



Community Development Department

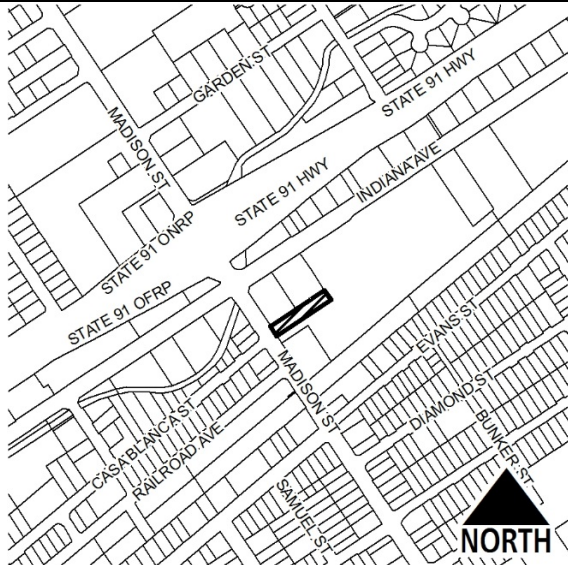
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Planning Division

PLANNING COMMISSION HEARING DATE: DECEMBER 15, 2016

AGENDA ITEM NO.: 2

PROPOSED PROJECT

<i>Case Numbers</i>	P16-0510 (Conditional Use Permit), P16-0511 (Design Review), and P16-0512 (Variance)	
<i>Request</i>	The following entitlements are requested to permit the construction of a 3,688 square foot automated car wash facility (Splash N' Dash Car Wash): 1) Conditional Use Permit to permit the car wash facility; 2) Design Review of a plot plan and building elevations for the construction of the automated carwash facility; and 3) Variances to allow reduced side yard building setbacks and a reduced front yard setback for an accessory structure.	
<i>Applicant</i>	Abe Harb on behalf of Harkin Inc.	
<i>Project Location</i>	3345 Madison Street, situated on the east side of Madison Street, south of Indiana Avenue	
<i>Project area</i>	0.5 acres	
<i>Ward</i>	4	
<i>Neighborhood</i>	Casa Blanca	
<i>APN</i>	230-370-005	
<i>General Plan Designation</i>	C - Commercial	
<i>Zoning Designation</i>	CR-S-2-X-15-Commercial Retail-Two-Story Building Height, and Building Setback (15 feet from all property lines) Overlay Zones	
<i>Staff Planner</i>	Sean P. Kelleher, Associate Planner; 951-826-5712; skelleher@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the 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 exempt this project subject to 15332 (Infill Development) of the California Environmental Quality Act (CEQA); and
2. **APPROVE** Planning Cases P16-0510 (Conditional Use Permit), P16-0511 (Design Review), and P16-0512 (Variance), based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions.

SITE BACKGROUND

The 0.5-acre vacant property is was previously developed with a single family residence. In 1996, Home Depot attempted to purchase the property to incorporate it into an overall development proposal; however, an agreement to purchase the property did not occur. Subsequently, a commercial center anchored by Home Depot was developed around the property.

On March 3, 2009, the City Council approved the rezoning of the site from R-1-7000 Single Family Residential to CR-S-2-X-15-Commercial Retail-Two-Story Building Height, and Building Setback (15 feet from all property lines) Overlay Zones, in order to be consistent with the contiguous properties.

PROPOSAL

The applicant proposes to construct a 3,688 square automated car wash facility. Two queuing lanes that merge prior to the car wash tunnel are proposed along the southern property. The combined length of the queuing lanes is 360 feet and will accommodate 17 vehicles. Ten parking spaces are proposed along the north property line. Nine parking spaces will have vacuums. The applicant has indicated that the car wash will operate Monday through Sunday from 8:00 a.m. to 8:00 p.m.

Building elevations reflect a contemporary architectural style. Design elements include a varied roof line with a modulated building façade finished in concrete block, standing seam metal roofing, exposed metal trusses, clear glazing. The vacuum canopy is comprised of metal support structures painted to match the building and a white durable fabric canopy. The applicant proposes to install murals on the north building elevation reflecting the surrounding Casa Blanca neighborhood.

The conceptual landscape plan reflects multiple species of shrubs and ground cover on-site. New trees and groundcover will be planted within the planter areas on the adjacent Home Depot property immediately to the south and east of the property.

Vehicle access from Madison Street will be limited to right turn in and out movements due to the proximity of existing adjacent driveways. An egress agreement has been established between the subject property and the Home Depot property that will allow car wash customers to utilize the Home Depot parking lot to exit the project site to Madison Street. In the event of an emergency, the agreement allows for vehicles to utilize the Home Depot parking lot to exit the project site to Indiana Avenue, as well.

