developer. Please make sure that all clearances are maintained and location of the equipment is approved by the Utility.
46. 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

#### **Standard Conditions**

- **Planning**

47. 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.
48. 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.
49. 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.
50. 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 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.
51. 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.
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 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.

54. The Project must be completed per the Conditional Use Permit and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and UTILITIES will not be released until it is confirmed that the approved plans and all conditions have been implemented.
55. 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.
56. Failure to abide by all conditions of this permit shall be cause for revocation.
57. 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.