PROJECT ANALYSIS

<i>Authorization and Compliance Summary</i>		
	Consistent	Inconsistent
<p><i>General Plan 2025</i></p> <p>The proposed project is consistent with the General Plan 2025 land use designation of C - Commercial, and will further the intent of the General Plan by facilitating in-fill development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Zoning Code Land Use Consistency (Title 19)</i></p> <p>The CR-S-2-X-15-Commercial Retail-Two-Story Building Height, and Building Setback (15 feet from all property lines) Overlay Zones are consistent with the C - Commercial General Plan land use designation. Proposed car wash facilities are permitted in the CR-Commercial Retail Zone, subject to a Conditional Use Permit and compliance with Site Location, Operational, and Development Standards for Vehicle Wash Facilities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Compliance with Citywide Design & Sign Guidelines</i></p> <p>The buildings elevations and site design, as proposed, are consistent with the Citywide Design and Sign Guidelines. As well, the project is consistent in design with similar uses in the immediate area. Thus, Staff supports the project.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

<i>CR-Commercial Retail Zone Development Standards</i>				
	Standard	Proposed	Consistent	Inconsistent
<i>Floor Area Ratio</i>	0.50	0.17	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Maximum Number of Building Stories</i>	Building Stories Overlay Zone 2 Stories	1 Story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Max. Building Height</i>	Building Stories Overlay Zone 30 feet	20 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Min. Building Setbacks</i>	Front Yard Setback (Madison Avenue) Building Setback Overlay Zone 15 Feet	15 Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Side Yard Setback Building Setback Overlay Zone 15 Feet	1 foot (North) 8 inches (South)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Rear Yard Setback Building Setback Overlay Zone 15 Feet	26 Feet 4 Inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Accessory Structures (Canopy)</i>	Front Building Setback 50 feet	15 Feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Min. Parking Lot Landscape Setback</i>	Madison Street 10 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Parking</i>	1 space/2 employees of largest shift 1 Space	10 Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Chapter 19.425 Vehicle Wash Facilities</i>				
	Standard	Proposed	Consistent	Inconsistent
<i>Screening of Equipment</i>	All equipment, supplies and activities associated with this use shall be contained within an enclosed building.	Car wash equipment is located within an enclosed building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Frontage</i>	Located on Arterial Street	Madison Street - 88-foot Arterial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Circulation</i>	The traffic circulation pattern shall be designed so as to preclude traffic congestion on public streets in the vicinity and to provide safe ingress, egress and movement of traffic on the site.	Site access and circulation has been designed to provide safe ingress and egress movements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Landscape Setback</i>	Madison Street - 10 feet	15 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Noise</i>	The noise level generated by the facility shall not exceed the limits set forth in Title 7 of the Municipal Code.	A noise study prepared for the project determined that the project will operate in compliance with Title 7 of the Municipal Code.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Water Runoff</i>	Water flow resulting from the washing facilities shall be confined to the site.	Water flows are being confined to the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Variance

The applicant has requested and provided justifications in support of two variances for the project. Justifications for both of the variances are provided by staff in Exhibit 1 of this report. The first variance is to allow a zero foot side yard setback along the north and south property lines where a 15 foot building setback is required by code. Because the property is only 60 feet wide, the 15 foot building setback on each side would result in a 30 foot wide buildable area. Strict application of the zoning code would render development of the site impractical.

The second variance is to allow a 15 foot front setback along Madison Street for the accessory vacuum canopy structure. The zoning code requires accessory structures to be setback from the front property line no closer than the front wall of the primary structure or a minimum of 50 feet, whichever is less. Strict application of the Zoning Code would require a minimum 50 foot front setback on Madison Street for the accessory structure. Due to the narrow width of the lot and the need to place the carwash building toward the rear of the lot in order to provide adequate queuing lanes, the vacuum canopy structures are located in front of the carwash building. The proposed 15 foot setback is consistent with the minimum building setback required by the zoning code.

DESIGN REVIEW

Site Plan/Access and Circulation

The project site has been designed to provide safe vehicle access to the project from Madison Street. Vehicular access will be limited to right turn in and out movements due to the proximity of existing adjacent driveways. Customers may also utilize the Home Depot parking lot to exit the project to Madison Street as an egress agreement (DOC#2016-0340083) has been established between the subject property and Home Depot. In the event of an emergency, the agreement allows for vehicles to utilize the Home Depot parking lot to exit the project site to Indiana Avenue.

The project has been designed to accommodate stacking for 17 vehicles on -site in order to prevent vehicles from backing onto Madison Street. An emergency exit is proposed within the stacking lane. A condition of approval will require the car wash emergency exit lane be striped for no parking in order to ensure the exit remains clear.

Staff supports the project design as it generally complies with the CR-S-2-X-15-Commercial Retail-Two-Story Building Height, and Building Setback (15 feet from all property lines) Overlay Zones and vehicle wash facilities development standards.

Conceptual Landscaping

The conceptual landscape plan includes both on and off-site landscaping. The applicant has entered into an agreement with Home Depot to landscape and maintain two existing planters along the south and east property lines of the project site. The plan include a variety of landscape materials, including shade and accent trees, shrubs, vines and ground cover. A condition of approval requiring a shrub row and two additional trees within the planter at the northwest corner of the site adjacent to Madison Street has been included in the attached draft conditions. The shrubs and trees will screen the vacuum canopy from Madison Street.

ENVIRONMENTAL REVIEW

This proposal is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15332, as the project constitutes infill development.

NEIGHBORHOOD COMPATIBILITY

The project is compatible with surrounding development patterns along Madison Street. The project is designed to provide adequate access, circulation and on-site parking. A noise study prepared by a licensed acoustical engineer concludes that noise generated from the car wash operations will be in compliance with Title 7 - Noise Control of the Riverside Municipal Code. In addition, staff has included a draft condition of approval requiring additional trees and landscaping be planted along Madison Street. Therefore, the project, as proposed, 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.

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 staff.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental findings, 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 Findings
2. Staff Recommended Conditions of Approval
3. Aerial Photo/Location
4. General Plan Map
5. Zoning Map
6. Project Plans (Site Plan, Preliminary Grading Plan, Building Elevations, Floor Plan, Roof Plan, and Conceptual Landscape Plan)
7. Existing Site Photos
8. Applicant Prepared Variance Justification

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

Prepared by: Sean P. Kelleher, Associate Planner

Reviewed by: Ted White, City Planner

Approved by: Rafael Guzman, Community and Economic Development Director



EXHIBIT 1 – Staff Findings

PLANNING CASES: P16-0510 (Conditional Use Permit), P16-0511 (Design Review), and P16-0512 (Variance)

Conditional Use Permit Findings pursuant to Chapter 19.760.040:

- The proposed automated car wash facility 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;
- The proposed automated car wash facility 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;
- The proposed automated car wash facility 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 the north and south property lines to be reduced to a zero foot setback.

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

The proposal complies with this finding. Strict application of the 15 foot Building Setback Overlay Zoning requires all structures on site to be setback a minimum of 15 feet from all property lines. This would result in the buildable width of the lot being reduced to 30 feet, rendering the site impractical to be developed with a commercial use. Therefore, strict application of the side yard building setbacks would result in practical difficulties or unnecessary hardships in the development of this property.

- *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. There are three exceptional circumstances that limit the ability to develop the site which include: 1) The lot shape is narrow and deep; 2) access into and out of the site is limited to right turn movements due to the adjacency of existing driveways that serve existing commercial uses to the north and south of the site; and 3) an inability to access the site from the adjacent properties. In reviewing the staff report and Ordinance that established the Building Setback Overlay zone, the intent was to apply the greater setback standards to the larger parcels located north and south of the site. Therefore, there are existing site conditions which limit the development of this property that do not apply generally to other property in the same zone or neighborhood.

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 as the applicant is proposing to establish a commercial business within an existing commercial development. In order to minimize aesthetic impacts along the side property lines the applicant has entered into an agreement with Home Depot (DOC#2016-0340083) to maintain an existing landscape planter on the east side of the site on Home Depot's property. Along the west property line, the visual interest will be added to the car wash building in the form of murals. Therefore, this project is compatible with the surrounding uses.

- *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.

Variance Findings pursuant to Chapter 19.720.040:

Requested Variance: To allow a front yard setback for an accessory structure less than required by the Zoning Code.

- *The strict application of the provisions of the Zoning Code 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 Madison Street for the accessory structure. Due to the narrow 60 foot width of the site relocating the accessory vacuum canopy structure to a location that would meet the setback requirement is not achievable. Therefore, strict application of the front building setback for accessory structures along Madison Street would result in practical difficulties or unnecessary hardships in the development of this property.

- *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. There are three exceptional circumstances that limit the ability to develop the site which include: 1) The lot shape is narrow and deep; 2) access into and out of the site is limited to right turn movements due to the adjacency of existing driveways that serve existing commercial uses to the north and south of the site; and 3) an inability to access the site from the adjacent properties. 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.

- *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 proposed canopy structure maintains the 15 foot front yard setback required of the primary structure on the property. In order to minimize aesthetic impacts the metal canopy structure will be painted to match the car wash building on-site. The canopy will be comprised of a durable fabric that is white in color.

Conditions of approval have been placed on the project requiring the installation of two trees and a shrub row along Madison Street to screen the canopy structure. Therefore, this project is compatible with the surrounding uses.

- *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: P16-0510 (Conditional Use Permit)
P16-0511 (Design Review)
P16-0512 (Variance)

CONDITIONS

Case Specific

Planning

1. The automated car wash facility 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.
2. 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.
3. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs including; exterior building mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Issuance of Grading Permit:

4. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Compliance with City adopted interim erosion control measures;
 - b. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - c. Compliance with all recommendations of the required Project specific Water Quality Management Plan; and
 - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems.

During Grading and Construction Activities

5. 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.

6. 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.
7. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
8. 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.
9. 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. 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;
 - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Wash off trucks and other equipment leaving the site;
 - f. Keep disturbed/loose soil moist at all times;
 - g. Suspend all grading activities when wind speeds exceed 25 miles per hour; and
 - h. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
10. 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.

Prior to Building Permit Issuance

11. 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.
12. 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, berms, landscaping, and/or installation of a screen wall.

13. 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.
14. Ground mounted equipment shall be fully screened from the public right-of-way.
15. **Site Plan Conditions:** Revise the submitted site plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. The emergency vehicle exit shall be striped for no parking.
16. **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. Landscape and irrigation plans must be submitted prior to building permit issuance. Landscape and irrigation plans shall include the following:
 - a. The applicant shall plant two additional Brisbane Box trees along the north property line, between the drive-thru lane and the existing block wall.
17. **Trash Enclosure Conditions:** Submit trash enclosure elevations such that the plan provided for building permit plan check incorporates the following changes:
 - a. Trash enclosures shall be constructed with a decorative masonry block and decorative cap to match the carwash building.

Prior to Release of Utilities and/or Occupancy:

18. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact Sean P. Kelleher, Associate Planner, at (951) 826-5712 or skelleher@riversideca.gov to schedule the final inspection at least one week prior to needing the release of utilities.

Site Operation Standards:

19. All operations shall be in compliance with Title 7 (Noise Control) of the Riverside Municipal Code.
20. The white fabric canopy on the vacuum canopy shall be maintained in a like new condition at all times.

Environmental Compliance

21. Sand oil interceptor/clarifier required for carwash. Trench drains and berms at carwash perimeter may be required. Site required to submit Wastewater Survey and Permit application to Environmental Compliance and obtain permit prior to operating.
22. Sampling station is required—submit proposed installation on corrected plans.
23. All corrections to plans must be completed in order for EC Section to issue a Will-Serve Letter. Will-Serve Letter shall be sent to County of Riverside DEH by EC inspector.
24. Installation or construction of any pretreatment equipment depicted in approved plans (including grease interceptors, clarifiers, oil/water separators, etc.) must be completed.
25. Applicant must request inspection to verify the required installation or construction via inspection by EC Section representative, with a report stating that conditions have been met, and the permit card (if applicable) signed off by EC Inspector.
26. Applicant must completely satisfy all Notice to Complete requirements, such as meeting all noted requirements on EC plan check review and inspection reports.
27. Other items for correction may need to be completed after actual plans are submitted for a formal review.

Fire Department

28. An automatic fire sprinkler system is required by City Ordinance 16.32.080. 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 a UL Central Station (UUFX) and shall be UL, FM or ETL certificated for the life of the system. Post Indicator valves, Detector Check control valves and water flow switches are required to be supervised by an UL listed central station.

Have a UL, FM or ETL listed and licensed C10 fire 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.

Contact the Riverside Public Utilities Department at (951) 826-5285 for the requirements for the dedicated fire service and backflow requirements.
29. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
30. Construction plans shall be submitted and permitted prior to construction.
31. Fire Department access shall be maintained during all phases of construction.

Parks, Recreation & Community Services – Park Planning

32. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.

Public Works

33. Deed for widening Madison Street to 44 feet from monument centerline Public Works specifications.
34. Project driveway located on Madison Street shall be restricted to right turn ingress and egress only. The driveway shall be constructed with a physical obstruction (island) to prevent left turn ingress and egress of project traffic on Madison Street.
35. Installation of sewer laterals to serve new construction. If existing lateral to be utilized video inspection prior to connection required.
36. Pavement markings to indicate clear zone at central project driveway to discourage vehicles from blocking entry/exit.
37. *Advisory – Construction of improvements on adjacent property will require authorization from property owner prior to permit issuance.
38. 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.

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

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

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

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

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

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

40. 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.
41. 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.

Public Utilities – Electric

42. 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.
43. 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 surveyor.
44. 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.
45. Developer is responsible for all trenching, installation of conduit and sub-structures required to provide power to the site.
46. Plot existing electrical distribution facilities on the original site plan.

Public Utilities – Water

47. Prior to issuance of building permits, submit composite water plan to water department for review and approval.

Standard Conditions

Planning

48. There shall be a 24-month time limit in which to commence construction of the project beginning the day following approval by the City Council.
49. 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.

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 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 Staff. Upon completion of the Project, a 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.
54. 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.
55. Failure to abide by all conditions of this permit shall be cause for revocation.
56. 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.